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January 31, 2019

VIA MAIL

Water Right Hearing Unit
Division of Water Rights
State Water Resources Control Board
Attn: Mara Irby and Lily Weaver
1101 I Street
Sacramento, CA 95814

RE: Fahey ACL/CDO Hearing

Dear Ms. Irby and Weaver:

The Turlock and Modesto irrigation district are in support of the Prosecution Team's Memorandum in Opposition to the Motion to Dismiss filed by G. Scott Fahey and Sugar Pine Spring Water Company. As the Prosecution Team's Memorandum points out, Fahey did not acquire any pre-1914 water rights as a result of the water exchange agreement with the Turlock and Modesto irrigation districts. That agreement only allows Fahey to divert during the season in which the Tuolumne River is fully appropriated *pursuant to his own post-1914 water right permits*. The suggestion that the districts somehow granted Fahey pre-1914 water rights is both preposterous and contrary to the law.

Sincerely,



ARTHUR F. GODWIN
Robbins, Browning, Godwin & Marchini LLP
Attorneys for Turlock Irrigation District



KELSEY GOWANS
Staff Attorney
Modesto Irrigation District

cc: Service List

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State Water Resources Control Board
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