

Appeal of Special Permit
Rising Goat Limited
PLN 2021-17060
APN 223-101-004

Dear Supervisors,

We are at this Appeal hearing because of concerns about the well at Rising Goat. It is located in an area that has potential to be interfering with our ability to draw water from the streams and springs that provide our domestic water needs. The well was drilled in October of 2016. When it first went in all us on the springs voiced concerns. Paul Jacobsen went to the property to ask about it. His experiences when approaching people on that property with concerns about their well use are recorded in his letter written on 2/18/21. Included in it you can read of some of the responses he got to those queries.

We were not notified of a new process beginning for a permit of over 10,000 square feet when they began. We received no notice when apparently an EIR was initiated for this project. So of course the concerns for **twelve properties' water rights** were not considered.

In fact the only notification of the new project at 1400 Ross Rd. came when the owner of the adjacent property received a letter from the Planning Department that the Special Permit was to be approved on Dec. 17, 2020. That was Dec. 10th! She immediately notified those holding water rights to the springs on her property.

We began to write letters at once. At least seven letters and several public comments have been made since then by neighbors possibly affected by this well. Yet we weren't sure we were being heard.

To their credit Director Ford and the Planning Commissioners, carefully made quite a few conditions of approval at the Feb. 18th meeting. One being the need to complete a hydro geological study of the well in order to assure it is not connected to our water sources.

Unfortunately for the applicant the Department of Health and Human Services Well Permit and Water Production stipulates that all water production tests must be conducted during the dry season. We were not aware of this.

We just want to make sure that until we know it is not the well that has created the drastically lower water flows in our streams and springs, it not be pumped in the driest months of the year! That is correct, we are experiencing very low volumes of water in our systems. In talking to our various neighbors during the months of this process we came to realize all have experienced much less volume in recent summers. The issue is complicated by the extremely long and increasingly serious drought we are experiencing. The appropriative rights holders just received a letter from the State Water Resources Control Board suggesting we need to practice conservation measures due the lack of recharge in the statewide water sheds. It is no wonder we are on edge about that well.

We are already practicing conservation measures and have been since 2017 when our water flows began to decrease dramatically. Mr. Soares seems to think having a tank farm unsightly. Many properties on the Overland all have multiple water tanks. We all have to store water for

summer use.

The major reason we are here today is because we have not received any assurance from this applicant that our water rights will be respected. Mr. Soares' responses to our letters have been threatening and intimidating. He is not an easy person to deal with. As a result we would prefer to have Rising Goat practice forbearance, as it seems unlikely that there will be any other way to control how much water he takes.

The likelihood that the well is connected to our springs and streams is evidenced by the elevation of the well and the distances to the water sources. It seems very possible that those sources are in or very near the cone of depression formed when the well is pumping. The well driller noted that, "the water in the well is coming from a shallow jurisdictional subsurface stream flow in an unconfined aquifer". If that is true it is a diversion and cannot be used for cannabis production under 2.0 .

The basis of California water law is The Doctrine of Reasonable use. It states the water right owner may use water as long as it doesn't interfere with the neighboring users. That law says wells pumping from groundwater are limited to an amount that does not interfere with other users.

The Overland Subdivision was created by the developer in 1976. He had the springs surveyed and easements created for them to be accessed through roads and properties. The County required he lay water lines to some parcels from the springs since they had no water in the summer. He retained water rights to some springs which he later assigned to other parcels needing summer water. The rights to these water sources were recorded early as 1977, with the latest recorded in 1993. We are all **senior downstream water rights holders** to Rising Goat. Our rights need to be respected.

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