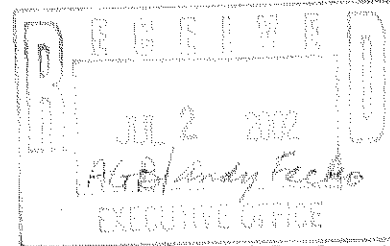


COLORADO RIVER BOARD OF CALIFORNIA

770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1035
(818) 543-4676
(818) 543-4685 FAX



Transmitted Via Overnight Courier

July 2, 2002

Mr. Arthur G. Baggett, Jr.
Hearing Officer
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Baggett:

The Colorado River Board of California has received a copy of the June 14, 2002, correspondence to the parties to the Petition of Imperial Irrigation District and San Diego County Water Authority for Approval of Long-Term Transfer of Conserved Water. That correspondence encourages the parties to brief the key hearing issues set forth in the hearing notice, as well as, brief a list of questions posed by the State Water Resources Control Board (State Board).

The Colorado River Board, by State statute (Water Code Sects. 12500 et seq), was created within the Resources Agency to protect the interests and rights of the State of California, its agencies, and citizens in the water and power resources of the Colorado River System and to confer with entities within California, the federal government, the Colorado River Basin states, and others regarding matters affecting the Colorado River and its use.

After a review of the questions, the Colorado River Board is concerned with the parties briefing these questions and the State Board rendering findings related to the questions. The questions deal with interstate issues and federal law. The other six Colorado River Basin states have been, and continue to be, extremely concerned with activities that are occurring within California that may impact their legal rights to, and use of, Colorado River water and the impact that our activities may have on full implementation of the Seven Basin States Plan that was negotiated and submitted to the Secretary of the Interior as part the Basin states' input on the Interim Surplus Guidelines. Requesting responses to these questions heightens the apprehension of the other Basin states, affecting our ability to effectively work with them on other matters of importance to the State of California. In our opinion, resolution of these questions does not have a material bearing on the ability for the State Board to render the needed decisions in its existing proceedings.

When and if these questions are addressed in a legal proceeding, they need to be briefed in an interstate venue, probably the U.S. Supreme Court, with California's legal position as it relates to the issue at hand being briefed. Having these selected parties brief these issues, although they may have legal theories regarding these subjects, is inappropriate. They cannot and should not be

Mr. Auther G. Baggett, Jr.

July 2, 2002

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representing the State of California and the public interest of California as it relates to these federal and interstate matters. Furthermore, it would be inappropriate for the State Board to establish California's legal position regarding these interstate and federal questions in this proceeding. We believe that the State Board should focus on intrastate issues and leave resolution of these interstate and federal issues to be resolved in another venue.

The Protest Dismissal Agreement signed by the parties, Imperial Irrigation District Exhibit 23, further renders the need to have the questions briefed moot. With execution of the Protest Dismissal Agreement, the parties have agreed to disagree on issues such as the State Board's jurisdiction, and whether state or federal law controls the transfer.

The Colorado River Board requests that you rescind your call for the parties to brief these additional specific questions. Such an action by the State Board does not adversely affect the ability of the parties to provide salient testimony or the ability of the State Board to render an informed decision. Furthermore, such an action does preserve California's ability to fully represent the State's interests in an interstate or federal venue when the need arises.

Thank you for your consideration of Colorado River Board's request. If you have any questions regarding this request or would like additional information regarding it, please call me.

Sincerely,



Gerald R. Zimmerman
Executive Director

- c: Mr. Richard Katz, State Water Resources Control Board
- Mr. Gary Carlton, State Water Resources Control Board
- Ms. Celeste Cantu, State Water Resources Control Board
- Mr. Andy Fecko, Division of Water Rights
- Mr. Tom Peltier, Division of Water Rights
- Ms. Dana Differding, Office of Chief Counsel
- Ms. Mary D. Nichols, The Resources Agency

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, the undersigned, say: I am employed in the County of Los Angeles, State of California, over the age of eighteen years and not a party to the within action or proceeding; that my business address is 770 Fairmont Avenue, Suite 100, Glendale, California 91203-1035.

On July 2, 2002, I served a copy of the foregoing document described as:

LETTER TO ARTHUR G. BAGGETT, JR. DATED JULY 2, 2002

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

- By Mail. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with United States Postal Service mail box on that same day with postage thereon fully prepaid at Riverside, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- By Personal Service, I caused such envelope to be delivered by hand to the above addressee(s).
- By Overnight Courier, I caused the above-referenced document(s) to be delivered to FEDERAL EXPRESS, an overnight courier service, for delivery to the above addressee(s).
- By Facsimile Machine, I caused the above-referenced document(s) to be transmitted to the above-named person(s). The facsimile machine I used complied with California Rules of Court, rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

EXECUTED ON July 2, 2002, at Glendale, California.

- [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- [Federal] I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


GERALD R. ZIMMERMAN

LIST OF PARTIES TO EXCHANGE INFORMATION
Imperial Irrigation District/San Diego County Water Authority
Water Transfer Hearing

(Note: the parties whose E-mail addresses are listed below agreed to accept electronic service, pursuant to the rules specified in the Hearing Notice.)

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Revised: 03/11/2002

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