

From: Jim Kassel
To: Petruzzelli, Kenneth
CC: O'Hagan, John; O'Laughlin, Tim; Rose, David; Stretars, Mark
Date: 1/5/2010 12:55 PM
Subject: RE: Woods Irrigation Company

Ken,

Thanks. I've instructed staff to copy the file and arrange for payment.

Jim

>>> "Kenneth Petruzzelli" <KPetruzzelli@olaughlinparis.com> 1/5/2010 12:54 PM >>>
 Mr. Kassel -

The case (attached) is Woods Irrigation Company v. The Department of Employment of the State of California ((1958) 50 Cal.2d 174). Please copy the file for us and let me know how to arrange for payment and shipping.

Ken Petruzzelli

O'Laughlin & Paris LLP
 117 Meyers St., Suite 110
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-----Original Message-----
From: Jim Kassel [<mailto:JKassel@waterboards.ca.gov>]
Sent: Tuesday, January 05, 2010 11:03 AM
To: Kenneth Petruzzelli
Cc: Tim O'Laughlin; David Rose; John O'Hagan; Mark Stretars
Subject: Re: Woods Irrigation Company

Dear Mr. Petruzzelli:

Thank you for your email regarding the draft CDO recently issued against Woods Irrigation Company (Woods). You request to receive copies of the evidence submitted by Woods in support of its claimed water right. The Division of Water Rights' records are available to the public and you may request a copy of the entire file, or make an appointment to review the information to select what items you may want copied. If the number of copies is small, our staff can make copies at a nominal cost. Otherwise, we must send out the material for copying and you will be billed directly for that service. Please let me know how you wish to proceed.

You also mentioned a Supreme Court case that states Woods has no water rights. You did not, however, cite that case number or provide a copy. If you wish the Division to consider that information, you can submit that evidence to the Division's prosecution team at any time, or present such evidence, if and when a hearing before the State Water Board is scheduled for this case.

In regards to the complaints filed by your office, the Division just

received three of the complaints on December 31, 2009. As you know, the Division must first contact the respondent named in these new complaints before initiating any investigation. Because these new complaints are similar to all but one of the 3 complaints previously filed by your office, in that they are all against existing licensed water right holders and allege diversions in excess of an existing right, we intend to provide our findings for all six of the complaints at this same time.

Today, Mr. O'Laughlin asked to meet with us on Thursday, January 7, regarding how we intend to proceed with the complaints. We are available to meet with representatives of your office Thursday afternoon. I understand that Mr. O'Laughlin will be attending our staff workshop that day regarding Delta flow criteria. I will schedule a meeting at 2:00 in anticipation that he will be available at that time. Please let me know if this time will work for you or Mr. O'Laughlin. If you have any specific questions regarding the status of any one of the complaints, please contact Mr. John O'Hagan by email.

Sincerely,

James W. Kassel, P.E.
Assistant Deputy Director for Water Rights
State Water Resources Control Board

>>> "Kenneth Petruzzelli" <KPetruzzelli@olaughlinparis.com> 1/4/2010
5:37 PM >>>
Jim -

I saw the Draft CDO, issued December 23, to Woods Irrigation Company. I am surprised that they submitted evidence of a 1911 appropriation when there is a Supreme Court case stating it has no water rights. Can I get a copy of the evidence and other correspondence supporting this?

We also participated in filing several complaints for illegal diversion and use on the behalf of the Modesto Irrigation District with the State Water Contractors and the San Luis & Delta-Mendota Water Authority. The diverters are Cerri and Son, Frederick J. Damele and Bernard F. Damele, Mario Jaques, Heather Robinson Tanaka, and Jerry and Michael J. Robinson, Herbert A. Speckman and Joyce M. Speckman. Has the Division issued anything on these? If so, when should there be a response? If the Division has not issued anything, does it plan on issuing anything on these? If it has not issued anything and does not plan on doing so, why?

Any information should be useful. Thanks Jim.

Ken Petruzzelli

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