

## Farwell Jensen, Jane

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**From:** Tauriainen, Andrew@Waterboards  
**Sent:** Monday, October 12, 2015 2:18 PM  
**To:** Unit, Wr\_Hearing@Waterboards  
**Cc:** Dan Kelly (dkelly@somachlaw.com); Jeanne Zolezzi; Jonathan Knapp (jonathan.knapp@sfgov.org); 'Jennifer Spaletta' (jennifer@spalettalaw.com); ngmplcs@pacbell.net; "Dante Nomellini, Jr." (dantejr@pacbell.net); McGinnis, Robin C. @DWR; rjmorat@gmail.com; Valerie Kincaid; Herrick, John @aol.com; Stephanie Morris (smorris@swc.org); Mrowka, Kathy@Waterboards  
**Subject:** BBID ACL Hearing  
**Attachments:** 20151012\_pt\_pra\_disclosure\_memo.pdf

Please see the attached memorandum regarding the availability of records responsive to the Public Records Act requests submitted by Byron-Bethany Irrigation District (BBID) and West Side Irrigation District (WSID). This message is copied to the BBID ACLC Service List. The Prosecution Team will submit this memorandum in a separate email to the WSID CDO Hearing Team and Service List.

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## State Water Resources Control Board

**TO:** All Parties and Hearing Teams in the Byron-Bethany Irrigation District  
Administrative Civil Liability Complaint and West Side Irrigation District Cease  
and Desist Order Matters

**FROM:** Andrew Tauriainen  
Attorney for Prosecution Team  
**OFFICE OF ENFORCEMENT**

**DATE:** October 12, 2015

**SUBJECT: PROSECUTION TEAM INITIAL DISCLOSURE TO PUBLIC RECORDS ACT  
REQUESTS**

The Division of Water Rights Prosecution Team has prepared an initial disclosure of records pursuant to Public Records Act requests submitted on behalf of Byron-Bethany Irrigation District (BID), dated July 21, 2015, and West Side Irrigation District (WSID), dated July 31 and August 6, 2015. This initial disclosure is entirely electronic and consists of approximately 3.3 gigabytes of data. To obtain a copy of the records, please bring a suitably-sized portable storage device (e.g., usb flash drive) to the Records Unit, State Water Resources Control Board, Cal/EPA Headquarters, 1001 I Street, 2nd Floor, Sacramento, CA 95814-2828. Ask to copy the Prosecution Team's PRA Initial Disclosure files.<sup>1</sup>

As you may be aware, the State Water Resources Control Board has instituted a separation of functions in the BBID and WSID enforcement actions and the related Drought Curtailment Cases coordinated litigation. The Prosecution Team's disclosures consist of files and records of the Division of Water Rights Enforcement Unit and others on the "prosecution" side of the separation of functions. The Office of Chief Counsel will separately disclose any responsive records from the "advisory" side of the separation of functions.

This initial disclosure includes records in the following categories: (1) technical records and communications relating to the 2014 and 2015 water availability determinations affecting the Delta watershed; (2) technical records and communications regarding the BBID enforcement action; (3) technical records and communications regarding the WSID enforcement action; (4) records regarding complaints of illegal water diversion in the Delta; (5) records and communications relating to the Drought Curtailment Cases litigation; (6) records relating to the State Water Board's information order emergency regulations; (7) records relating to the Governor's drought proclamations and other actions; (8) State Water Board press releases and related communications; (9) State Water Board meeting minutes.

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<sup>1</sup> The files are contained in an electronic folder named "20151012\_pra\_initial\_disclosure".

The Prosecution Team has reviewed all files and records from the relevant prosecution staff, and is reasonably confident that the initial disclosure includes all responsive technical records and files. The Prosecution Team will disclose additional responsive technical records as any such records are identified.

Although this initial disclosure includes a large number of electronic mail communications, it does not include all responsive electronic mail communications. The Prosecution Team is in the process of reviewing several thousand additional potentially responsive electronic mail communication records, and anticipates making additional rolling disclosures of responsive records over the next several days.

Finally, although this initial disclosure is responsive to the BBID and WSID PRA requests, it in many cases goes beyond the scope of those requests in order to provide the broadest possible disclosure of records relevant to the BBID and WSID enforcement proceedings.

The Prosecution Team has prepared separate memoranda identifying the locations within the electronic file folders where responsive documents may be found for each specific request. Please see the following files:

- 20151012\_pra\_initial\_disclosure\BBID\PRA Request\20151012\_BBID\_pra\_initial\_disclosure.pdf
- 20151012\_pra\_initial\_disclosure\WSID\PRA Requests\20151012\_wsid\_pra\_initial\_disclosure.pdf

cc: Service Lists (attached)

**SERVICE LIST OF PARTICIPANTS  
WEST SIDE IRRIGATION DISTRICT  
CEASE AND DESIST ORDER HEARING  
(October 8, 2015)**

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|---|---|
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**SERVICE LIST OF PARTICIPANTS  
BYRON-BETHANY IRRIGATION DISTRICT  
ADMINISTRATIVE CIVIL LIABILITY HEARING  
(09/02/15; Revised 09/11/15)**

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