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**DEPARTMENT OF FISH AND GAME
OFFICE OF THE GENERAL COUNSEL**

1416 Ninth Street
Sacramento, CA 95814
<http://www.dfg.ca.gov>
(916) 654-3821

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
MARCH 4 - 6 PM 12:55
OFFICE OF THE GENERAL COUNSEL



March 4, 2004

VIA HAND DELIVERY

Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000
Attn: Mr. Andrew Fecko

Re: *Opposition to City of Lompoc's Motion to Strike, Cachuma Project Hearing,
Phase 2, United States Bureau of Reclamation Permit Nos. 11331 and 11332.*

Dear Mr. Fecko:

The Department of Fish and Game ("Department") opposes the City of Lompoc's Motion to Strike Appendix 1 to our agency's closing statement. The Department's opposition is based on the same grounds stated in our "OPPOSITION TO MEMBER UNITS' MOTION TO STRIKE AND MOTION TO DISMISS PARTY," submitted to the State Water Resources Control Board on March 1, 2004, and hereby incorporated by reference. Specifically, Appendix 1 is not evidence. It is, instead, a component of a proposed SWRCB order based on the findings of fact advocated in the Department's closing statement. Thus, submission of Appendix 1 is not in violation of any applicable procedural requirements.

If you have any questions, please contact me at (916) 657-4091.

Sincerely,

Harlee Branch
Staff Counsel

HB/hb

Enclosure(s)

cc:

Cachuma Service List

STATEMENT OF SERVICE

I hereby declare as follows:

I am employed in the County of Sacramento, State of California. I am eighteen years of age or older and am not a party to the within entitled action. My business address is 1416 Ninth Street, Suite 1335, Sacramento, California 95814. I am familiar with the business practice of the California Department of Fish and Game with regard to the collection and processing of documents for mailing with the United States Postal Service.

On March 1, 2004, I caused to be served the attached "Opposition to City of Lompoc's Motion to Strike, Cachuma Project Hearing, Phase 2, United States Bureau of Reclamation Permit Nos. 11331 and 11332," dated March 4, 2004 by placing a true copy thereof in the manner set forth below and addressed as follows:

Via Hand Delivery to:

Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000
Attn: Mr. Andrew Fecko

Via U.S. Mail by Depositing a Copy in a Sealed Envelope Via First Class Mail with the United States Postal Service with Postage Fully Paid Thereon To:

See Attached List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Sacramento, California on March 4, 2004.


HARLEE BRANCH

Cachuma Project Hearing
Phase-2 Hearing
Final Service List

Updated 01/05/2004

(Note: The parties whose E-mail addresses are listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

Cachuma Conservation Release Board
Mr. Gregory K. Wilkinson
Best, Best & Krieger, LLP
3750 University Avenue, Suite 400
Riverside, CA 92501
gkwilkinson@bbklaw.com

City of Solvang
Mr. Christopher L. Campbell
Baker, Manock & Jensen
5260 N. Palm Avenue, Suite 421
Fresno, CA 93704
clc@bmj-law.com

U.S. Bureau of Reclamation
Mr. Stephen R. Palmer
2800 Cottage Way, Room E-1712
Sacramento, CA 95825
Fax: (916) 978-5694

Santa Ynez River Water Conservation
District, Improvement District No. 1
Mr. Gregory K. Wilkinson
Best, Best & Krieger, LLP
3750 University Avenue, Suite 400
Riverside, CA 92501
gkwilkinson@bbklaw.com

City of Lompoc
Ms. Sandra K. Dunn
Somach, Simmons & Dunn
813 Sixth Street, Third Floor
Sacramento, CA 95814-2403
sdunn@lawssd.com

California Trout, Inc.
c/o Ms. Karen Kraus
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101
kkraus@edcnet.org

Santa Barbara County Parks
Ms. Terri Maus-Nisich
Director of Parks
610 Mission Canyon Road
Santa Barbara, CA 93105

Santa Ynez River Water
Conservation District
Mr. Ernest A. Conant
Law Offices of Young Wooldridge
1800 - 30th Street, Fourth Floor
Bakersfield, CA 93301
econant@youngwooldridge.com

Department of Fish and Game
Office of General Counsel
Mr. Harlee Branch
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Christopher Keifer
NOAA Office of General Counsel
Southwest Region
501 West Ocean Blvd., Ste 4470
Long Beach, CA 90802-4213