



State Water Resources Control Board



Division of Water Rights

1001 I Street • Sacramento, California 95814 • (916) 341-5300
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • <http://www.waterboards.ca.gov/waterrights>

Linda S. Adams
Acting Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

July 27, 2011

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

Dear Mr. Lazar:

LETTER REGARDING NOTICE OF INTENT NOT TO PRESENT CASE-IN-CHIEF AT THE DEPARTMENT OF WATER RESOURCES (DWR) LONG-TERM TRANSFER HEARING - PERMIT 16482 (APPLICATION 17512)

On July 26, 2011, the hearing officer for the DWR Long-Term Transfer Hearing, scheduled to commence on August 22, 2011, received your letter indicating that the Center for Biological Diversity, California Water Impact Network, California Sportfishing Protection Alliance, and AquAlliance (CBD et al.) no longer intend to present a case-in-chief at the hearing due to insufficient resources. In the letter, you also reserved the right to appear and perform cross-examinations and/or rebuttal testimony.

The hearing team has consulted with the hearing officer who concurs with CBD et al.'s retention of the right to cross-examine witnesses and present rebuttal testimony. Consistent with your intention to no longer present a case-in-chief at the hearing, we will remove your proposed evidence from our website unless CBD et al. evidences an intent to have a witness explain and authenticate the documents such that the State Water Resources Control Board can take them into evidence, or unless you obtain a stipulation of the parties to the inclusion of the exhibits.

If you have any questions regarding this letter, please contact me at (916) 341-5351 or at jmccue@waterboards.ca.gov, or for legal questions, please contact David Rose at (916) 341-5196 or at drose@waterboards.ca.gov. The Service List must be copied on any substantive or controversial procedural matters within the scope of this proceeding. Thank you for providing your letter to the Service List.

Sincerely,

Jean McCue
Hearings Unit

Enclosure

cc: Frances Spivy-Weber, Vice-Chair and Hearing Officer
State Water Resources Control Board
1101 I Street
Sacramento, CA 95814

Enclosed Service List

California Environmental Protection Agency

**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
(June 24, 2011)**

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
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