

Via E-Mail

Dated: July 17, 2014

To: State Water Resources

From: Robert Mann

Re: Robert Mann(Individual and Trustee) and Robert C. Mann 1999 Trust Draft and CDO and ACL Hearing

My family homesteaded on this property back in 1872 after crossing the plains on covered wagon. One of the requirements of filing a claim for land(homesteading) was that you had to improve the property or you lost your right to it. I am a fifth generation direct descendant member of that claim filer. We have tried to be good stewards of the land since that beginning.

My grandfather after surviving the depression and 2 wars finally got ahead enough to make a positive contribution to the environment/animals he lived around to help insure the basic need of all life (adequate water) in the area during the dry arid summer months. Since this drainage continued through rugged steep land on the same property for some distance and during summer months the water ceased to flow he decided to construct a body of water .The conservation of water was encouraged by soil conservation experts such as the ASCS(now NRCS) and the like. The purpose was to help control soil erosion movement, conserve heavy winter runoff, with secondary benefits of having water available for livestock and fire protection. The water storage developed has never been used for any income based private or public recreation. Neither has it been used for irrigation purposes of personal or investment interests.

This subject reservoir is an organism after sixty years mainly due to the fact that it maintains it level very well during the summer months. The small percentage it loses is regained after the first significant storm of the season and flows through until the midsummer months depending on the winter. Please understand that even during these years of the current drought the return of flow over the dam has still occurred during the first substantial rain.

I am the individual who owns and maintains this reservoir. I have chosen to keep the land as it was and not get involved in any intensive agriculture or subdividing of parcels and such as many have. Private lands have proved to be the best haven for conservation of wildlife and habitat. I have resisted the temptation to change to these more resource consuming and substantial increased income choices.

The reservoir can serve the need for fire suppression should the state need this resource. The state has the power to 'take' in this way. I might also mention that this resource could potentially save valuable habitat and property from loss both private and public that extends far beyond my boundaries. Lightning fires are common in this rugged terrain and a body of water close is invaluable. This body is available at no initial (construction) or use cost to the public entity.

Water Resources staff members met a couple years ago with my wife to get their assessment of the water use. They were insistent that somewhere we had pumps to remove water for irrigating a crop(s) on the property. My wife told them that we had no pumps but due to current conditions that we had hauled some water out with a water truck. She was told that this was diversion so I ceased hauling any water from the reservoir from that time. My wife explained that we had no desire to irrigate any of our land and it should have seemed obvious the soil and terrain was very unsuitable for growing crops. I later received a very pointed letter stating how guilty I as the property owner was for not following the

laws (code) of which I was mostly unaware of and certainly felt without doubt they did not apply in this case. I was also asked at some point to monitor the water in and out of the reservoir during the year which would not only be impractical and at times in the winter be impossible to do. I have since agreed with the reporting staff on a reasonable way to calculate the portion my livestock use from the reservoir and have fulfilled the reporting requirements to the best of my knowledge.

I have been involved in a hay operation in the last few years at a decades old farm in Modoc County. What little I have learned about water rights and diversion is from the water district watermaster. The term 'diversion' seems clear enough in Modoc as the water is pumped out of the river with the adjudicated water right and used for irrigation.

I had a phone conversation with staff member John O'Hagan on July 16, 2014. We discussed the definitions of terms or words used in the code. It seemed clear to me that our differences were around semantics. He compared my reservoir as 'typical' with many other stock ponds in the state other than size. I have viewed and understand as he has what the typical stock pond is and it's usual in function in the watershed. This subject reservoir is not the typical and is substantially unique in location and use. The livestock consumptive use of this storage of water would be like comparing the light of a dim star to that of the sun. I am confident it causes no effect to the downstream neighbors(water use) nor the fish and wildlife but rather provides many times more value compared to the reservoir's absence in the headwaters of this drainage.

We are currently living through a severe drought in California. Water conservation is finally the buzz. As a society we have put our ancestors' vision of water conservation on the back burner and allowed for more consumption than conservation. We will all grow hungry and thirsty if this doesn't change.

I don't feel I have been willfully negligent in this matter. I have been bewildered by the lack of understanding by staff the uniqueness of this situation and willingness to listen to someone with over a half a decade of knowledge of the substantial value to our resource this body of water contributes. I also think that in regards to water rights that stewards of the land for over 140 years should qualify for a 'grandfathering right' in some way even if we were unaware of the time to file for such a right may have been overlooked sometime in the past decades. Hence, I have conceded verbally with staff to meet and resolve this matter in a mediation format prior to the hearing.

Sincerely, Robert Mann(individual and trustee)

The Robert C. Mann 1999 Trust

29876 King Ridge Road

Cazadero, Ca. 95421