



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

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Arnold Schwarzenegger
Governor

JUN 25 2008

Mr. Bradley J. Herrema
Brownstein Hyatt Farber Schreck, LLP
21 East Carrillo Street
Santa Barbara, CA 93101-2706

Dear Mr. Herrema:

PROCEDURAL ISSUE INVOLVING THE LAKE ALPINE WATER COMPANY AND COUNTY OF ALPINE PETITION FOR PARTIAL ASSIGNMENT OF STATE FILED APPLICATION (SFA) 5648, PETITION FOR CHANGE TO SFA 5648 AND APPLICATION 31523: REQUEST BY EL DORADO WATER AND POWER AUTHORITY FOR PRE-DETERMINATION

I have received your letter to me dated June 13, 2008, in which you ask me to announce in advance of the upcoming July 14, 2008 hearing that any State Water Resources Control Board (State Water Board) decision or order resulting from the Lake Alpine Water Company and County of Alpine Petition for Partial Assignment of SFA 5648 and Accompanying Application 5648X07, Petition for Changes to SFA 5648, and Application 31523, and the reasoning underlying such decision, will be limited to the facts surrounding those applications and petitions and will be designated non-precedential. I am denying your request for the reasons provided below.

Pursuant to Government Code section 11425.60, the State Water Board's decisions may be deemed to be precedential. The State Water Board has designated all decisions or orders it adopts at public meetings to be precedent decisions, except to the extent that a decision or order indicates otherwise, or is superseded by later enacted statutes, judicial opinions, or actions of the State Water Board. (State Water Board Order WR 96-1 (Lagunitas Creek), at footnote 11.)

The entire State Water Board makes the decision to declare an Order non-precedential. It would be inappropriate for me, as a hearing officer, to prejudge or to commit the State Water Board to such a decision. The State Water Board recognizes that the parties' positions may change, new arguments may be presented, and new facts may come to light during the course of the hearing. Because the outcome of the hearing cannot be known until the hearing is complete, it would be improper at this time to make a determination regarding the precedential value of such future decision.

Mr. Bradley J. Herrema

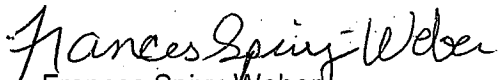
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At the same time, I wish to reinforce that the issues at hearing will be confined to those delineated in the May 21, 2008 Notice of Public Hearing and June 10, 2008 Revised Notice of Public Hearing.

This decision is consistent with Chapter 4.5 of the Administrative Procedure Act. (Gov't Code, §§ 11400 *et seq.*) Therefore, I deny your request to designate, before the hearing takes place, the decision in this matter as non-precedential.

Sincerely,


Frances Spivy-Weber
Board Member

cc: Service List

**HEARING REGARDING THE LAKE ALPINE WATER COMPANY/ALPINE
COUNTY PETITION FOR PARTIAL ASSIGNMENT OF STATE FILED
APPLICATION 5648, SCHEDULED TO COMMENCE ON JULY 14, 2008**

**REVISED SERVICE LIST
(June 17, 2008)**

**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.)**

Lake Alpine Water Company
and County of Alpine
c/o Jesse W. Barton
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El Dorado Water & Power Authority
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