
State Water Resources Control Board

TO: Hearing Team

FROM: Andrew Tauriainen *AT*
Attorney for Prosecution Team
OFFICE OF ENFORCEMENT

DATE: October 2, 2015

**SUBJECT: NOTICE OF RELATED MATTER; DRAFT CEASE AND DESIST ORDER
AGAINST WEST SIDE IRRIGATION DISTRICT**

The Hearing Notice and the Draft Cease and Desist Order (CDO) against West Side Irrigation District (WSID) place at issue the "Notices of Unavailability of Water and Immediate Curtailment of Water for Those Diverting Water in the Sacramento River Watershed and in the Sacramento-San Joaquin River Delta," the basis for the Notices of Unavailability, and the application of any such notices to WSID's License 1381. (Hearing Notice, Key Issue 2.h; Draft CDO at ¶¶ 17-35.)

The Notices of Unavailability, the basis for them, and their specific application are also at issue in the Administrative Civil Liability Complaint (ACLC) against Byron-Bethany Irrigation District (BBID). WSID is a party to the BBID ACLC matter, and has indicated intent to challenge the Notices of Unavailability in that proceeding.¹ BBID and WSID are also among the petitioners challenging the Notices of Unavailability in the California Water Curtailment Cases, Santa Clara Superior Court Case No. 1-15-CV-285182.

WSID and other parties in the BBID ACLC matter have requested additional time to conduct discovery on the Notices of Unavailability issues. The BBID ACLC Hearing Officer has postponed the October 28-30 hearing schedule and is considering a new hearing schedule to begin in December 2015 or later.

Given the common issues, some or all of the parties in the BBID ACLC matter may seek to join the WSID CDO matter, and WSID or other parties may seek discovery on the common issues. The Prosecution Team requests that the Hearing Officer direct the WSID CDO parties to conduct any discovery on the common issues during the time available for discovery in the BBID ACLC matter, and that they coordinate discovery requests to avoid duplication. Because the discovery phase of the BBID ACLC proceeding will likely commence prior to the October 19 Pre-Hearing Conference in this matter, the Prosecution Team requests that the Hearing Officer so direct the WSID CDO parties prior to the October 19 Pre-Hearing Conference. Other issues, such as the hearing date, party groupings, and the length of hearing time, may be reserved for the Pre-Hearing Conference.

¹ WSID's submittals in the BBID ACLC matter are available at http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/byron_bethany/index.shtml