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February 21, 2002

Mr. Andy Fecko
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Imperial Irrigation District and San Diego County Water Authority Petition for Approval of Long-Term Conserved Water Transfer Agreement and Change in Point of Diversion and Place of Use

Dear Mr. Fecko:


Pursuant to the State Water Resource Control Board's (SWRCB) February 5, 2002 Revised Notice of Public Hearing and Amendment to Long-Term Transfer Petition, the Metropolitan Water District of Southern California (MWD) hereby submits an original and three copies of its Notice of Intent to Appear in the above referenced proceeding. As the SWRCB is aware, MWD, the Imperial Irrigation District (IID) and the San Diego County Water Authority (SDCWA) disagree as to the proper role and authority of the SWRCB with respect to California's use of Colorado River water. Accordingly, you will note that MWD is appearing in this proceeding for the limited purpose of providing the SWRCB with a policy statement regarding the IID and SDCWA Petition. MWD's policy statement, and its Protest Dismissal Agreement (PDA) with IID, SDCWA and the Coachella Valley Water District (CVWD), are submitted without prejudice to MWD's legal position regarding the SWRCB's role and authority over Colorado River water.

Additionally, MWD again restates its position that the movement of conserved water from IID to CVWD and MWD, as described in the Second Amended Petition, is not a "transfer" of conserved water. Rather, as stated in the PDA, IID's conserved water will be made available for acquisition by CVWD and MWD under the federal Law of the River. While MWD has agreed not to protest the conservation and transfer of water from IID to the SDCWA, MWD expressly denies that water conserved by IID for acquisition by CVWD or MWD is a "transfer" under California law.

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Please contact the undersigned should you have any questions about MWD's Notice of Intent to Appear in this proceeding.

Yours very truly,



Anne J. Schneider

RED:red
enclosure

cc: Arthur G. Baggett, Hearing Officer
Dana Differding, Staff Counsel
Jeff Kightlinger, Metropolitan Water District of Southern California
David Osias, Imperial Irrigation District
Scott Slater, San Diego County Water Authority
Robert Maddow, Coachella Valley Water District

NOTICE OF INTENT TO APPEAR

Jeffrey Kightlinger, General Counsel for the Metropolitan Water District (MWD), will make a policy statement on behalf of MWD

~~plans to participate in the water right hearing regarding:~~

(Name of party or participant)

Joint Petition of IID and SDCWA for the
Transfer of Conserved Water under Permit No. 7643

Scheduled to commence

April 22, 2002

MWD

I will be only be making a policy statement:

I intend to participate in:

Phase 1 Phase 2 Both Phase 1 and Phase 2

I agree to accept electronic service:

I/we plan to call the following witnesses to testify at the hearing:

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS YES/NO

(If more space is required, please add additional pages or use reverse side.)

Dated: 2/22/2002 Signature: A. J. Schneider

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