

Coats, Brian@Waterboards

From: Aue, Marianna@waterboards
Sent: Friday, July 01, 2016 4:58 PM
To: Ryan Bezerra; Sawyer, Andy@Waterboards; Quint, Matthew@Waterboards
Cc: Lauffer, Michael@Waterboards; slyon@mbayaq.org; BMeister@mbayaq.org; Michael Mantell (MMantell@resourceslegacyfund.org); Paul Bartkiewicz; Alan Lilly; Coats, Brian@Waterboards; O'Hagan, John@Waterboards; Ragazzi, Erin@Waterboards; Mrowka, Kathy@Waterboards
Subject: RE: Application to Modify Order WR 2009-0060 - Meeting Request by Monterey Bay Aquarium

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Dear Mr. Bezerra:

Thank you for your communications regarding the Monterey Bay Aquarium's interests in the proposed modification of the existing cease and desist order against California American Water Company. Because this is a pending adjudicative matter which will reach the full State Water Board at a public meeting on July 19, we are operating under an ex parte communications bar, in an abundance of caution. Therefore, we are not available to meet with representatives from the Aquarium. We would, however, welcome your written comments and questions, which will be posted on our web page for the proposed amendments to the CDO, at:

http://www.waterboards.ca.gov/waterrights/water_issues/projects/california_american_water_company/index.shtml

We would also, of course, welcome your participation at the State Water Board meeting on July 19th, where it will be possible to discuss your concerns with the full State Water Board.

Because your communication concerns paragraph 3 of the preliminary staff recommendation, I thought it would potentially be helpful to provide clarification regarding the condition and the staff proposal. There is not currently a proposal to change the effect of ordering paragraph 2 of State Water Board Order WR 2009-0060, which prohibits Cal-Am from using diversions from the Carmel River to serve new or increased use. The changes recommended in paragraph 3 of the preliminary staff recommendation would reflect clarifications already provided by the Division of Water Rights regarding implementation of the existing condition. Cal-Am did not apply for any changes to the original condition.

If this clarification does not address the Aquarium's questions concerning the potential modification of the compliance schedule of the Cal-Am CDO, we look forward to your additional correspondence.

Sincerely,

Marianna Aue

Marianna Aue
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State Water Resources Control Board
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(916) 327-4440

Please note that I telecommute on Wednesdays and Fridays.

From: Ryan Bezerra [RSB@bkslawfirm.com]

Sent: Friday, July 01, 2016 3:56 PM

To: Sawyer, Andy@Waterboards; Quint, Matthew@Waterboards

Cc: Lauffer, Michael@Waterboards; Aue, Marianna@waterboards; slyon@mbayaq.org; BMeister@mbayaq.org; Michael Mantell (MMantell@resourceslegacyfund.org); Paul Bartkiewicz; Alan Lilly

Subject: Application to Modify Order WR 2009-0060 - Meeting Request by Monterey Bay Aquarium

Mr. Sawyer and Mr. Quint –

Our firm is representing the Monterey Bay Aquarium concerning the SWRCB's consideration of California-American Water Company's application to modify the existing cease and desist order concerning that company's diversions of Carmel River water and related water service on the Monterey Peninsula. The Aquarium would like to request a meeting with you next week to discuss the potential impact on the Aquarium of the June 17, 2016 preliminary staff recommendation, specifically its paragraph 3 concerning changes in water use.

As noted above, we would like to request a meeting next week, given the short amount of time before the SWRCB plans to consider the CDO modification at its July 19 meeting. Given the importance of this matter to the Aquarium, its representatives would like to attend the meeting in person. They are available next Thursday and Friday, July 7 and 8. I can attend a meeting at any time on those days, except before 9 a.m. on Thursday, July 7, and 10 a.m. to 12 p.m. on Friday, July 8. Please let me know whether you would be available for a meeting during the windows that the Aquarium's representatives and I are available.

Given the short amount of available time and the importance of this matter to Aquarium, please do not hesitate to contact me over this weekend on my cellular telephone at (530) 574-0374.

Kind regards,

Ryan Bezerra

Bartkiewicz, Kronick & Shanahan