



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

January 20, 2010

VIA ELECTRONIC MAIL

TO: Enclosed Mailing List

**DRAFT ORDER AMENDING THE DECLARATION OF FULLY APPROPRIATED
STREAMS TO REMOVE THE DESIGNATION OF THE KERN RIVER AS FULLY
APPROPRIATED**

Attached is a draft order amending the declaration of fully appropriated streams to remove the designation of the Kern River as fully appropriated. The draft order will be considered for adoption by the State Water Resources Control Board (State Water Board) during the State Water Board's February 16, 2010 meeting. A copy of the draft order will also be posted for review at the following website:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/kernriver_fas/index.shtml

All interested persons and parties to the proceeding will have the opportunity to comment on the draft order at the State Water Board meeting. All presentations should be limited to three (3) minutes. Comments should be limited to the general acceptability of the order or possible technical corrections. Parties may not introduce evidence at the State Water Board meeting.

Parties should submit in writing any comments or changes to the proposed order they would like the State Water Board to consider at the meeting. All written comments must be received by the State Water Board by **12:00 Noon on Tuesday, February 9, 2010**. Written comments are to be addressed and submitted to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

You may also submit written comments to Ms. Townsend by fax at (916) 341-5620, by email at commentletters@waterboards.ca.gov, or by delivery to the following address:

Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA 95814-2828

Couriers delivering comments must check in with lobby security and have them contact the Executive Office on the 24th floor at 916-341-5600.

California Environmental Protection Agency

Please include in the subject line, "COMMENT LETTER - 02/16/10 BOARD MEETING ITEM: ORDER – KERN RIVER." Any faxed or emailed items must be followed by a mailed or delivered hard copy with an original signature.

If you have any questions regarding this letter, please contact Paul Murphey at (916) 341-5435 or pmurphey@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Charles L. Lindsay". The signature is written in a cursive style with a large, stylized initial "C".

Charles L. Lindsay, Chief
Hearings Unit
Division of Water Rights

Enclosures

**HEARING REGARDING PETITION TO REVISE THE DECLARATION OF FULLY
APPROPRIATED STREAM SYSTEM OF THE KERN**

**SERVICE LIST AND INTERESTED PARTIES
(January 20, 2010)**

<p>CENTER FOR BIOLOGICAL DIVERSITY c/o Adam Keats 351 California Street, Suite 600 San Francisco, CA 94104 akeats@biologicaldiversity.org</p>	<p>KERN COUNTY WATER AGENCY c/o Nicholas Jacobs Somach, Simon & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 njacobs@somachlaw.com</p>
<p>KERN WATER BANK AUTHORITY c/o Kevin M. Obrien Downey Brand LLP 621 Capitol Mall, 18th Floor Sacramento, CA 95814 kobrien@downeybrand.com jschofield@downeybrand.com tkuntz@downeybrand.com</p>	<p>CITY OF SHAFTER c/o Jason M. Ackerman Best, Best & Krieger LLP 3750 University Avenue, Suite 400 Riverside, CA 92501 jason.ackerman@bbklaw.com jill.willis@bbklaw.com</p>
<p>BUENA VISTA WATER STORAGE DISTRICT c/o Gene R. McMurtrey McMurtrey, Hartsock & Worth 2001 22nd Street. Suite 100 Bakersfield, CA 93301 gene@mcmurtreyhartsock.com</p>	<p>CITY OF BAKERSFIELD c/o Colin L. Pearce Duane Morris LLP One Market, Spear Tower, Suite 2200 San Francisco, CA 94105-1127 cpearce@duanemorris.com</p>
<p>NORTH KERN WATER STORAGE DISTRICT c/o Scott K. Kuney Young Wooldridge, LLP 1800 30th Street, Fourth Floor Bakersfield, CA 93301 skuney@youngwooldridge.com</p>	
<p>KERN COUNTY FARM BUREAU c/o Mike Young 19000 Wildwood Road Buttonwillow, CA 93206 michaelcyoung@sbcglobal.net</p>	<p>WESTERN GROWERS ASSOCIATION c/o Thomas Nassif 17620 Fitch Street Irvine, CA 92614 tnassif@wga.com</p>

<p>KERN DELTA WATER AGENCY c/o L Mark Mulkay 501 Taft Highway Bakersfield, CA 93307 mulkay@kerndelta.org</p>	<p>WESTERN GROWERS ASSOCIATION c/o Gail Delihant 1415 L Street, Suite 1060 Sacramento, CA 95814 gdelihant@wga.com</p>
<p>JACK PANDOL 900 Mohawk Street, Suite 220 Bakersfield, CA 93309 jpandolsr@grapery.biz</p>	