



# State Water Resources Control Board

*Sub*



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

**Gray Davis**  
Governor

JUL 30 2002

In Reply Refer  
to:333:MSM:31174

CERTIFIED

City of Redlands  
c/o Warren G. Felger  
726 West Barstow Ave., Suite 106  
Fresno, CA 93704

Dear Mr. Felger:

**PROTEST OF APPLICATION 31165 OF SAN BERNARDINO MUNICIPAL WATER DISTRICT/WESTERN MUNICIPAL AND APPLICATION 31174 OF ORANGE COUNTY WATER DISTRICT TO APPROPRIATE WATER FROM SANTA ANA RIVER**

Your protests to Applications 31165 and 31174 have been reviewed by the Division of Water Rights (Division). However, your protests were submitted on the forms for protesting petitions, not applications. Enclosed are copies of the appropriate forms.

### Review of Protest

The content of your protest pertaining to vested rights appears sufficient based on Water Code requirements. Your protest based on environmental impacts is, in substance, a request for the preparation of a CEQA document and the designation of the SWRCB as lead agency. As currently submitted, this protest does not adequately address the basis for your objections nor satisfy the specificity requirements of Title 23, California Code of Regulations Section 745 and Water Code section 1331:

**Section 745(c).** The allegation that the proposed appropriation would not be within the board's jurisdiction, would not best conserve the public interest or public trusts uses, would have an adverse environmental impact, or would be contrary to law shall be accompanied by a statement of facts supporting the allegation.

**Water Code Section 1331.** The protest shall meet all of the following requirements:

- (c) Clearly and specifically set forth the protestant's objections to the approval of the application, and state the bases for these objections.

As stated on the Division's standard protest form, Item 2(b), "environmental protests should identify specific impacts and provide supporting recitals on issues such as: plants, animals or fish affected, erosion, pollution, aesthetics etc." The form further states that "protests of a general nature (not project specific) . . . will not be accepted."

### Request for Information

Within 15 days of this letter and in consideration of the above requirements, please re-submit your protests on the appropriate forms and, in particular, conform your environmental protest to the above

*"The energy challenges facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

Warren G. Felger

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requirements. A decision on acceptance of your protests will be deferred pending Division review of your timely submittals.

If you have any questions or need additional information, please contact me at (916) 341-5383.

Sincerely,

**ORIGINAL SIGNED BY**

Mitchell Moody  
Water Resource Control Engineer  
Special Watersheds Application Team

**Enclosures**

cc: Robert E. Donlan, Esq.  
Ellison, Schneider & Harris, L.L.P.  
2015 H Street  
Sacramento, CA 95814

Bear Valley Mutual Water Company  
c/o Dan G. McKimney  
3880 Lemon Street, Fifth Floor  
P.O. Box 1300  
Riverside, CA 92502-1300

David B. Cosgrove, General Counsel  
San Bernardino Valley  
Water Conservation District  
1630 Redlands Blvd., #A  
Redlands, CA 92375

California Sportfishing Protection Alliance  
c/o Jerry Mensch  
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Virginia Grebbien, P.E.  
General Manager  
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City of Riverside  
c/o Eric L. Garner  
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Joel S. Moskowitz  
City of San Bernardino,  
Municipal Water Department  
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Los Angeles, CA 90067-1603

Robert E. Martin, General Manager  
East Valley Water District  
1155 Del Rosa Avenue  
San Bernardino, CA 92413