



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Executive Office

Arnold Schwarzenegger
Governor

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

March 27, 2007

Mr. Dan Kelly
Somach, Simmons & Dunn
813 Sixth Street, Third Floor
Sacramento, CA 95814-2403

Matt Bullock, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814

Dear Messrs. Kelly and Bullock:

MOTION TO DISMISS OR POSTPONE HEARING FILED BY VINEYARD CLUB

I have received the Vineyard Club's March 16, 2007 Motion to Dismiss Administrative Civil Liability Complaint No. 262.5-44 or, in the Alternative, to Postpone the Hearing (Motion) and the March 23, 2007 response to the Motion filed by the Prosecution Team. After carefully reviewing and considering arguments raised in the Motion and response, I will hold the hearing as scheduled.

An evidentiary hearing is appropriate to consider facts that are being contested. In this case, there are questions of fact that need to be decided after an evidentiary hearing, including whether, and if so when, water was diverted and when a measuring device was in place. It is also appropriate to consider the facts that support the amount of liability requested by the Prosecution Team. It is appropriate to hold a hearing for the purpose of obtaining these facts.

The Motion is therefore denied without prejudice to the Vineyard Club renewing its arguments during the hearing. The Motion and the response to the Motion will be part of the administrative hearing record in this matter.

Sincerely,


Gary Wolff, P.E., Ph.D.
Hearing Officer

cc: See next page

California Environmental Protection Agency

Mr. Dan Kelly and
Matt Bullock, Esq.

- 2 -

March 27, 2007

cc: Ms. Jean McCue
Water Resource Control Engineer
Division of Water Rights
State Water Resources Control Board
1001 I Street, 14th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Barbara Katz, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100