



O'Laughlin & Paris LLP



February 9, 2010

Mr. James Kassel
Mr. John O'Hagan
State Water Resources Control Board
1001 I Street
P.O. Box 1001
Sacramento, CA 95815

Re: Enforcement Action No. 79, Draft Cease and Desist Order Against Rudy Mussi, Toni Mussi, and Lory C. Mussi Investment LP

Dear Messrs. Kassel and O'Hagan:

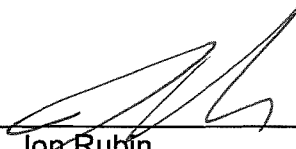
On or about January 26, 2010, the San Luis & Delta-Mendota Water Authority ("Authority"), State Water Contractors ("SWC"), and the Modesto Irrigation District ("MID") sent a letter to the State Water Resources Control Board requesting leave to intervene in the above proceeding. We inadvertently failed to provide you with a copy of this request. In order to remedy this failure, we are enclosing a copy of the request now.

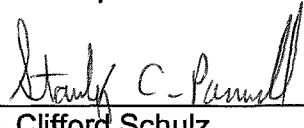
Very truly yours,


DIEPENBROCK HARRISON
A Professional Corporation

KRONICK, MOSKOVITZ,
TIEDEMANN & GIRARD
A Law Corporation

O'LAUGHLIN & PARIS LLP

By: 
Jon Rubin
Attorney for San Luis & Delta-
Mendota Water Authority

By: 
Clifford Schulz
Attorney for State Water
Contractors

By: 
Timothy O'Laughlin
Attorney for Modesto Irrigation
District

cc: John Herrick
Victoria Whitney



O'Laughlin & Paris LLP



January 26, 2010

Victoria Whitney
State Water Resources Control Board
1001 I Street
P.O. Box 1001
Sacramento, CA 95815

Re: Enforcement Action No. 79, Draft Cease and Desist Order Against Rudy Mussi, Toni Mussi, and Lory C. Mussi Investment LP

Dear State Water Resources Control Board:

On or about December 14, 2009, the State Water Resources Control Board issued a draft cease and desist order against Rudy Mussi, Toni Mussi, and Lory C. Mussi Investment LP (collectively Mussi), regarding their water use on Parcel 131-170-03 (Roberts Island). And, on or about December 30, Mussi requested the State Water Board conduct a hearing on the allegations presented in the draft order. As a result, the State Water Board has a pending proceeding entitled: "Mussi et al. – Cease and Desist Order Hearing."

We write on behalf of our clients, the San Luis & Delta-Mendota Water Authority ("Authority"), State Water Contractors ("SWC"), and the Modesto Irrigation District ("MID") to ask the State Water Board for leave to intervene as parties in the pending proceeding. Intervention is appropriate pursuant to Government Code section 11440.50. The pending proceeding presents questions of fact and may present questions of law to which the Authority, SWC, and MID have direct and significant interests.

As you are aware, persons and entities that divert water from the Delta without, or in excess of, any legal right cause injury to the members of the Authority, members of the SWC and MID by (1) reducing the supply of water available to lawful users, (2) increasing regulatory burdens imposed on lawful water users, and/or (3) possibly contributing to the decline of the Delta ecosystem. As a result, the Authority, SWC, and

Ms. Victoria Whitney
Deputy Director of the Division of Water Rights
State Water Resources Control Board
January 26, 2010
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MID have a direct interest in ensuring persons and entities within the Delta divert water in a manner consistent with California water law.

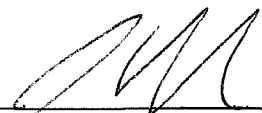
At this early stage, the Authority, SWC, and MID have not determined the level of participation they plan to have in the pending proceeding. Once the notice of hearing is issued, the Authority, SWC, and MID should have a better understanding of the scope of the pending proceeding and will at that time determine the extent to which we will participate. At this time, we request that the Authority, SWC, and MID be placed on the service list for this matter.

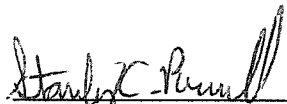
Very truly yours,

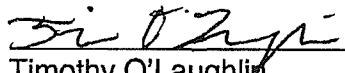
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