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April 18, 2002

To: Enclosed List of Parties To
Exchange Information

PETITION OF IMPERIAL IRRIGATION DISTRICT AND SAN DIEGO COUNTY WATER
AUTHORITY FOR APPROVAL OF LONG-TERM TRANSFER OF CONSERVED WATER

As you know, the hearing on Imperial Irrigation District's (IID) and San Diego County Water Authority's transfer petition begins next week. This letter answers a number of questions that the parties have raised concerning participation in the upcoming hearing. In addition, I am writing to inform the parties that additional hearing dates in May have been scheduled. The additional dates are as follows:

May 13, 2002, 9:00 a.m.
May 14, 2002, 9:00 a.m.
May 15, 2002, 9:00 a.m.
May 16, 2002, 1:00 p.m.
May 17, 2002, 9:00 a.m.
May 30, 2002, 9:00 a.m.

We hope that by adding hearing dates in mid-May, we can complete the hearing sooner. The hearing will continue on the dates scheduled in late May, if necessary. The hearing locations will be announced at a later date.

In order to ensure that the hearing is conducted in an orderly fashion, we will complete Phase 1 of the hearing before commencing Phase 2, even if Phase 1 is not completed by April 30, 2002. The February 6, 2002, hearing notice indicated that Phase 2 would begin on April 30, 2002. In the event that Phase 1 is not completed by April 30, 2002, however, Phase 2 will begin sometime after April 30, 2002. Phase 2 will not begin any sooner than April 30, 2002, even if Phase 1 is completed before April 29, 2002.

Several parties have asked whether I will issue a schedule setting forth the date and time when the parties are to present their cases-in-chief. Defenders of Wildlife, Planning and Conservation

California Environmental Protection Agency

League, National Audubon Society – California, National Wildlife Federation, and Sierra Club California (Defenders of Wildlife et al.) have asked for a time and date certain of May 21, 2002, at 10:00 a.m. or May 29, 2002, at 10:00 a.m. to present their coordinated cases-in-chief.

I recognize that a hearing schedule would assist the parties' representatives and witnesses in making arrangements to attend the hearing, but I cannot guarantee a date and time certain for any party. It is impossible to predict the amount of time each party's case-in-chief will take because that depends on the amount of time the other parties need to conduct cross-examination.

The following order of appearances should assist the parties in making a rough estimate of the date when they will be expected to appear. This order of appearances is tentative. I may modify the order based on scheduling conflicts or for other good cause.

Phase I

1. Imperial Irrigation District
2. San Diego County Water Authority
3. Colorado River Indian Tribes
4. Defenders of Wildlife (cross examination and rebuttal only)
5. Sierra Club California (cross examination and rebuttal only)
6. County of Imperial
7. California Farm Bureau Federation
8. Mr. William I. DuBois
9. Mr. Larry Gilbert

Phase II

1. Imperial Irrigation District
2. San Diego County Water Authority
3. Colorado River Indian Tribes
4. Salton Sea Authority
5. California Regional Water Quality Control Board, Colorado River Basin Region
6. Coordinated cases of Planning and Conservation League, Defenders of Wildlife, National Audubon Society – California, National Wildlife Federation, and Sierra Club California
7. Michael Cohen
8. County of Imperial
9. California Farm Bureau Federation (cross examination and rebuttal only)
10. Mr. William I. DuBois (cross examination and rebuttal only)
11. Mr. Larry Gilbert

Certain parties also made requests concerning policy statements. Jeffrey Kightlinger, General Counsel for Metropolitan Water District, asked to present a policy statement in Sacramento on April 23, 2002 so that he can attend a hearing on a motion in United States District Court on April 22, 2002. The request is granted. In addition, elected officials will be allowed to present their policy statements first, in recognition of their busy schedules.

Several parties have asked for additional time to summarize their direct testimony. IID requested an additional 50 minutes for Mr. Jesse Silva and Dr. Woldezion Mesghinna, an additional 20 minutes for Mr. John Eckhardt and Laura Harnish, and an additional 10 minutes in Phase 2 for Mr. Rodney Smith. Salton Sea Authority requested an additional 15 minutes for Mr. Tom Kirk. Defenders of Wildlife et al. requested an additional 10 minutes for Mr. Tim Krantz. Based on the length of length and complexity of the testimony, IID's request is granted, except that Mr. Silva and Mesghinna will be afforded an additional 30 minutes, rather than 50 minutes. Salton Sea Authority's request is denied. The request of Defenders of Wildlife et al. is granted.

I may allow any party's witnesses more time on direct upon a showing of good cause at the hearing. In addition, I wish to emphasize that SWRCB staff and I will read and give careful consideration to the witnesses written direct testimony. The primary purpose of the hearing is to allow the witnesses for each party to give a brief, oral summary of their written testimony, and allow the other parties to conduct cross-examination.

Finally, both the County of Imperial and Mr. William DuBois have asked to be allowed to present witness testimony for witnesses who were not listed on the County's and Mr. DuBois' original notices of intent to appear. The County asked to present the testimony of Ms. Shari Libicki and Mr. Steven Spickard. Mr. DuBois asked to present his own testimony rather than the testimony of Mr. Henry Rodegerdts. The County submitted its witnesses' written testimony to the SWRCB and served it on the other parties by the April 10, 2002 deadline for Phase 2 exhibits. Mr. DuBois submitted his written testimony and served it on the other parties by the March 25, 2002, deadline for Phase 1 exhibits.

It does not appear that any party will be prejudiced if the County is allowed to present Ms. Libicki's testimony and Mr. DuBois is allowed to present his testimony because the testimony was served on the other parties by the respective deadlines. Accordingly, the County and Mr. DuBois will be permitted to present this testimony. Mr. Spickard's testimony concerns the socio-economic impacts of the transfer, however, and should have been submitted to the SWRCB and served on the other parties by the March 25, 2002, deadline for Phase 1 exhibits.

Any procedural matters that have not been addressed by this letter and that are raised at the hearing will be addressed at that time.

Enclosed List of Parties
To Exchange Information

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Questions regarding this letter may be addressed to Tom Peltier, Hearing Coordinator, in the Division of Water Rights at (916) 341-5353, or Dana Differding, Staff Counsel, in the Office of Chief Counsel at (916) 341-5188.

Sincerely,

/s/

Arthur G. Baggett, Jr.
Hearing Officer

Enclosure

cc: Mr. Richard Katz, Executive Office [24th Floor]
Andy Fecko, Division of Water Rights [14th Floor]
Tom Peltier, Division of Water Rights [14th Floor]
Dana Differding, Office of Chief Counsel [22nd Floor]
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