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Water Authority and Westlands Water District
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7 BEFORE THE CALIFORNIA

8 STATE WATER RESOURCES CONTROL BOARD

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10 In the Matter of Draft Cease and Desist Order
Nos. 262.31-16 and 262.31-17 Against the
11 Department of Water Resources and the
United States Bureau of Reclamation Under
12 their Water Right Permits and License; and

**NOTICE OF PETITION AND PETITION
FOR RECONSIDERATION OF ORDER
WR 2006-0006**

13 In the Matter of Petitions for Reconsideration
of the Approval of a Water Quality Response
14 Plan Submitted by the Department of Water
Resources and the United States Bureau of
15 Reclamation for their Use of Joint Points of
16 Diversion in the Sacramento-San Joaquin Delta

17 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

18 **NOTICE IS HEREBY GIVEN** that, pursuant to section 1122 of the California Water
19 Code, and title 23, section 768 of the California Code of Regulations, the San Luis & Delta-
20 Mendota Water Authority (Water Authority), acting for and on behalf of its member agencies, and
21 Westlands Water District (Westlands), petition the State Water Resources Control Board (State
22

23 _____
24 ¹ Members of the San Luis & Delta-Mendota Water Authority include: Banta-Carbona Irrigation District,
Broadview Water District, Byron Bethany Irrigation District, Central California Irrigation District,
25 Centinella Water District, City of Tracy, Columbia Canal Company, Del Puerto Water District, Eagle Field
Water District, Firebaugh Canal Water District, Fresno Slough Water District, Grassland Water District,
26 James Irrigation District, Laguna Water District, Mercy Springs Water District, Oro Loma Water District,
Pacheco Water District, Pajaro Valley Water Management Agency, Panoche Water District, Patterson
Irrigation District, Pleasant Valley Water District, Reclamation District 1606, San Benito County Water
27 District, San Luis Canal Company, San Luis Water District, Santa Clara Valley Water District, Tranquillity
Irrigation District, Turner Island Water District, West Side Irrigation District, West Stanislaus Irrigation
28 District, Westlands Water District, and Widren Water District.

1 Water Board) for reconsideration of its decisions to issue on February 15, 2006, Order 2006-0006: a
2 cease and desist order against the United States Bureau of Reclamation and California Department
3 of Water Resources.

4 The address for the Water Authority is P.O. Box 2157, 842 6th Street, Los Banos, CA
5 93635. Westlands is a member of the Water Authority. Its address is P.O. Box 6056, Fresno, CA
6 93703. The Water Authority's member agencies, including Westlands, contract with the United
7 States for water developed by the Central Valley Project (CVP).¹ CVP water available to the Water
8 Authority's member agencies is pumped and conveyed from the Sacramento-San Joaquin River
9 Delta (Delta).

10 This Petition requests that the State Water Board withdraw Order 2006-0006 and decide no
11 cease and desist order issue because Order 2006-0006: (1) results from an irregular proceeding in
12 which the State Water Board abused its discretion, thus preventing those who participated from
13 having a fair hearing, (2) is not supported by substantial evidence, (3) results from a proceeding for
14 which there is relevant evidence that was not presented because, in the exercise of reasonable
15 diligence, it could not have been produced, and (4) results for an error in law.

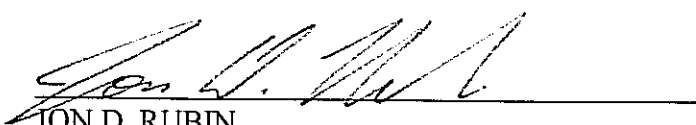
16 This Petition is based on this Notice and Petition for Reconsideration, the Memorandum
17 filed in support thereof, the pleadings and papers on file herein, and upon such other matters as may
18 be presented to the State Water Board at the time of the hearing, if such a hearing is scheduled.
19 This Notice and Petition and the Memorandum filed in support thereof have been served on all
20 interested parties listed in the attachment to the Proof of Service.

21 Dated: March 17, 2006

Respectfully submitted,

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23 DIEPENBROCK HARRISON
A Professional Corporation

24
25 By


26 JON D. RUBIN
Attorneys for San Luis & Delta-Mendota
Water Authority and Westlands Water District
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28 ¹ The United States Bureau of Reclamation manages the CVP.