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November 28, 2005

VIA FIRST-CLASS MAIL

Victoria Whitney
Chief Division of Water Rights
State Water Resources Control Board
1001 I Street
P.O. Box 100
Sacramento, CA 95812

Re: Cachuma Project Hearing (Applications 11331 and 11332)

Dear Ms. Whitney:

As you know, our firm represents the Cachuma Member Units (the City of Santa Barbara, Carpinteria Water District, Goleta Water District, Montecito Water District and the Santa Ynez River Water Conservation District, Improvement District No. 1) in the above-referenced proceeding. Recently, the Member Units learned that a revised scope of work for completion of the State Board's hearing-related Environmental Impact Report has been developed by URS-Greiner and State Board staff. The revised scope of work, as we understand it, involves the analysis of two new Cachuma Project operational alternatives (alternatives "5b" and "5c"), the drafting of revisions to the already-issued State Board draft EIR, and the preparation of responses to comments anticipated to be received regarding alternatives 5b and 5c. The cost of undertaking this additional work is approximately \$206,000.00; a cost that the State Board intends to pass to the United States Bureau of Reclamation, the permit holder for the Cachuma Project. Based upon our prior experience, the increased cost will then be applied to the Cachuma Member Units in the form of higher contract rates for Cachuma Project water.

Frankly, the Cachuma Member Units are puzzled by the need to extensively analyze Cachuma operational alternatives which, from the brief description in the scope of work, it appears no one presented at the Cachuma hearing; upon which no supporting evidence was apparently received at the hearing and; upon which no opportunity for cross examination was provided or undertaken at the hearing. Further, the Member Units are concerned about the context in which these alternatives are being proposed for analysis: neither of the Board members who served as hearing officers at the Cachuma Hearing remain with the State Board

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and there has been substantial turnover of the State Board staff who attended the hearing. Thus, it is unclear why these alternatives were developed, by whom they were proposed, and what purpose they are intended to serve.

Similar to the State Board, the Cachuma Member Units develop an annual budget to provide for the funding of their activities. The expenditure of an additional \$206,000.00 in 2005 – 2006 to fund the revision of the State Board's Cachuma EIR was neither planned for nor budgeted by any of the Member Units. To say that the Cachuma Member Units were surprised at the need for – and the cost of – the revised scope of work would thus be an understatement. Acting through the Cachuma Conservation Release Board ("CCRB") they have expressed to me their concern about the necessity for the revised scope of work, its cost and the impact of continuing expenditures related to the completion of the State Board's hearing process. These concerns are particularly acute with respect to the agricultural water users they serve, whose continued viability is already threatened by agricultural water costs that are among the highest in the State of California (please see e.g., the enclosed news articles). By a unanimous vote of the CCRB Board of Directors and the Board of ID No. 1, the Cachuma Member Units have directed me to request that you provide additional information regarding alternatives 5b and 5c so that they can attempt to justify to their constituents the need for paying more than \$200,000.00 in additional water costs to complete the State Board's EIR.

Based on the foregoing considerations, the Member Units request that you provide a more complete description of alternative 5b and alternative 5c. The minimal description of the alternatives that accompanies the revised scope of work provides no opportunity to determine whether either of the alternatives resembles any of the Cachuma operational proposals that were presented to the State Board during the hearing conducted in October and November of 2003; how they differ from the alternatives presented at the hearing and; what their impact upon Cachuma Project yield may be. Accordingly, the Member Units request that you provide them with a complete description that identifies, *inter alia*, the anticipated Cachuma Project operation that would occur under each alternative, including the proposed flow releases from Bradbury Dam, by month and by year type; any alterations to the proposed flow release regime that are dependent upon the water level in Cachuma Reservoir or the occurrence of reservoir spill; a description of how alternatives 5b and 5c differ from the alternatives presented at the hearing and; the anticipated impact of alternatives 5b and 5c upon Cachuma Project yield.

Further, if the Santa Ynez River Hydrology Model ("SYRHM") was used by the State Board to model alternatives 5b and 5c and was altered in any way in order to do so, we request that we be provided a copy of the model, as revised. As you may or may not know, the SYRHM has always been a public domain model available to anyone who seeks to use it to determine the impact of proposed changes to Cachuma Project operations. If changes were made to the SYRHM by State Board staff or the State Board's consultant for the purpose of modeling alternatives 5b or 5c, the Member Units request the revised model so they may analyze the two new alternatives and determine their impact upon Cachuma Project water supplies themselves. Indeed, withholding revisions to the SYRHM would be unprecedented, inconsistent with the

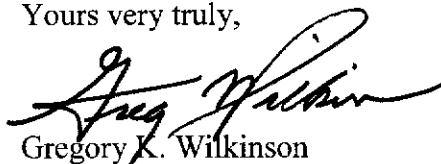
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basic understanding upon which the model was developed and subsequently refined and would impair the Member Units' ability to understand the water supply implications of the two new alternatives.

Absent the information requested above, including a much improved understanding of the substance and genesis of alternatives 5b and 5c, the Member Units cannot justify the radical surgery on their operating budgets that will be required to fund the revisions to the scope of work that are now being sought. Stated differently, the Member Units seek the kind of information they would be required to provide in support of any water rate increase necessitated by the revised scope of work. (see *Beaumont Investors v. Beaumont-Cherry Valley Water District*, 165 Cal.App.3d 227 (1985)).

I look forward to receiving the information requested hereinabove.

Yours very truly,



Gregory K. Wilkinson
of BEST BEST & KRIEGER LLP

GKW:las

cc: Cachuma Service List

Farmers decry water fee proposal

By CAMILLA COHEE
NEWS-PRESS STAFF WRITER

Farmers told Montecito Water District officials Wednesday night that a proposal to double their rates would essentially put them out of business.

At a gathering held to discuss the proposal, farmers from Montecito and Summerland — who make up only 1 percent of the district's 4,500 customers — said the district should do all it can to help them hang on to the agricultural land that has become a rare commodity in the community.

"If rates are doubled, I won't be able to make it," said one farmer who grows birds of paradise.

"We're caught between a set of pinchers," another farmer said. "Zoning won't allow us to put houses on our land, but you raise the water rates so high that we can't maintain our crops."

The water district is considering changing its fee structure so that all customers are charged the same rate by 2010, a move that would double the rates of agricultural customers but decrease the rates of commercial customers by 18 percent.

Currently, five different categories of customers — domestic, commercial, schools, agriculture and recreational — are charged different rates, with commercial paying the highest and agriculture the lowest.

Water district officials are proposing to bring all customers to the same rate by 2010 — \$3.25 per hundred cubic feet of water. One cubic foot equals 7.48 gallons.

Equalizing the rates means that some customers, such as single-family residences and commercial, would pay less for water by 2010.

Wednesday's meeting was a first step toward seeking public response to the plan. The board is expected to set a formal public hearing on the rate restructuring for early November.

The meeting, attended by about 35 people, was dominated by farmers speaking out about the benefits of their labor. For decades, farmers have enjoyed far cheaper rates for water than others because of agriculture's inherent benefits, one woman said.

"If the cost of water gets too high for a residence, people can adapt, take fewer showers, water their lawns less. There is so much overuse of water in our community," she said. "Agriculture has to water according to the needs of their plants. They have no wiggle room. I think it is essential for water to be subsidized. I don't know anyone who is not willing to subsidize agriculture in our community where it is already so limited."

One resident, David Strauss, said it was "grossly unfair" that commercial customers were saved from the 5 percent increase others face in

January and would also enjoy an 18 percent decrease by 2010 under the new plan.

"I understand the watershed issues and know that the rates had to go up," he said. "I don't understand why the Biltmore and Starbucks and Chevron should be getting an 18 percent decrease when commercial rates have always been higher."

Water District General Manager Robert Roebuck said charging customers the same rate would be more straightforward, more equitable, simpler to administer and easier for customers to understand. He said commercial rates would drop because they are disproportionately high. Agricultural rates, he said, have been traditionally low.

"The board is considering whether today's rates are appropriate for today's customers," Mr. Roebuck said. "Regardless of whether the board moves forward with restructuring the rates to have an average cost of water for all customers, there will be a need to increase revenue by 5 percent, effective January '06."

The water district board's next official meeting is scheduled for Sept. 20. Comments from Wednesday's meeting will be shared with the board, Mr. Roebuck said.

e-mail: ccohee@newspress.com

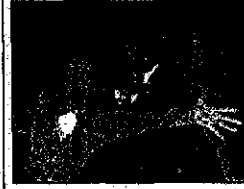
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A RANCHER'S LAST STAND

Montecito Water District plans to remove water rights for
a group of ranches in the mountains of the Three Sisters
area.

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ON THE RECORD

CAN AG SURVIVE IN MONTECITO?

For coming months the Montecito Water District will wrestle over the issue of fairness, in this case as it applies to how the district structures its rates. Agricultural customers in Montecito pay a discounted rate (\$1.59 per hundred cubic feet) compared to commercial properties that pay the most (\$4.25). Historically, this is the case for California ag operators, who have convinced water districts that the mark-down is imperative if ranchers and farmers are to stay alive. It's an assertion the Montecito Water District is studying as it moves to even out its rates (\$3.25 per hundred cubic feet for every account), and, consequently, double water rates for agricultural customers.

"This is the one thing that we've been struggling with," said Rick Drewry, Montecito Water District Board member, during a September 13 Montecito Association meeting. "Right now the Board is scratching its head."

Crafting an Argument

Until now, the district has struggled with how to persuade the ag community and their supporters that uniform rates work. The district has put forth a line of arguments rife with contradictory statements, incomplete strategies, and in some cases, sophistry. In its first town hall meeting last month, the district used "conservation" as one of the main objectives of an equal-charge format. The 35 people in the audience were quick to note that equal rates would result in lower costs for residential customers, who consume 94% of the district's water, and therefore encourage them to use water more frivolously.

"We are throwing conservation to the wind," said an impassioned Maria Herold, Montecito Association History Committee curator. "We are coddling the people who really use the water - residential people."

Two weeks later, when the district presented its intentions before the Montecito Association, the "conservation" objective was eliminated from the game plan. District representatives

instead argued that the possible outcome of a California Supreme Court ruling on a clause within Proposition 218, the California law that restricts local governments' power to impose fees, would likely mandate the district even out its rates. Depending on the court's decision, projected to be made January 2006, the district could be required by law to set equitable rates for each of its five customer classes - residential, agricultural, commercial, recreational and schools.

"Our opinion here while we're in limbo is to act as though as 218 is law," opined Chip Wullbrandt, the water district's attorney.

Wullbrandt added during the September 13 Montecito Association meeting that Kennedy/Jenks Consultants, the firm that performed a water study for the district and advised it to even out its rate configuration, "figured 218 was a factor."

Wullbrandt also admitted however that, "this isn't really a change driven by the decision on 218."

When contacted, Roger Null, vice president of Kennedy/Jenks Consultants and project manager of the Montecito Water District account, reported that he'd never heard of Proposition 218 and that it was therefore, "not a factor," in his study's findings.

One point of defense the district has mentioned only in passing is liability. In 1999, local landowner Pat Nesbitt asked the Montecito Water District for an agricultural rate for his 20-acre property on Lambert Road in Summerland. Nesbitt used 10 acres of the land to harvest sod and the rest to breed and sell horses. That year, he made \$30,000 selling sod and \$34,000 selling horses. The Montecito Water District denied his request and instead gave him a recreational rate of \$1.69, down from the domestic rate of \$2.91. In February 2002, Nesbitt sued the district in Superior Court for an agricultural rate (\$1.35) and won. He was repaid an undisclosed amount of money lost from the higher

fees. Nesbitt didn't return phone calls made by *Journal* staffers, and his attorney declined to comment.

Bob Roebuck, the district's general manager, also ducked questions concerning the lawsuit, but did admit it was a worry. Roebuck, who wasn't with the district during the lawsuit, does cite frustrations with customers who claim multiple uses of their properties requesting an agricultural rate, among them La Casa de Maria, which can viably qualify for all five classes.

"What we've found complex is putting customers in a certain class," says Roebuck.

A line of reasoning that has worked for the district, especially with commercial property owners, is the basic, one-price-fits-all argument. "When you look at it, it's not such an outrageous idea to average all the costs,"

says Roebuck, the district's general manager. Roger Null suggests Roebuck makes a sensible point, though skeptics like M.A. Board member Ralph Baxter, are "always suspicious of averages."

"If it costs you the same to buy it, to treat it, to distribute it, to pump it, why is it not fair to charge the same price to everybody who uses it," says Null, whose Irvine-based firm has recommended water districts from Nevada to Washington even out their cost formats.

Even so, water district officials worry about the potential impacts on the ag industry. It's a reason the water board has delayed making a decision on the matter until the district receives the findings of a survey sent out to its 4,400 customers.

In the meantime, the Montecito Association has assigned a task force, headed by Board member Dana Newquist, with Barry Siegel and Dan Eidelson providing input, to examine the proposed price adjustments and how they would impact Montecito.

The ongoing discussion inevitably raises two questions. Does a rate change put agricultural properties out of business? And, if so, does Montecito suffer because of it?

Montecito Ranch Life

Toro Canyon isn't within the Montecito Community Plan, but in many ways it's very much a part of Montecito, geographically, and its 36 agricultural tracts are all Montecito Water District accounts. There are only a few ways to access Toro Canyon and two of them are from Montecito, via

East Mountain Drive or East Valley Road, the latter of which runs three or four miles undisturbed before becoming Toro Canyon Road, a now-sloped byway that slithers through foothills and ranches. Bruce Savin owns a 10-acre parcel in Toro Canyon and leases another nine. He once owned 26 acres, but he sold most of it after a failed lemon grove operation because he claims the water costs were too high.

"It just wasn't worth doing," he says. "I couldn't compete with the Venezuelan market."

On the remaining 10 acres, he runs a nursery where he sells bougainvillea, daisies, lavenders, hibiscus, bamboo, and Mexican sage, anything from the tallest ornamental shrubs and palms to the tiniest potted begonias.

Savin began the business with Alfredo Suarez, whose son, Freddy, now runs his father's end of it. Seventeen people work fulltime at the nursery.

"We're offering plants and a lot of jobs," says Savin. "It's a good life for people. It's what Montecito is about."

Bruce's land is surrounded by agriculture: roses up the hill, avocados farther up and to the west, lemon groves all around, and hay hills off in the distance. A botanist named Arthur S. Yaggy once owned all of it, 140 acres, in the early 1900s. The land has its share of flora: oaks, elms, eucalypti, sycamores, and a wide range of fauna, from rabbits and hawks to bobcats, mountain lions, and coyotes.

Perched near the top of Savin's property, his nursery is a virtual bed of colors, a microcosm of the French Provence. It descends into a tree line before the eyes capture the ocean, where on most days a haze shrouds the Channel Islands, but specs of the oil derricks come into focus.

It's the sight of the ocean that turns Savin's normally buoyant, nostalgic manner into a sense of foreboding, as he considers that where he runs his business and, also lives, is a prime real estate spot. With the water district's current proposal, the costs, he says, would be too high for Savin's business to be sustainable. The pinch wouldn't be immediate, he adds, but suggests that within a few years he'd be forced out.

The Squeeze

Savin has been in agriculture his entire life, growing up in Walnut Creek, and he knows how the disappearance of agriculture affects a town's character. He recalls the 1970s when the fed-

eral government provided economic incentives for people to buy homes in Walnut Creek. Within 10 years, the population doubled.

"Where I came from, agriculture was always prized," he says. "But now, there's not much of Walnut Creek that's agricultural."

There are other ways to promote development, says Savin, and one way is to increase the price of water. "The history of development in California follows the water," he says, "but water districts refuse to admit that."

Depending on the time of the year and amount of rainfall, water represents 25% to 50% of his operating costs, a mark that is consistent with testimonials given by other ag operators in the district.

Bob Roebuck contests those claims, arguing that he's reviewed the operating costs of all ag properties in the district. Based on Schedule F form (documents submitted by agricultural customers that contain all of their financial information), Roebuck determined that yearly water costs are, on average, actually 6% of all operating expenses and would only represent 9% with the suggested water increase. Roebuck says some ag owners wouldn't be badly affected, singling out Palmer Jackson, though the impact on others remains to be seen.

"The board hasn't determined what is a gentleman farm and what decides livelihood," he says.

Sam Frye, general manager of Rancho San Carlos, an 80-acre ranch on East Valley Road, was outraged that the district would use Schedule F forms against him and his brethren.

"I find it distressing that private information was extorted from customers and used as an analytical tool" for a business strategy, says Frye, who is also president of the Santa Barbara County Farm Bureau.

Frye says the economic forecasts with increased rates are complicated, but that his business would be placed in a quandary because, like fuel and the airline industry, water and agriculture are wedded elements.

"Generally, the margins are pretty thin. Any increase in cost will hasten the demise of agricultural properties," says Frye, who grows lemons, limes, avocados, kiwis, and oranges and distributes them throughout the country and overseas. "Water is a necessary component to growing crops. That's the one thing we can't do without. I can try to do things without labor, but

I can't stop watering the trees."

Once the rates go up dramatically, then comes the slow, inevitable death of ag business, says Savin, and changes in the landscape have to occur. Standing on his land, Savin waves his hand at all surrounding parcels and counts the number acres that would become new houses.

"Zoning changes all the time," Savin explains. "If we don't have ag status because of not enough water, they'll [planning agencies] do something else with the land. Imagine one hundred people here commuting and what traffic would become."

Talks about impacts on the ecology may be premature and, if you ask Bob Roebuck, they're out of the water district's purview, but they can be prophetic. Just ask Rick Shade, who runs 22 farms from Lake Casitas to Highway 154, four of which are in the Montecito Water District. Shade, whom other ag owners consider an expert in agronomics, says changes in areas throughout California are indicative of the disappearance of the ag industry, from increases in population and proliferation of traffic to damage of the environment and the loss of state-grown crops. And, in a state like California where water conservation is an age-old issue, Shade notes that ag can become a useful ally.

"As a rule, farmers are not wasting a drop of water," he says. "We're doing everything we can do to make that water useful. The water is more valuable to us than anyone else."

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ON THE RECORD

AN UNPOPULAR PROPOSAL

California water officials are discovering that Montecito Water District's attempt to create a uniform rate structure – and thereby double agriculture rates – are the first of their kind. Other districts have successfully implemented the even-rate format, but none anywhere near the \$3.25 per hundred cubic feet of water that Montecito Water District has proposed, which is about three times the price of other water districts.

"That's a horrendous price to try and farm with," says Mike Wade, executive director of the California Farm Water Coalition, a Sacramento-based, non-profit education group. "It's something very extreme and not something that allows for a profitable business."

In fact, water district managers say Montecito's current agricultural rates (\$1.59 per hundred cubic feet) are already as high as ranchers and farmers can handle. Asked to comment on Montecito's rate proposal, one manager ripped into laughter. "Are they trying to put agriculture out of business?" asked Gary Arant, general manager of the Valley Center Municipal District, in San Diego, during a phone conversation last week.

Until about 15 years ago, Arant's water district used what's called a declining block rate: the more water you use, the less you pay. The system was enough to keep the district's 19,000 acres of agriculture (20 times more than Montecito's) sustainable; Arant says water comprises as much as 85% of a farmer's operating costs. Then Arant's office joined the Metropolitan Water District, one of California's foremost water purveyors, supplying water to 26 cities and districts and about 18 million people. In this system, everyone pays the same rate (\$1.12 per hundred cubic feet), and even after fees and taxes are factored in, agriculture pays only \$1.21. Anything more expensive, says Arant, "and you're not going to have much ag, unless they're growing something very valuable."

In Montecito, the consensus seems to be that if you raise prices, farmers and ranchers will leave town. Once they go, they never come back. "If agriculture isn't profitable, you can assume

the land will either be fallow or the property owner will do something else with his property," says Bill Gillette, County Agriculture Commissioner, hinting that if land can't grow crops, it'll grow houses.

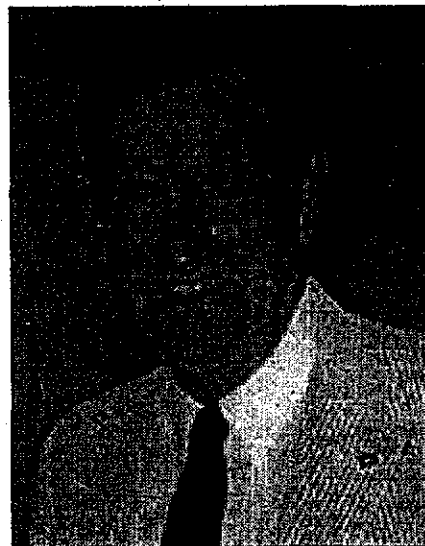
It's a proposition some people in Montecito don't much like. Dan Eidelson, a member of a Montecito Association task force that studied the district's proposal, says the 41 agriculture operators, however few, contribute largely to Montecito's way of life. "What you're dealing with is the fabric and characteristics of a community," says Eidelson. "This community is really remarkable, and agriculture plays a huge part in that."

In his findings, Eidelson, who studied agronomics in college, suggests new rates would disturb Montecito's equilibrium. "As soon as you change things – and this is a big change – you will find that agriculture won't be a viable possibility. As soon as that goes, that agriculture will be translated to houses in a short-term basis."

The Law Says So, or Does It?

Montecito Water District personnel have claimed that, depending on a California Supreme Court decision in January 2006, state law prohibits them from discriminating against any customer. In an August letter, the district's counsel, Price, Postel & Parma, which also represents the Carpinteria Water District, wrote that Proposition 218, the law that limits local governments' power to impose fees, requires as follows: "The amount of the fee imposed upon any parcel shall not exceed the proportional cost of the service attributable to the parcel." Based upon that wording, the law firm advised the district to alter its rates immediately. "We note that there is no apparent exception set out in Proposition 218 or in case law construing its intent that appear to authorize the district to adjust its water rates for the benefit of societal, land use, or other public policy considerations," Mark Manion of Price, Postel & Parma, wrote in the letter.

Discerning what Proposition 218



Despite claims that the Montecito Water District favors a uniform rate structure, board member Robert Puddicombe says the five-member board is split.

means is a confusing issue, but the law has little if anything to do with water rates, says Jennifer Persike, director of strategic coordination and public affairs at the Association of California Water Agencies, a Sacramento-based organization that represents 440 water districts in the state, including the Montecito Water District. Persike says her office, which lobbies at the capital for the political interests of its members, hasn't found Prop 218 to be a factor in how districts price their product. Other agencies receive the same signals. "Our legal counsel have found that Prop 218 has no bearing on water rates," says Greg Arant.

Financial Troubles?

Where water districts get their water depends heavily on how they price it. In 1997, the Montecito Water District joined the State Water Project, a 50-year-old program that supplies about 20 million people in California. The investment forced the district to take out multiple loans, one for nearly \$26 million from the Central Coast Water Authority, an agency that works with State Water in the interest of Santa Barbara water districts, and another for more than \$35 million from the Department of Water Resources. According to the district's 2005-06 debt service summary, it owed approximately \$82 million in debts and contractual obligations as of June of this year. "These are enormous numbers that are the burden on the rate payers," says Dan Eidelson. "That's what's guiding the price changes."

"It has to be included in the discussion because the people who live here within the district need to understand all of the costs involved"

- Dan Eidelson, on Montecito Water District's \$82-million debt

Bob Roebuck, the district's general manager, denies the office is in financial duress, as does Robert Puddicombe, a water district board member, who said of the debt: "We're on course to handle that."

But those who have observed the district's financial picture say its officials need to admit the financial implications. "They've got to come clean with it," says Dana Newquist, head of the Montecito Association task force that studied the district's proposal, who likened the monetary obligations to a "bum credit card."

Of the district's need to recognize the debt, Eidelson said, "It has to be included in the discussion because the people who live here within the district need to understand all of the costs involved."

Either way, Newquist says a uniform rate methodology, which reportedly does not affect revenue, does nothing to address the money owed. And, he adds, people in Montecito don't even want it. "No matter if you're a commercial or public entity, you want to be popular. This is not a popular proposal," he says. "This is an income-neutral proposal. If that is so, the district will have to increase rates in the long-run. And that will also be unpopular."

A Split Board

Not all water board members, though, are in favor of the proposed changes. "If you took a vote today, I'd say it'd be split," says Robert Puddicombe, whose board, on October 18, will set a date to hear the issue. Puddicombe says he wants the board to be more prudent in such a significant transition. "I'm very open-minded about it," he says. "I don't want to rush into anything until we know what we're doing. I've always said, let's really take our time and not get everyone angry."

Puddicombe, who has lived in Montecito for more than 30 years, 20 of them serving on the board, recognizes the implications. "If we want to set the same rate for everybody, I think the farmers would have a problem," he says. "If the farmers in Montecito have a problem, everyone else would have a problem."

Last month, the board considered sending a survey to all the district's customers to size up consensus on a rate change, an option Puddicombe favored. The board, though, rescinded the idea. "After thoroughly discussing the survey the board decided it wasn't in the best of interest of customers," says Roebuck.

Water district personnel speculate that the board won't hear the matter until December, two months later than they'd foreseen when they declared the proposal in August. Some say it's a sign the agency's brass isn't as sure-footed as it seems. "I think they're sensitive to the community and that's why they've delayed the hearing," says Dan Eidelson. "Whatever steps they take from now are very crucial."

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PROOF OF SERVICE

I, Linda Hutton, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 3750 University Avenue, P.O. Box 1028, Riverside, California 92502. On November 28, 2005, I served the within document(s):

**NOVEMBER 28, 2005 CORRESPONDENCE TO VICTORIA
WHITNEY OF THE STATE WATER RESOURCES
CONTROL BOARD**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Riverside, California addressed as set forth below.
- by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by United Parcel Service following the firm's ordinary business practices.

See attached Service List

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid 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 date of deposit for mailing in affidavit.

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.

Executed on November 28, 2005, at Riverside, California.



Linda Hutton

**CACHUMA HEARING
PHASE 2
SERVICE LIST**

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