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BY FAX: 916-341-5621

Barbara Leidigh  
Staff Attorney  
State Water Resources Control Board  
1001 I Street, 14<sup>th</sup> floor  
Sacramento, CA 95814

**Re: Lake Arrowhead Community Services District Enforcement Hearing**  
**Desist Order No. 262.31-18. Joinder in Request for Continuance**

Dear Ms. Leidigh:

Having previously filed the "original complaint", a "request to appear" as well as "a request that the policy statements" be taken in Lake Arrowhead, I have received a host of follow up documents.

I am sending this letter to notice **my Joinder** in the Request for a Continuance which was recently filed by the Mojave Water Agency and to request copies of all documents, other than those listed below, which have been filed with the SWRCB since the original notice of the hearing.

About four days after receipt of the original notice of the hearing, along with its order that no party shall engage in ex parte communications, I received a copy of an extensive advance brief (in letter form) filed by LACSD on the issue of the claimed right to change recreational use from consumptive use. That appears to be some sort of advance argument filed by LACSD in an effort to affect the SWRCB decision.

I have not received a formal copy of any "request to appear from anyone". I have received a denial of my request that policy statements be taken in Lake Arrowhead.

I have also received copies of a request for an continuance from the Mojave Water Agency. I have also received one day later a Joinder in that request from the ALA and an Opposition to that request from the LACSD.

**I am joining in the Mojave Water Agencies request for a sixty-day continuance. This hearing is being rushed with no viable justification. Every fact, except the schedule of Mr. Katz, one of the hearing officer, justifies its continuance.**

The major legal reason for a quick hearing date should be irreparable harm to a water claimant; the accordence of relief to an aggrieved party which is sustaining irreparable harm.

Your legal staff has indicated that the downstream claims of the Mojave region are the paramount concern in the above captioned matter. As such the Mojave Water Agency is a primary claimant of water rights in these proceedings and should be accorded the right to adequately prosecute and defend its claims. Not to accord it that right will make any victory at the hearing for any claimant other than Mojave subject to a guaranteed successful appeal. The Mojave Water Agency has indicated that a rushed hearing is prejudicing it.

I am informed that the only reason for this rushed hearing process is to allow Mr. Katz whose term will expire this year, the opportunity to be the hearing officer. **No other fact associated with this case supports a rushed hearing.** In fact all facts support the sixty-day continuance.

Mojave needs it in order to prepare. The District is not prejudiced. In fact the District needs the extra time in order to prepare a viable plan in accordance with the SWRCB staff's recommendations. No irreparable harm is being done to the lake or property owners. Recent rains have lifted it above its customary level.

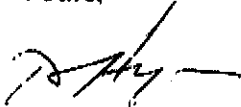
Moreover, the majority of the District Board of Directors which will decide the District's prosecution of its opposition to the SWRCB's tentative staff ruling, is pending replacement on November 8<sup>th</sup>. **A majority of the candidates who are running for the District Board of Directors and will control the District's litigation position in this matter, support settling with the SWRCB.** In all likelihood given a change of the composition of the District Board, a settlement will occur which will work to the benefit of all parties and save a vast amount of money for the state, and the claimants.

**There is absolutely no compelling reason to support a rushed hearing date and everything compelling reason to support a sixty-day continuance.**

The fact is that to proceed to this unusually rushed hearing where the prime affected claimant is not being afforded a reasonable right to prepare, merely invites a clear basis for a needless appeal. Under these circumstances, such a clear basis for an appeal will guarantee needless future expenses for all concerned, including the state.

Please let us move forward with proper and complete notices given to all parties and a hearing date that allows all parties to fairly participate.

Yours,



Ted Heyck  
Director, Board of Director of LACSD, Complainant and Party.

PS:

I am respectfully, also again renewing my request that the SWRCB follow its prior procedures generously afforded in other cases, and well justified here, of taking public statements at the site. If policy statements are allowed at the hearing, then the only argument against the potentially two day trip to Lake Arrowhead would be the expense involved and inconvenience accorded the hearing officers.

Lake Arrowhead has a fine resort, is a wonderful venue, and I am sure that the expense of the trip can be paid by the pending fines against the District and/or a joint contribution of the litigants.

Cc:

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