

May 12, 2010

VIA E-MAIL AND OVERNIGHT MAIL

Division of Water Rights
State Water Resources Control Board
Attention: Jane Farwell
1001 I Street, 2nd Floor
Sacramento, CA 95814

wrhearing@waterboards.ca.gov

Re: Woods Irrigation Company CDO Hearing June 7, 2010
Request to Intervene, Request for Continuance

To Whom It May Concern:

This office represents Dino Del Carlo and RDC Farms, Inc. Each owns real property that is served with water from Woods Irrigation Company's facilities. It has just come to our attention, based on the arguments presented at the May 5, 2010 CDO hearing, that the State Board and/or the other parties may attempt to define the scope of riparian and/or pre-1914 water rights for lands located currently served with water from Woods Irrigation Company at the hearing currently set for June 7, 2010. There are serious conflict of interest and due process concerns with this possibility that require that we request to formally intervene as a party in any such proceeding.

Also, due to the practical impossibility of preparing to present evidence of water rights for our clients' properties on such short notice, and the fact that I will be out on maternity leave during the scheduled hearing time, we respectfully request that the hearing be continued until at least August 2010. These proceedings involve complex factual issues, years of historical title information, and expert testimony. I am the only attorney who has assisted my clients with this work for their properties and it would be highly prejudicial if they were required to obtain alternate counsel to attempt to participate on June 7, 2010.

Please note that my clients also farm other properties, owned by other landowners, that are served with water from Woods Irrigation Company. However, none of these property owners, or any of the other property owners served by Woods Irrigation Company for that matter, have received notice of the potential scope of the Woods

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Irrigation District at the June 7, 2010 CDO hearing for Woods Irrigation District, prior to the actual CDO hearing for Eddie Vierra Farms, LLC.

We understand that the State Board has not provided notice to any of the landowners served by Woods Irrigation Company of the potential scope of the Woods Irrigation Company CDO hearing. These landowners have not been named as parties to that hearing, nor do they have their own counsel to represent their interests at that hearing.

While I am sure that many, if not all, of these landowners will continue to object to the jurisdiction of the State Board to determine their riparian and/or pre-1914 water rights, it is nonetheless imperative that the State Board consider the due process requirements of any effort to do so. If the State Board intends this hearing to have any bearing on water rights determinations for lands located within the service area of Woods Irrigation Company, each and every one of these landowners must receive notice of the hearing and be given adequate time to obtain their own legal counsel and prepare their own presentations of evidence to support their respective water rights. Otherwise, any decision by the State Board will surely be void. Further, even if the State Board were to try to limit its determination to just the water rights of the Woods Irrigation Company, as an entity, separate and apart from the rights of the individual landowners, these rulings will undoubtedly prejudice the landowners in any future proceedings.

We respectfully request a prompt response to this request so that we can advise our clients accordingly.

Very truly yours,


JENNIFER L. SPALETTA
Attorney-at-Law

JLS:jmh

cc: Attached service list (via e-mail and Overnight Mail).