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16 **STATE OF CALIFORNIA**

17 **STATE WATER RESOURCES CONTROL BOARD**

18 JOINT PETITION OF IMPERIAL IRRIGATION)
19 DISTRICT AND SAN DIEGO COUNTY WATER)
20 AUTHORITY FOR APPROVAL OF LONG-)
21 TERM TRANSFER OF CONSERVED WATER,)
22 ETC. UNDER PERMIT NO. 7643)
23 (APPLICATION NO. 7482))
24 _____)

25 **COUNTY OF IMPERIAL**

26 **REQUEST FOR SUSPENSION OF PROCEEDING**

27 Protestant County of Imperial respectfully requests that the State Water Resources Control
28 Board suspend this proceeding either before or after the hearing scheduled for 20 December 2002.
The County bases this request on section 760(a)(2)(c) of title 23, California Code of Regulations,
which provides that in response to petitions for reconsideration, the Board in addition to setting

1 aside or modifying its order filed 28 October can alternatively “[t]ake other appropriate action.”
2 The present circumstances call for the “appropriate action” of suspension.

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4 The 11 December 2002 letter of the Law Offices of J. William Yeates in behalf of four
5 environmental parties provides the background justifying Board action other than a denial of
6 reconsideration or denial of reconsideration after modification of the order. If this Board takes
7 action other than dismissal or denial of the petition to transfer, or suspension of the proceeding, the
8 Board’s final action will then lead to the filing of a CEQA notice of determination (NOD) five days
9 later. (See R.T. 6 (Oct. 28, 2002) (“If we do receive petitions [for reconsideration], staff will file
10 the NOD five days after this Board acts on those petitions”).) The Yeates letter correctly observes
11 that while the Board’s order by its terms may not take effect, for purposes of judicial review under
12 CEQA it *will* have effect. There is neither need nor justification for creating a ripe legal
13 controversy when no eventually no controversy may emerge.

14
15 The County favors suspension rather than dismissal so that the Board and the parties can
16 maximize their options as matters play out now that the Imperial Irrigation District has voted not to
17 certify the QSA EIR, thereby effectively withholding both the QSA and transfer from approval.
18 Dismissal might leave the present record of proceedings and work of the Board in an uncertain
19 status. Suspension will preserve the option of reliance on that record to produce a final board order
20 that reflects any transfer that may emerge. Suspension will also, however, prevent the filing of an
21 NOD, and preclude the need for this Board to act finally on the petition until the Board has before
22 it an actual approved transfer.

23
24 Dated: 13 December 2002

Respectfully submitted,

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28 Special Counsel to the County of Imperial