

State Water Resources Control Board

TO: Alan Lilly
Presiding Hearing Officer
Administrative Hearing Office

FROM: Eileen Sobeck 
Executive Officer
State Water Resources Control Board

DATE: August 18, 2021

SUBJECT: REQUEST TO THE ADMINISTRATIVE HEARINGS OFFICE TO INVESTIGATE ISSUES RAISED BY WILDLIFE CONSERVATION BOARD'S INQUIRY REGARDING PRE-1914 APPROPRIATIVE WATER RIGHT CLAIMS OF THE TOMPKINS FAMILY TRUST IN THE BATTLE CREEK WATERSHED

The State Water Resources Control Board (State Water Board or Board) Division of Water Rights (Division) has recommended that the Board request that the Administrative Hearings Office (AHO) investigate the Wildlife Conservation Board's inquiry to the Board about the above pre-1914 appropriative water right claims. The Division made this recommendation because of the time constraints of the Division and the expertise of the AHO.

I have attached the Division's memorandum, which summarizes the Wildlife Conservation Board's inquiry and the background on the Tompkins Family Trust's pre-1914 claims and associated Statements of Water Diversion and Use.

Based upon the Division's recommendation, I request that the AHO investigate the pre-1914 claims associated with Tompkins claimed right to the AHO to review this matter, prepare a report of investigation, and transmit the report to the Wildlife Conservation Board. The AHO's investigation may include, but is not limited to, investigating issues associated with the proposal to pursue an instream flow dedication and a with transfer of the claimed right to a downstream point of diversion and place of use.

If you have any questions regarding this memo, please contact Amanda Montgomery at 916-341-5438 or by email at Amanda.Montgomery@waterboards.ca.gov.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Eileen Sobeck
Alan Lilly

- 2 -

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