

LAW OFFICE OF ANTONIO ROSSMANN

Attorneys at Law

380 HAYES STREET, SUITE ONE
SAN FRANCISCO, CALIFORNIA 94102 USA
TEL (01)(415) 861-1401 FAX (01)(415) 861-1822
www.landwater.com

ANTONIO ROSSMANN
ADMITTED IN CALIFORNIA
NEW YORK AND
THE DISTRICT OF COLUMBIA
ar@landwater.com

ROGER B. MOORE
ADMITTED IN CALIFORNIA
rbm@landwater.com

20 June 2002

Arthur Baggett, Jr., Chair and Hearing Officer
State Water Resources Control Board
1001 I Street, 25th Floor
Sacramento, CA 95814

Re: IID-SDCWA Petition for Long Term Transfer;
Request for deferral of briefing

To the Hearing Officer:

The County of Imperial replies to the opposition letters of the Imperial Irrigation District (IID) dated 19 June and corrected 20 June.

Despite the appreciated correction of some errors in IID's initial opposition, two important matters remain unaddressed. First, IID has failed to correct its representation that the County of Imperial has received a copy of the complete final EIS/EIR. The County and its counsel have now received a response to the County comments, and certain "master responses," but has not seen the response to other commentators, notably this Board, the US Environmental Protection Agency, and Salton Sea Authority. Nor have we seen responses or correspondence between IID and the lead federal agency, the US Bureau of Reclamation. Apparently these are not to be made available until next week at the earliest, according to electronic mail sent by IID's EIR manager at 0907 this morning.

The second matter unaddressed by IID, and presumably incapable of response, are the great and unexpected demands being placed in other arenas, upon all the participants in this Board. Perhaps it is difficult for IID to empathize with the other participants here, since they have had two counsel devoted exclusively to this proceeding, a separate two counsel and registered lobbyist devoted to the proposed legislation (S.B. 482), and in-house staff and environmental consultants who are promoting EIS/EIR circulation at the end of next week. Imperial and environmental organizations supporting a continuation of the

briefing schedule, in contrast, have to rely on a single set of resources to address all of these important arenas. In the initial *Inyo* case, the Court of Appeal observed, in responding to Los Angeles' claim that Inyo had not proceeded as expeditiously as Los Angeles would have liked, "We also note a vast disparity in the ... staff, budget, and research and planning resources available to the two entities before us" (*County of Inyo v. City of Los Angeles (I)* (1973) 32 Calk.App.3d 795, 813.)

We ask this Board to recognize the similar disparity in resources available to the petitioning water districts on the one hand, and the remaining participants on the other, and enable all to participate fairly in all the arenas that are presently engaged in the time between now and 3 July. Extension of the briefing schedule to a time after the final hearings in mid-July will enable that participation and not delay the ultimate disposition of these proceedings.

Respectfully submitted,

Special Counsel to the County of Imperial

cc: Member Richard Katz
Member Gary Carlton
Mr. Tom Peltier
Mr. Andy Fecko
Ms. Dana Differding