May 26, 2016

VIA ELECTRONIC MAIL

TO: ATTACHED SERVICE LIST

DRAFT ORDER DISMISSING THE ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AGAINST BYRON-BETHANY IRRIGATION DISTRICT AND DISMISSING THE DRAFT CEASE AND DESIST ORDER AGAINST THE WEST SIDE IRRIGATION DISTRICT

Enclosed is a draft order in which the State Water Resources Control Board (State Water Board) dismisses the administrative civil liability complaint (ACL Complaint), ENF01951, against Byron-Bethany Irrigation District (BBID) and dismisses the draft cease and desist order (Draft CDO), ENF01949, against The West Side Irrigation District (WSID).

A copy of this letter, the draft order, and written comments received regarding the draft order will be posted on the websites dedicated to the above-referenced enforcement hearings:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/byron_bethany/index.shtml
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/westside_irrigation_district/cease_and_desist_hearing.shtml

The State Water Board will consider adopting the draft order at its Board meeting tentatively scheduled for **Tuesday, June 7, 2016,** at the Cal/EPA Headquarters Building at 1001 I Street in Sacramento. The State Water Board will issue a public notice of this meeting at least ten days in advance.

All interested persons and parties to the proceeding will have the opportunity to comment on the draft order at the State Water Board meeting. Comments should be limited to the general acceptability of the draft order or possible technical corrections. Parties may not introduce evidence at the State Water Board meeting.

Interested persons and parties are encouraged to submit their comments in writing. In order to be fully considered, written comments concerning the draft order must be received by the State Water Board by **Noon, Friday June 3, 2016.**

Written comments are to be addressed and submitted to:

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

You may also submit your comments to Ms. Townsend by fax at (916) 341-5620, by email at commentletters@waterboards.ca.gov, or by hand delivery to the following location:

Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA

Couriers delivering comments must check in with lobby security and have them contact the Executive Office on the 24th floor at (916) 341-5600.

Please include the subject line, "**COMMENT LETTER – 06/07/16 BOARD MEETING: BBID ACL and WSID CDO HEARINGS**." Any faxed or emailed items must be followed by a mailed or delivered hard copy with an original signature.

During the pendency of this proceeding, there shall be no ex parte communications regarding substantive or controversial procedural matters within the scope of the proceeding between State Water Board members or hearing team members and any of the other participants, including members of the prosecution team. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters should be directed to Staff Counsel Nicole Kuenzi at (916) 322-4142 or by email to Nicole.Kuenzi@waterboards.ca.gov; or Ernie Mona at (916) 341-5359 or by email to Ernie.Mona@waterboards.ca.gov (Gov. Code, § 11430.20, subd. (b)**.)**

Sincerely,

for
Michael Buckman, Chief
Hearings Unit
Division of Water Rights

ENCLOSURES: Service List
Draft Order

SERVICE LIST OF PARTICIPANTS
THE WEST SIDE IRRIGATION DISTRICT
CEASE AND DESIST ORDER HEARING
(October 8, 2015, Revised 12/18/15, 05/25/16)

Parties THE FOLLOWING **MUST BE SERVED** WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)	
DIVISION OF WATER RIGHTS Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 Andrew.Tauriainen@waterboards.ca.gov	**THE WEST SIDE IRRIGATION DISTRICT** Jeanne M. Zolezzi Karna Harrigfeld Janelle Krattiger Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 jzolezzi@herumcrabtree.com kharrigfeld@herumcrabtree.com jkrattiger@herumcrabtree.com
STATE WATER CONTRACTORS Stephanie Morris 1121 L Street, Suite 1050 Sacramento, CA 95814 smorris@swc.org	**WESTLANDS WATER DISTRICT** Daniel O'Hanlon Rebecca Akroyd Kronick Moskovitz Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 dohanlon@kmtg.com rakroyd@kmtg.com Philip Williams of Westlands Water District pwilliams@westlandswater.org
SOUTH DELTA WATER AGENCY John Herrick, Esq. Dean Ruiz 4255 Pacific Ave., Suite 2 Stockton, CA 95207 jherrlaw@aol.com dean@hprlaw.net	**CENTRAL DELTA WATER AGENCY** Jennifer Spaletta Spaletta Law PC PO Box 2660 Lodi, CA 95241 jennifer@spalettalaw.com Dante Nomellini and Dante Nomellini, Jr. Nomellini, Grilli & McDaniel ngmplcs@pacbell.net dantejr@pacbell.net

CITY AND COUNTY OF SAN FRANCISCO Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org	**SAN JOAQUIN TRIBUTARIES AUTHORITY** Valerie Kincaid Tim O'Laughlin O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95814 vkincaid@olaughlinparis.com towater@olaughlinparis.com **(revised 12/18/15)**
CALIFORNIA DEPARTMENT OF WATER RESOURCES Robin McGinnis, Attorney PO Box 942836 Sacramento, CA 94236-0001 robin.mcginnis@water.ca.gov	**BYRON BETHANY IRRIGATION DISTRICT** Daniel Kelly Stuart L. Somach Michael E. Vergara Somach Simmons & Dunn 500 Capitol Mall, Suite 1000, Sacramento, CA 95814 dkelly@somachlaw.com ssomach@somachlaw.com mvergara@somachlaw.com **(revised 05/25/16)**

SERVICE LIST OF PARTICIPANTS
BYRON-BETHANY IRRIGATION DISTRICT
ADMINISTRATIVE CIVIL LIABILITY HEARING
(09/02/15; Revised: 09/10/15; Revised 10/06/15; Revised 10/22/15, 12/18/15, 05/25/16)

PARTIES

THE FOLLOWING **MUST BE SERVED** WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)

Division of Water Rights Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 andrew.tauriainen@waterboards.ca.gov	**Byron Bethany Irrigation District** Daniel Kelly Stuart L. Somach Michael E. Vergara Somach Simmons & Dunn 500 Capitol Mall, Suite 1000, Sacramento, CA 95814 dkelly@somachlaw.com ssomach@somachlaw.com mvergara@somachlaw.com **(revised 05/25/16)**
Patterson Irrigation District **Banta-Carbona Irrigation District** **The West Side Irrigation District** Jeanne M. Zolezzi Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 jzolezzi@herumcrabtree.com	**City and County of San Francisco** Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org Robert E. Donlan Ellison, Schneider & Harris L.L.P. 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 (916) 447-2166 red@eslawfirm.com
Central Delta Water Agency Jennifer Spaletta Spaletta Law PC PO Box 2660 Lodi, CA 95241 jennifer@spalettalaw.com Dante Nomellini and Dante Nomellini, Jr. Nomellini, Grilli & McDaniel ngmplcs@pacbell.net dantejr@pacbell.net	**California Department of Water Resources** Robin McGinnis, Attorney PO Box 942836 Sacramento, CA 94236-0001 robin.mcginnis@water.ca.gov

Richard Morat 2821 Berkshire Way Sacramento, CA 95864 rjmorat@gmail.com	**San Joaquin Tributaries Authority** Valerie Kincaid Tim O'Laughlin O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95814 vkincaid@olaughlinparis.com towater@olaughlinparis.com lwood@olaughlinparis.com **(revised 12/18/15)**
South Delta Water Agency John Herrick, Esq. 4255 Pacific Ave., Suite 2 Stockton, CA 95207 jherrlaw@aol.com Dean Ruiz, Esq. Harris, Perisho & Ruiz, Attorneys at Law 3439 Brookside Road, Suite 210 Stockton, CA 95219 dean@hprlaw.net	**State Water Contractors** Stefani Morris, Attorney 1121 L Street, Suite 1050 Sacramento, CA 95814 smorris@swc.org