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Sent: Thursday, October 31, 2019 5:18 PM
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Subject: Fahey ACL/CDO Hearing - Final Order WR 2019-0149

Dear Mr. Hansen,

I am writing in response to your e-mail of October 28th. Lily Weaver is out of the office until December, so I am assisting on this matter in the interim. First, I want to confirm that issuance of the Final Order is not a decision by the Board on Mr. Fahey's petition for reconsideration. The Board is considering the petition and expects to act prior to or shortly after December 16th (90 days from the date of adoption of the Final Order), depending on the logistics of regularly-scheduled Board Meetings.

It has been the Board's position that the time to file a writ of mandate seeking review of an order of the board does not begin to run until any pending petition for reconsideration has been acted upon. Per Water Code section 1126, subsection (b), "[t]he time for filing the petition for writ of mandate ... shall be extended for any person who seeks reconsideration by the board pursuant to this article." Therefore, the Board would consider the 30 day limitations period within which a petition for writ of mandate may be filed to begin on the date that the Board acts on Mr. Fahey's petition for reconsideration.

If I can be of any additional assistance regarding non-controversial procedural matters, please feel free to contact me directly.

Best Regards,

Nicole Kuenzi

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