

October 30, 2015

Via Electronic Mail

Andrew Tauriainen, Attorney III  
State Water Resources Control Board  
Office of Enforcement  
1001 I Street, 16th Floor  
Sacramento, CA 95814

Re: Byron-Bethany Irrigation District's Meet and Confer Re Subpoena  
Duces Tecum - Enforcement Action ENF01951

Dear Mr. Tauriainen:

The purpose of this letter is to meet and confer with you regarding a Subpoena *Duces Tecum* (Subpoena) issued by the Prosecution Team on October 29, 2015. The Byron-Bethany Irrigation District (BBID) is preparing a Motion for Protective Order (Motion) requesting the State Water Resources Control Board (SWRCB) issue an order preventing the Prosecution Team from imposing unreasonable and oppressive demands through the Subpoena.

As a preliminary matter, the Prosecution Team failed to consult with BBID regarding BBID's availability on November 13, 2015. Moreover, for the following reasons the Subpoena is oppressive and unreasonable. In the Administrative Civil Liability complaint in Enforcement Action ENF01951, the SWRCB alleges an unlawful diversion of water from June 13 through June 25, 2015. The Subpoena, however, seeks a multitude of categories of documents related to the diversion and use of water through the end of September 2015. Thus, your Subpoena seeks documents not relevant to Enforcement Action ENF01951, and seeks documents not calculated to lead to the discovery of admissible evidence.

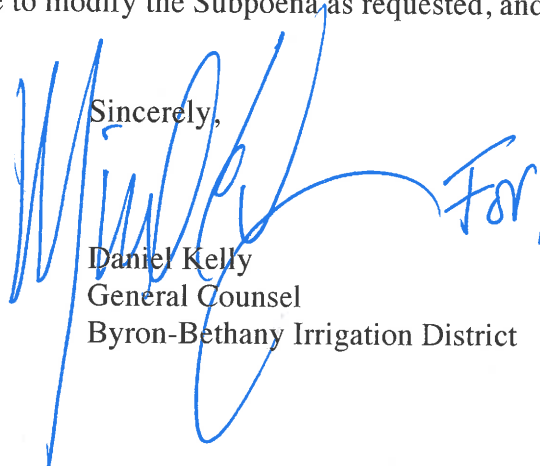
Furthermore, BBID requested documents from the Prosecution Team and SWRCB through a Public Records Act request on July 21, 2015. After more than three months, neither the Prosecution Team nor the SWRCB has fulfilled its legal obligation to produce the requested documents. Given the failure of the Prosecution Team and the SWRCB to timely produce documents sought by BBID, your demand that all the information sought by your Subpoena be produced in less than 10 business days is an abuse of the discovery process.

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BBID is prepared to cooperate with the Prosecution Team to narrow the scope of documents sought by the Subpoena, and to increase the time for production, in order to allow the Prosecution Team to obtain relevant information within a reasonable time. In the event, however, you are unwilling to modify the scope of your Subpoena and the time for production of responsive documents, BBID will file the Motion.

If we do not receive a written response to this letter by 5:00 p.m. on November 2, 2015, we will assume that you decline to modify the Subpoena as requested, and we will file the Motion.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Kelly For,' with a large flourish extending from the end.

Daniel Kelly  
General Counsel  
Byron-Bethany Irrigation District

DK:yd

cc: Service List

**SERVICE LIST OF PARTICIPANTS  
BYRON-BETHANY IRRIGATION DISTRICT  
ADMINISTRATIVE CIVIL LIABILITY HEARING**

(Revised 9/2/15; Revised: 9/11/15)

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