



United States
Department of
Agriculture

Forest
Service

San Bernardino National Forest
Supervisor's Office

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File Code: 2540-1-3

Date:

SEP 27 2006

Victoria A. Whitney, Division Chief
State of California
State Water Resources Control Board, Division of
Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Application #WA31174

Dear Ms. Whitney:

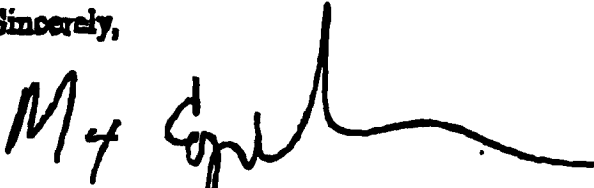
This is a follow-up to our July 31, 2002, protest petition, specifically in regards to the application filed by Orange County Water District (OCWD) on November 15, 1991, to appropriate water from the Santa Ana River.

The Forest Service, under various authorities, is responsible for protecting and managing National Forest System (NFS) lands and resources pursuant to a multiple-use mandate. The concern of our protest was the proposed use of a reservoir or "Conservation Pool" behind Seven Oaks Dam.

In discussions with OCWD, the Forest Service received a copy of the OCWD Recirculated Draft Program Environmental Impact Report SCH #2002081024. This document clearly shows that the water the OCWD is applying for is consistent with the 1969 Judgment in that OCWD is interested in the right to storm water flows from the watershed that reach Prado Dam. Nothing in their application indicates that their potential use of water involves water from behind Seven Oaks Dam that would require a "conservation pool." The OCWD response adequately addressed our concerns. The Forest Service has no wish to interfere with applications which have no impact on National Forest lands or resources. Therefore, the San Bernardino National Forest (SBNF) respectfully withdraws its protest against OCWD Application #WA31174.

The SBNF wishes to make clear that the protest previously made on June 31, 2002, against the San Bernardino Municipal Water district and Western Municipal Water district regarding their application on May 31, 1995, is still in effect. The SBNF still states that the approval of the SBVMWD/WMWD Application, which is dependent on creation of a conservation pool behind Seven Oaks Dam, has potential to harm land and sensitive species located in the area. The Forest Service continues to reserve the right to raise additional issues and objections throughout the course of the environmental review process under CEQA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Copenhagen', with a long horizontal flourish extending to the right.

MAX COPENHAGEN
Deputy Forest Supervisor

cc: Randy Gould