



State Water Resources Control Board

AUG 05 2011

Mr. Jon D. Rubin, attorney for Westlands Water District
jrubin@bhfs.com

Mr. Erick Soderlund, attorney for Department of Water Resources
esoderlu@water.ca.gov

Mr. David W. Kahn, attorney for Tulare Lake Basin Water Storage District and Empire West Side Irrigation District
dkahn@kschanford.com

Dear Mr. Rubin et al.:

LONG-TERM TRANSFER HEARING – DEPARTMENT OF WATER RESOURCES (DWR) PERMIT 16482 (APPLICATION 17512)

On August 2, 2011, the State Water Resources Control Board (State Water Board) received your letter dated July 29, 2011, in which you referenced the July 26, 2011 letter sent to me from the Center for Biological Diversity, California Water Impact Network, California Sportfishing Protection Alliance, and AquAlliance (CBD et al.). In the July 26, 2011 letter, CBD et al. indicated they no longer intend to present a case-in-chief at the upcoming hearing for this matter due to insufficient resources.

Your letter contends that by deciding not to present a case-in-chief, CBD et al. have abandoned their protest and requests that the State Water Board cancel the hearing, dismiss CBD et al.'s protest, and process DWR's petition based upon the information in the State Water Board's records. It is my understanding, per CBD et al.'s July 26, 2011 letter, that they also reserved the right to appear and perform cross-examination and/or rebuttal testimony at the hearing. The State Water Board Division of Water Rights staff sent a letter to CBD on August 4, 2011, asking for a response regarding CBD et al.'s intent to participate in the hearing. The State Water Board intends to proceed with the hearing as scheduled, pending a response from CBD et al.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Based on your July 29, 2011 letter, it appears that David W. Kahn has replaced Mark Gilkey and John Howe as the representative for Tulare Lake Basin Water Storage District and Empire West Side Irrigation District, respectively. If this is incorrect, please let us know. Otherwise we will update our service list to reflect this change.

If you have any questions regarding this letter, please contact Patricia Fernandez at (916) 319-9141 or at pfernandez@waterboards.ca.gov, or for legal questions please contact David Rose at (916) 341-5196 or at drose@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

Frances Spivy-Weber, Vice-Chair and Hearing Officer
State Water Resources Control Board

Enclosed Service List

**WATER RIGHT HEARING REGARDING
A PETITION FOR LONG-TERM TRANSFER UNDER
PERMIT 16482 (APPLICATION 17512) OF THE
DEPARTMENT OF WATER RESOURCES,
SCHEDULED TO COMMENCE ON AUGUST 22, 2011**

**REVISED
SERVICE LIST
(August 5, 2011)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

<p>Erick D. Soderlund Department of Water Resources 1416 Ninth Street, Room 1104 Sacramento, CA 95814 esoderlu@water.ca.gov</p>	<p>John Howe Empire West Side Irrigation District P.O. Box 66 Stratford, CA 93266 jnhowe@att.net</p>
<p>Mark Gilkey Tulare Lake Basin Water Storage District 1001 Chase Ave. Corcoran, CA 93212 mgilkey@tlbwsd.com</p>	<p>Adam Lazar Center for Biological Diversity 351 California St. #600 San Francisco, CA 94104 alazar@biologicaldiversity.org</p>
<p>Jon D. Rubin Brownstein Hyatt Farber Schreck, LLP 1415 L Street, Suite 800 Sacramento, CA 95814 jrubin@bhfs.com Note: Address change</p>	<p>John Herrick, Esq. South Delta Water Agency 4255 Pacific Avenue Stockton, CA 95207 Jherrlaw@aol.com</p>