



August 17, 2011

Ms. Frances Spivy-Weber  
Vice-Chair and Hearing Officer, Long-Term Transfer Hearing  
State Water Resources Control Board  
1001 "I" Street  
Sacramento, CA 94102

Re: Long-Term Transfer Hearing, Permit 16482 / Application 17512

Dear Vice-Chair Spivy-Weber:

The Center for Biological Diversity, along with protestants California Water Impact Network, California Sportfishing Protection Alliance, and AquAlliance appreciate the opportunity to participate in an evidentiary hearing in this matter, and remain strongly committed to the water rights process, including the use of such hearings.

However, due to exceptional circumstances, both the Center and Protestants have determined that we do not have the resources sufficient to appear at the evidentiary hearing proposed by the Board in this matter, including cross-examination and/or rebuttal of the applicant's witnesses.

To repeat, very basic information, fundamental for the Board's decision-making process, remains absent from the record in this matter, including:

1. Amount of selenium in the soil and groundwater at proposed places of use;
2. Depth to the groundwater table at the proposed places of use;
3. Means by which toxic groundwater will be contained, stored or diverted; and
4. Impacts to public trust resources from increased selenium discharges.

C-WIN, CSPA and AA have provided extensive information to the Board regarding these key issues, and maps prepared by the Center (and submitted as Exhibits CBD- 1, 2 and 3) suggest environmental harm will result from the transfers.

I am not representing Protestants beyond the scope of the evidentiary hearing; please correspond with the original contacts identified in the Protests for any issue regarding the Protests themselves.

Sincerely,

Adam Lazar