



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Executive Office

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Arnold Schwarzenegger  
Governor

JUN 01 2010

Mr. Howard J. Schmidt  
Attorney-at-Law  
P.O. Box 168  
Sacramento, CA 95812

Dear Mr. Schmidt:

HEARING REGARDING ADOPTION OF DRAFT CEASE AND DESIST ORDER AGAINST:  
WOODS IRRIGATION COMPANY (MIDDLE RIVER) - SAN JOAQUIN  
COUNTY - SCHEDULED TO COMMENCE ON JUNE 7, 2010

The State Water Resources Control Board (State Water Board) hearing team received your letter of May 22, 2010. The letter notes that your father, Warren P. Schmidt, who owns farm land on Roberts Island that is served with water from the Woods Irrigation Company (Woods), did not receive notice of an upcoming hearing regarding the potential issuance of a Cease and Desist Order (CDO) against Woods. The letter expresses concern that the Woods hearing may define the scope of riparian and/or pre-1914 rights for lands within Woods' service area and prejudice your father and others similarly situated. It requests that the hearing be continued, and that landowners within the Woods' service area be individually noticed. The State Water Board declines to continue the CDO hearing at this point.

The Woods CDO hearing will not bind non-parties to the hearing. Whether landowners who receive water through Woods would be otherwise impacted by the proceeding will depend upon the terms of an order either issuing or not issuing a CDO against Woods. The Hearing Officers may, if appropriate or necessary, hold open the hearing to allow for submission of additional evidence or to allow for participation of additional parties.

If the hearing is held open and re-noticed for the participation of additional potential parties, then the hearing team will not schedule such additional hearing before August 2010.

Sincerely,

  
Walt Pettit  
Board Member  
Hearing Officer

cc: See Next Page

California Environmental Protection Agency

**JUN 0 1 2010**

cc: **[via e-mail only]**

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Mr. Howard J. Schmidt

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bc: **[via email only]**

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