

The Save Our Forest Association, Inc. (SOFA) has appealed to the USFS to cease the water diversion by Nestle Waters North America since March 2015, and to the State Water Resources Control Board since February 2018.

SOFA has participated in the AHO Public Hearing and the February 2022 site visit representing the citizens of the San Bernardino Mountains in the effort to protect our natural resources and validate the continuing belief that the decades of water diversions by BlueTriton and its predecessors are unauthorized and without water rights.

We support the Draft CDO to be implemented immediately with the SWRCB approval and recognizing the following concerns :

1. Springs 10, 11 and 12 should be included in the final CDO given the preponderance of evidence presented during the hearing that they are natural springs contributing to downstream flows of all springs 1 through 12. The SUP granted by the USFS has been based on the same water rights claims for all POD's.
2. The San Manuel Band is not a party to this CDO and does not have a SUP with the USFS for any water diversion. Any riparian right does not allow them to use diversion facilities and points of diversion they do not own on land they do not own. The current diversion to the Arrowhead Springs hotel property is based on a contractual agreement and not on a riparian right.
3. The diversion of any water from existing facilities including Tunnels 2, 3, and its Boreholes 1, 1A, 7, 7A, 7B, 7C and 8, should cease entirely with any allowed diversion to be derived from Boreholes 10, 11 and 12. Flows from the above mentioned boreholes and tunnels 2, 3, 1, 1A, 7, 7A, 7B, 7C and 8, that exceed current deliveries to the San Manuel Band should be bypassed at these locations rather than diverted or discharged by pipeline elsewhere lower in the watershed. This would allow naturalization of fish, wildlife and riparian vegetation from the original spring sources below Hwy 18 in Rimforest in Strawberry Canyon.
4. The final CDO should clearly state there are no pre-1914 water rights.
5. The Bunker Hill Basin (aquifer) that Strawberry Creek terminates in has been consistently "deficient" in an overdraft condition since

1993 based on the San Bernardino Valley Conservation Water District's annual "Engineering Investigation Report" (2023). This overdraft condition could impact any diversions from upstream sources. There are public trust issues remaining that warrant future investigation and action by the Prosecution Team.

Sincerely,

Hugh A. Bialecki, DMD  
Pres., Save Our Forest Assoc., Inc.