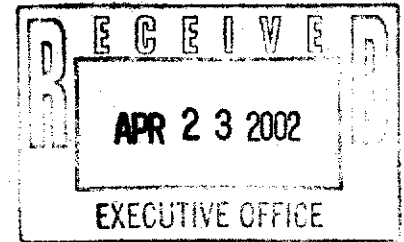


Files: 7482
#95

LAW OFFICE OF ANTONIO ROSSMANN

Attorneys at Law

380 HAYES STREET, SUITE ONE
SAN FRANCISCO, CALIFORNIA 94102 USA
TEL (01)(415) 861-1401 FAX (01)(415) 861-1822
www.landwater.com



ANTONIO ROSSMANN
ADMITTED IN CALIFORNIA
NEW YORK AND
THE DISTRICT OF COLUMBIA
ar@landwater.com

ROGER B. MOORE
ADMITTED IN CALIFORNIA
rbm@landwater.com

19 April 2002

Arthur G. Baggett, Jr., Hearing Officer
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Re: IID-SDCWA Approval of Long-Term Transfer

Dear Mr. Baggett:

The County of Imperial is in receipt of the Hearing Officer's letter of 18 April indicating that County of Imperial witness Steven Spickard should have submitted his testimony in phase I rather than phase II of this proceeding. The letter does not expressly state that Mr. Spickard's testimony will not be permitted, but implies that consequence by virtue of expressly permitting the testimony of County witness Shari Libicki concurrently submitted with that of Mr. Spickard.

The Hearing Officer's letter stated that because Mr. Spickard's testimony concerns socio-economic impacts, it should have been submitted in phase I. May we point out the reasons that we deemed it appropriate to submit as part of phase II, and further that receipt of the testimony in phase II should not prejudice, but benefit, the Board and the other parties.

We read the operative 6 February hearing notice as allocating to phase I cases-in-chief those who are recognized as "legal users of water," and to phase II those recognized as representing other (principally environmental) interests. On 15 August 2000 Imperial in response to staff inquiry clarified that its protest addresses potentially unreasonable economic and environmental impact within the County, including but not limited to public trust resources. Imperial's protest was allowed by the Board staff on 22 August 2000, because we embraced public trust resources within our grounds of protest. Combining that letter with the Board's 6 February notice, we concluded that our participation with

respect to socio-economic impacts (which flow from attempts to deal with public trust values) was appropriate in phase II.

Other parties, particularly the Imperial Irrigation District, reached the same conclusion with respect to socio-economic impacts. IID presents their analysis of this issue through their exhibit 65, the expert testimony of Rodney T. Smith. Mr. Smith addresses the same issue that Mr. Spickard seeks to address: what are the socio-economic impacts of allowing fallowing to form part of the transfer?

On re-reading the hearing order, Imperial appreciates the alternative reading that grounds the Hearing Officer's determination that Mr. Spickard should testify in phase I. As will be clear from the County's statement to be presented on 22 April by Board of Supervisors Chair Hank Kuiper, the County believes that the Board's authority to address socio-economic impacts flows from article X, section 2 of the Constitution, and section 100 of the Water Code. Given the hearing notice specification of issues to embrace those citations, we agree that Mr. Spickard could appropriately appear in Phase I as well as Phase II.

Indeed, this circumstance indicates the premise that while the division of phases will assist the Board and public in participating in the hearing, the overarching mandates of article X, section 2, and Water Code section 100, unite and blend the subject matter of the two phases.

We are prepared to present Mr. Spickard's testimony in either phase. We continue to believe it more appropriate and helpful in phase II, for the very reasons that IID itself takes this approach. Since Imperial presents Mr. Spickard not to argue for or against a particular position, but instead to provide an independent verification of, or qualification of, the socio-economic impact assessment prepared by the lead agencies, we believe his testimony will be helpful for the Board to reach a fair result in light of the complex competing considerations here. Given that the hearings will now extend into mid and late May, consideration of his testimony in phase II should not adversely affect any party.

It goes without saying that the issue Mr. Spickard will address in behalf of the County is of the utmost concern to the County, and indeed to the greater public interest, as reflected most recently in the policy statement submitted earlier this week by Environmental Defense.

For these reasons, the County of Imperial requests the Hearing Officer's direction that Mr. Spickard may participate in these proceedings, under terms that are fair to the County of Imperial and the other participants. We present this request at the earliest opportunity in the event that it can be addressed at the opening of the hearings next week.

Respectfully submitted,



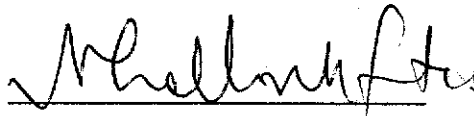
Special Counsel to the County of Imperial

STATE WATER RESOURCES CONTROL BOARD
IID-SDCWA PETITION FOR LONG-TERM WATER TRANSFER

I, Maria Hollowell-Fuentes, hereby declare as follows:

I am over the age of 18 years and am not a party to the within action. My business address is 380 Hayes Street, Suite One, San Francisco, California 94102.

On 19 April 2002, I served the **LETTER TO BOARD DATED 19 APRIL 2002** by placing a true copy with postage fully paid in the U.S. Mail at San Francisco, California to the persons on the attached Imperial Irrigation District Interested Parties list, and by electronic mailing to those persons whose electronic addresses appear on the attached list.

By: 

Maria Hollowell-Fuentes

IID Service List

Mark Hattam
Rep: Imperial Irrigation District
Allen, Matkin, Leck, Gamble & Mallory
501 West Broadway, Ninth Floor
San Diego, CA 92101
mhattam@allenmatkins.com
dosias@allenmatkins.com

Scott Slater
Rep: San Diego County Water Authority
Hatch & Parent
P.O. Drawer 720
Santa Barbara, CA 93102
Sslater@HatchParent.com

Eric Shepard
Colorado River Indian Tribes
Office of the Attorney General
Route One, Box 23-B
Parker, AZ 85344
Eric_critlaw@mac.com

Henry Rodegerdts
California Farm Bureau Federation
2300 River Plaza Drive
Sacramento, CA 95833
Hrodegerdts@cfbf.com

William DuBois
3939 Walnut Avenue, No. 144
Carmichael, CA 95608

Larry Gilbert
945 E. Worthington Road
Imperial, CA 92251

Tom Kirk
Executive Director
Salton Sea Authority
78-401 Highway 111, Suite "T"
La Bunka, CA 92253
Tkirk@salttonsea.ca.gov

Karen Douglas
Planning and Conservation League
926 "J" Street, Suite 612
Sacramento, CA 95814
Kdouglas@pcl.org

Bill Allayaud
Sierra Club California
1414 K Street, Suite 500
Sacramento, CA 95816
Allayaud@sierraclub-sac.org

Brendan Fletcher
Defenders of Wildlife
926 J Street, Suite 522
Sacramento, CA 95816
Bfletcher@defenders.org

Kevin M. Doyle
National Wildlife Federation
3500 5th Avenue, Suite 101
San Diego, CA 92103
Doyle@nwf.org

Bill Yeates
Rep: National Audubon Society
Law Office of Bill Yeates
8002 California Avenue
Fair Oaks, CA 95628
Byeates@enviroquality.com

Michael Cohen
Pacific Institute
948 North Street, Suite 7
Boulder, CO 80304
Mcohen@pacinst.org

Philip Gruenberg
Executive Officer
Calif. Regional Water Quality Control Board
Colorado River Basin Region
73-720 Waring Drive, Suite 100
Palm Desert, CA 92260
Gruenp@rb7.swrcb.ca.gov