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May 9, 2002

To: Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
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Att: Jean McCue "American River FAS Petition"

Re: Petition to Revise Declaration of Fully Appropriated Stream Systems Regarding the American River, Sacramento County (Southern California Water Company)

After reviewing the focus of issues to be considered at the upcoming hearing on revising the fully appropriated stream status of the American River, it appears that the scope of the Board's inquiry (whether "non-native" water has been introduced into the river since the initial declaration) is quite narrow. Given that limited scope, reemphasized in the Board hearing officer's April 26, 2002 communication to parties, we are not convinced that Friends of the River is in a position to present evidence to the Board on this matter beyond that which will be presented by the other named parties.

In these circumstances, we request permission to withdraw from these proceedings as a party – although we may submit a policy statement to the Board at the hearing.

It is appropriate at this time to reflect on the utility of this proceeding given the intentions of the petitioner to seek to appropriate "abandoned" groundwater being discharged to the American River as a result of groundwater cleanup actions being undertaken by other parties. In order for this hearing to set the stage for any such appropriation action (or develop clarity on the necessity of alternative groundwater replacement action) it would seem necessary to also establish whether the original designation of full appropriation is still an accurate assessment of the circumstances here — given existing water demands and water rights on the American River and the CVP. Clearly, providing the petitioners with guidance on whether they can claim "priority" on such "abandoned" groundwater discharges over senior water rights holders and public trust values is fundamental to their understanding of the wisdom of the approach on which they appear to be embarking. Given the stated commitments by parties undertaking groundwater cleanup actions to the petitioners (and by extension, other potentially affected groundwater users), it would seem important for the Board to clarify these important issues expeditiously, so that necessary arrangements between the parties can be undertaken more expeditiously and with confidence. The scope of this proceeding will not clarify these issues.

Sincerely yours,

Ronald Stork

Senior Policy Advocate
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Certificate of Service

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Executed by,

Ronald Stork

May 9, 2002

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