



# State Water Resources Control Board



## Executive Office

Linda S. Adams  
Secretary for  
Environmental Protection

Charles R. Hoppin, Chairman  
1001 I Street • Sacramento, California 95814 • (916) 341-5615  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger  
Governor

**JUN 01 2010**

### VIA EMAIL & U.S. MAIL

Mr. Tim O'Laughlin  
O'Laughlin & Paris LLP  
P.O. Box 9259  
Chico, CA 95927-9259  
[towater@olaughlinparis.com](mailto:towater@olaughlinparis.com)

Dear Mr. O'Laughlin:

HEARING REGARDING ADOPTION OF DRAFT CEASE AND DESIST ORDER AGAINST:  
WOODS IRRIGATION COMPANY (MIDDLE RIVER) - SAN JOAQUIN COUNTY - SCHEDULED TO  
COMMENCE ON JUNE 7, 2010

I received your letter of May 20, 2010, on behalf of Modesto Irrigation District, the State Water Contractors and the San Luis & Delta Mendota Water Authority regarding correspondence submitted by Ms. Jennifer Spaletta regarding the Woods Irrigation Company Cease and Desist Order (CDO) hearing scheduled for June 7, 2010.

Please refer to my response to Ms. Spaletta, sent on May 24, 2010, and copied to your office. The hearing issues remain as described in the hearing notice: 1) Should the State Water Resources Control Board (State Water Board) adopt the draft CDO? 2) If the draft CDO is adopted, should any modifications be made to the measures in the draft order, and what is the basis for any such modifications?

In your letter, you asserted that any CDO issued against Woods Irrigation Company should include certain statements. Proposed modifications to the CDO may be raised in legal argument concerning the hearing. Since such potential modifications are among the hearing issues, it would be premature to comment further on your proposal at this point.

Because the issues you raise may be addressed during the hearing, or afterwards in briefing, and given the short timeframe before the hearing, I decline to schedule a pre-hearing conference on these matters.

Sincerely,

Walt Pettit  
Board Member  
Hearing Officer

cc: See Next Page

*California Environmental Protection Agency*

Mr. Tim O'Laughlin

- 2 -

JUN 0 1 2010

cc: **[via e-mail only]**

WOODS IRRIGATION COMPANY  
[jherrlaw@aol.com](mailto:jherrlaw@aol.com)  
[dean@hpllp.com](mailto:dean@hpllp.com)  
[dgeiger@bgrn.com](mailto:dgeiger@bgrn.com)

MODESTO IRRIGATION DISTRICT  
[towater@olaughlinparis.com](mailto:towater@olaughlinparis.com)  
[kpetruzzelli@olaughlinparis.com](mailto:kpetruzzelli@olaughlinparis.com)

THE SAN LUIS & DELTA-MENDOTA  
WATER AUTHORITY  
[jrubin@diepenbrock.com](mailto:jrubin@diepenbrock.com)  
[vkincaid@diepenbrock.com](mailto:vkincaid@diepenbrock.com)

SOUTH DELTA WATER AGENCY  
[jherrlaw@aol.com](mailto:jherrlaw@aol.com)  
[dean@hpllp.com](mailto:dean@hpllp.com)

DIVISION OF WATER RIGHTS  
PROSECUTION TEAM  
[drose@waterboards.ca.gov](mailto:drose@waterboards.ca.gov)

STATE WATER CONTRACTORS  
[spowell@kmtg.com](mailto:spowell@kmtg.com)

CENTRAL DELTA WATER AGENCY  
[dean@hpllp.com](mailto:dean@hpllp.com)

SAN JOAQUIN COUNTY AND THE SAN  
JOAQUIN COUNTY FLOOD CONTROL  
AND WATER CONSERVATION  
DISTRICT  
[dgillick@neumiller.com](mailto:dgillick@neumiller.com)  
[mbrown@neumiller.com](mailto:mbrown@neumiller.com)

Mr. Tim O'Laughlin

- 3 -

bc: **[via email only]**

Marianna Aue, OCC  
Ernie Mona, DWR  
Jane Farwell, DWR  
Larry Lindsay, DWR

MAue/clbashaw

05-26-10

i:\maue\support staff\2-ma\correspondence\ltr to tim o'laughlin re hearing june 7, 2010.doc