State Water Resources Control Board

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:

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:
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,

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 |  
| --- | --- |
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Karna Harrigfeld  
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Kronick Moskovitz Tiedemann & Girard  
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**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.)
<table>
<thead>
<tr>
<th>CITY AND COUNTY OF SAN FRANCISCO</th>
<th>SAN JOAQUIN TRIBUTARIES AUTHORITY</th>
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</thead>
<tbody>
<tr>
<td>Jonathan Knapp</td>
<td>Valerie Kincaid</td>
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<tr>
<td>Office of the City Attorney</td>
<td>Tim O’Laughlin</td>
</tr>
<tr>
<td>1390 Market Street, Suite 418</td>
<td>O’Laughlin &amp; Paris LLP</td>
</tr>
<tr>
<td>San Francisco, CA  94102</td>
<td>2617 K Street, Suite 100</td>
</tr>
<tr>
<td><a href="mailto:jonathan.knapp@sfgov.org">jonathan.knapp@sfgov.org</a></td>
<td>Sacramento, CA  95814</td>
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<td></td>
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</tr>
<tr>
<td></td>
<td><a href="mailto:towater@olaughlinparis.com">towater@olaughlinparis.com</a></td>
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<thead>
<tr>
<th>CALIFORNIA DEPARTMENT OF WATER RESOURCES</th>
<th>BYRON BETHANY IRRIGATION DISTRICT</th>
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<tbody>
<tr>
<td>Robin McGinnis, Attorney</td>
<td>Daniel Kelly</td>
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<tr>
<td>PO Box  942836</td>
<td>Stuart L. Somach</td>
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<tr>
<td>Sacramento, CA  94236-0001</td>
<td>Michael E. Vergara</td>
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<td>500 Capitol Mall, Suite 1000,</td>
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</tbody>
</table>
## 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)

<table>
<thead>
<tr>
<th>PARTIES</th>
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<td>SWRCB Office of Enforcement, 1001 I Street, 16th Floor, Sacramento, CA 95814, <a href="mailto:andrew.tauriainen@waterboards.ca.gov">andrew.tauriainen@waterboards.ca.gov</a></td>
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<td>Somach Simmons &amp; Dunn, 500 Capitol Mall, Suite 1000, Sacramento, CA 95814, <a href="mailto:dkelley@somachlaw.com">dkelley@somachlaw.com</a>, <a href="mailto:ssomach@somachlaw.com">ssomach@somachlaw.com</a>, <a href="mailto:mvergara@somachlaw.com">mvergara@somachlaw.com</a></td>
</tr>
<tr>
<td><strong>Patterson Irrigation District</strong></td>
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<tr>
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<td><strong>California Department of Water Resources</strong></td>
<td>Dante Nomellini and Dante Nomellini, Jr.</td>
<td>Robin McGinnis, Attorney</td>
<td>California Department of Water Resources, PO Box 942836, Sacramento, CA 94236-0001, <a href="mailto:robin.mcginnis@water.ca.gov">robin.mcginnis@water.ca.gov</a></td>
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**NOTE:**
All parties have agreed to accept electronic service, pursuant to the rules specified in the hearing notice.
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