

LAW OFFICES
OF
BARBARA KARSHMER
A PROFESSIONAL CORPORATION
2150 SHATTUCK AVENUE, SUITE 725
BERKELEY, CALIFORNIA 94704
PHONE: (510) 841-5056
FAX: (510) 841-6167
E-MAIL: LAWYERS@KARSHMERINDIANLAW.COM



September 5, 2003

Peter Silva
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

FAX: (916) 341-5400

Re: Morongo Band of Mission Indians' Request for extension of time in regard to proceedings related to Revocation of License 659

Dear Mr. Silva:

I am writing to you on behalf of the Morongo Band of Mission Indians (hereinafter "Morongo Band" or "Tribe") to request a continuance of the October 15th hearing (and the prior pre-hearing submission dates) which has just been noticed in the above-referenced matter. The Morongo Band requests an extension of 90 days for the hearing date to obtain attorneys expert in water law to represent them in this matter and to properly prepare for the hearing, as explained below.

I serve as General Counsel to the Morongo Band and, since learning of the the Board's proposed revocation action late last week, have been attempting to associate counsel expert in water law issues to represent the Tribe in the matter before your Board. What I have found is that there is a major water adjudication involving more than 1000 parties that is occupying the attorneys who I have contacted to discuss representation of the Tribe. That matter is scheduled for the entire month of October. For that reason, they could not begin to work on this matter until sometime in early November. They will then need time to prepare the witness testimony and to brief a number of complex and novel legal issues that are raised by this matter. Because my work schedule only allows me two days in the office between now and the week of October 13th, and because of the difficulty in with other counsel's scheduling, the earliest date that would be feasible for a hearing would be in mid-January with witness written testimony due in mid-December. Or, if the Board prefers to postpone the matter entirely into the new year, we would have no objection to doing so.

By way of background, the Morongo Band of Mission Indians acquired the water rights at issue (and the related land) in this matter in October 2002 and on November 1, 2002 notified the Board of the transfer by certified mail, return receipt requested. Prior to the water rights and land being purchased by Morongo, those water rights were owned by Great Springs Waters of America (hereinafter "Great Springs"). The Morongo Band acquired the land and water rights from Great

Peter Silva

Page 2

September 5, 2003

Springs as part of its efforts to consolidate the land and water resources within the exterior boundaries of its Reservation.

When the Board noticed the proposed revocation of the license on April 28, 2003, its notice was directed to Great Springs Waters of America as Licensee, not to the Morongo Band of Mission Indians. Last month I, and a representative of Stetson Engineers who has worked with the Morongo Band on water issues for many years, met with your staff regarding the License at issue as well as other water rights recently acquired by the Morongo Tribe. We explained that the Tribe was in the process of consolidating all of its water rights and planning for their most productive and appropriate use. As part of that process the Tribe intends to apply for a change of use for all of its recently acquired rights. They believe that it would be most practical to have all of these matters heard together. As concerned stewards of the land, water, and environment, the Tribe believes that these matters are of utmost importance to the future of their Reservation, as well as their future and that of their children, grandchildren, and descendants for generations to come. For this reason, they believe that the entire issue must be handled thoughtfully and with careful planning. While, according to your staff, we made a compelling case for the Morongo Band's position, we were advised that the matter is nonetheless proceeding based on Ahadpour's use of the water rights.

Thank you for your thoughtful consideration of this request for a 90 day extension of time which is of utmost importance to the Morongo Band. We shall appreciate your prompt response.

Very sincerely yours,



Barbara Karshmer

cc: Dana Differding, Staff Counsel
Jean McCue, Water Resources Engineer
Morongo Tribal Council
Allen Parker, Morongo CAO