

**From:** Mr. David Rice  
**To:** Kurt Berchtold  
**CC:** jmeeder@allenmatkins.com,rwyatt@allenmatkins.com,Danielle.sakai@bbklaw.c...  
**Date:** 2/27/2009 12:21 PM  
**Subject:** Re: Santa Ana Regional Board - Rialto/Colton Groundwater Basin

Mr. Berchtold,

The Regional Board Advisory Team confirms its understanding of the changes set forth in the email below.

Thank you.

David Rice

David R. Rice, Staff Counsel  
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>>> Kurt Berchtold 02/27/09 11:22 AM >>>

Dear Mr. Rice,

On February 13, 2009, the Regional Board Settlement Team e-mailed a proposed hearing notice and other draft documents involving a request for the calendaring of a Santa Ana Regional Board hearing on a proposed administrative settlement involving the Regional Board and the County of San Bernardino to you and a number of other interested persons. While the Regional Board Settlement Team believes that its notice of the proposed settlement and the proposed hearing procedure was fair to all interested persons and settling parties, the Settlement Team has participated in open discussions with the settling parties and many interested persons, some of whom supported the proposal and some of whom did not. In light of those discussions, on February 20, 2009, the February 20 deadline for all interested persons' comments on the proposed hearing notice/procedures and the February 24 deadline for the County of San Bernardino to submit its comments and evidence were extended to March 2 and March 4, respectively.

During more recent discussions, some of the interested persons suggested that those two deadlines be further extended to March 11 and March 13, respectively, to allow time to develop a schedule for the new phase of global settlement discussions that was recently initiated, and to facilitate additional discussions aimed at narrowing the differences between the interested persons and the settling parties regarding the proposed administrative settlement. There was no opposition to this suggestion. As before, there are still objections to the February 13, 2009 e-mail from the Regional Board Settlement Team and its proposed schedule for submission of comments and evidence. Nevertheless, there was unopposed consensus to these new dates with the understandings that good faith discussions would continue in the interim, all interested persons were reserving their rights to file any necessary objections at the appropriate time and, if necessary, request more time to prepare those objections, and that the Regional Board Settlement Team is not requesting that its proposed hearing date of April 24, 2009, be adjusted at this time.

Please confirm by response to this email that the Regional Board Advisory Team understands that the Regional Board Settlement Team has further adjusted its proposed February 20 and February 24 deadlines as set forth above. We will keep you informed if we are able to come to any agreements.

Kurt V. Berchtold  
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