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February 1, 2010

Via UPS Next Day Delivery
and email to JKASSEL@waterboards.ca.gov

James W. Kassel
Assistant Deputy Director for Water Rights
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, California 95814

Re: Notice of Cease and Desist Order
George Speckman Testamentary Trust
APN 131-190-03

Dear Mr. Kassel:

My firm represents the George Speckman Testamentary Trust with respect to this matter and submits this letter on its behalf. Your January 13, 2010, letter requires certain actions or a request for a hearing within twenty (20) days of receipt of the letter. Without prejudice to the concerns hereinafter stated and without waiver of any other rights, challenges or defenses, we hereby request such a hearing. We further request that any date for a hearing be coordinated and set for the convenience of both sides.

We apologize for not submitting information to you sooner in response to the SWRCB's request for additional information on parcel 131-190-03. However, we were ultimately able to submit such information via email and first class mail on January 14, 2010. That information should be more than sufficient to evidence the preservation of riparian rights for that parcel and, hence, merit the termination of the instant Cease and Desist Order (CDO) process.

Nevertheless, we hereby offer the following additional comments.

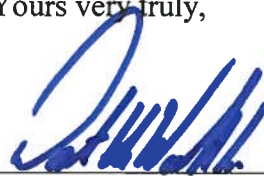
The imposition of the burden and expense on Delta diverters (who have been irrigating for decades) of in effect proving up riparian and pre-1914 rights outside of a stream wide adjudication is in our view politically motivated, outside the jurisdiction of the SWRCB and constitutionally impermissible. Without waiver of any objection, we have recommended the

submittal of supporting data in response to the SWRCB's requests in the hope of dissuading further abuse of law and process.

Second, we object to this process as being beyond the authority of the SWRCB, and hereby demand you withdraw the threatened CDO on that basis and not proceed under the terms and conditions of your letter and draft CDO. Since this matter does not allege violation of permit or license terms and there is no allegation with regard to "waste" or "unreasonable use," the Board lacks authority and jurisdiction with regard to the threatened CDO. Outside of a statutory stream system adjudication, the Board has no authority to make determinations regarding riparian or pre-1914 rights to property. Jurisdiction for such determinations rests solely in the courts, and not the Board. If you believe the Board does possess such authority, we suggest we submit the matter to the courts for resolution. Until such time, no further efforts at enforcement against these parties alleging riparian or pre-1914 right holders should proceed.

Third, we maintain the current efforts by the SWRCB present an unfair burden on the water right holders in the Delta. The Delta diverters are being forced to spend time, money and effort to "prove" their property rights and are suffering a devaluation of their property as a result of such efforts. We believe these efforts are solely focused on the Delta as a part of an inappropriate and coordinated effort to enhance exports at the expense of prior and senior water rights in the Delta. As such, the SWRCB's efforts are in direct violation of both State and Federal constitutional prohibitions against takings without just compensation.

Yours very truly,



Dante John Nomellini, Jr.

DJN/djr

cc: George Speckman Testamentary Trust
P.O. Box 185
Holt, CA 95234

George Speckman Farms
941 Windsail Lane
Stockton, CA 95206