



State Water Resources Control Board

AUG 04 2011

Adam Lazar
Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104
alazar@biologicaldiversity.org

Dear Mr. Lazar:

LONG-TERM TRANSFER HEARING – DEPARTMENT OF WATER RESOURCES PERMIT 16482
(APPLICATION 17512)

On August 2, 2011, the hearing officer for the Long-Term Transfer Hearing (hearing), scheduled to commence on August 22, 2011, received a letter dated July 29, 2011, from the Department of Water Resources (DWR), Tulare Lake Basin Water Storage District, Empire West Side Irrigation District, and Westlands Water District (Westlands et al.). The letter referred to your July 26, 2011 letter to the State Water Resources Control Board (State Water Board) in which the Center for Biological Diversity, California Water Impact Network, California Sportfishing Protection Alliance, and AquAlliance (CBD et al.) indicated their intent to not present a case-in-chief at the upcoming hearing for this matter due to insufficient resources.

The Westlands et al. letter contends that by deciding not to present a case-in-chief, CBD et al. have abandoned their protest and requests that the State Water Board cancel the hearing, dismiss CBD et al.'s protest, and process DWR's petition based upon the information in the State Water Board's records. It is our understanding, per your July 26, 2011 letter, that CBD et al. also reserved the right to appear and perform cross-examination and/or rebuttal testimony at the hearing. Please respond to this letter within 10 days to confirm that CBD et al. intend to participate in the hearing, and do not intend to abandon or withdraw the protest. Per California Code of Regulations section 750, failure to respond to this letter may be interpreted as an abandonment of interest therein.

If you have any questions regarding this letter, please contact me at (916) 319-9141 or at pfernandez@waterboards.ca.gov, or for legal questions please contact David Rose at (916) 341-5196 or at drose@waterboards.ca.gov. Please copy your response to the Service List.

Sincerely,

ORIGINAL SIGNED BY:

Patricia Fernandez
Special Projects Unit

Enclosure

cc: Frances Spivy-Weber, Vice-Chair and Hearing Officer
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

Enclosed Service List

**WATER RIGHT HEARING REGARDING
A PETITION FOR LONG-TERM TRANSFER UNDER
PERMIT 16482 (APPLICATION 17512) OF THE
DEPARTMENT OF WATER RESOURCES,
SCHEDULED TO COMMENCE ON AUGUST 22, 2011**

SERVICE LIST

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

Erick D. Soderlund Department of Water Resources 1416 Ninth Street, Room 1104 Sacramento, CA 95814 esoderlu@water.ca.gov	John Howe Empire West Side Irrigation District P.O. Box 66 Stratford, CA 93266 jnhowe@att.net
Mark Gilkey Tulare Lake Basin Water Storage District 1001 Chase Ave. Corcoran, CA 93212 mgilkey@tlbwsd.com	Adam Lazar Center for Biological Diversity 351 California St. #600 San Francisco, CA 94104 alazar@biologicaldiversity.org
Jon D. Rubin Brownstein Hyatt Farber Schreck, LLP 1415 L Street, Suite 800 Sacramento, CA 95814 jrubin@bhfs.com	John Herrick, Esq. South Delta Water Agency 4255 Pacific Avenue Stockton, CA 95207 Jherrlaw@aol.com