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August 19, 2015

VIA U.S. MAIL

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RE: California Water Curtailment Cases, Judicial Council Coordination Proceeding
Case No. 4838

Dear Counsel:

As you know, on August 14, 2015 the California Judicial Council issued an order authorizing the Presiding Judge of the Superior Court for Santa Clara County to assign a Santa Clara County Superior Court Judge as the Coordination Trial Judge in these matters. Rule 3.541(a) of the California Rules of Court provides that the Coordination Trial Judge's initial action is the scheduling of a case management conference. (Cal. Rules of Court, rule 3.541(a).) I am writing to initiate the necessary steps for the parties to satisfy their meet-and-confer

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obligations regarding this conference, as required by Rule 3.724 of the California Rules of Court. (Cal. Rules of Court, rule 3.724.)

Specifically, Respondent State Water Resources Control Board (State Water Board or Board) asks the petitioners in the five coordinated actions whether any or all of the parties intend to file an amended petition/complaint or intend to seek leave to file an amended petition/complaint. At present, none of the complaints in the pending actions address the State Board's July 15, 2015, Partial Rescission of April, May, and June 2015 Curtailment Notices and Clarification of State Water Board Position re: Notice of Unavailability of Water for those Diverting Water in the Sacramento River Watershed, San Joaquin River Watershed and Delta, and Scott River. As recognized by petitioner West Side Irrigation District, the July 15, 2015, notice modifies the Board's curtailment notices that are the subject of the five actions. (See West Side Irrigation District's August 6, 2015, case management conference statement, filed with Coordination Motion Judge Evelio Grillo stating on page 3 that the petitioner "needs to file a supplemental complaint in order to include as factual allegations the actions taken by Defendant State Board since the complaint in the West Side Litigation was filed.")

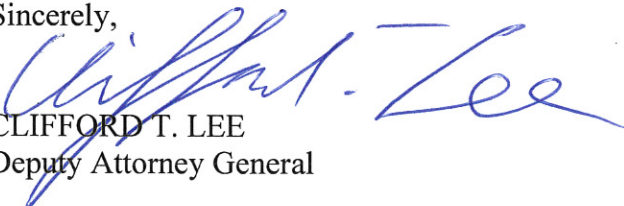
In addition, it is the State Water Board's position that the administrative enforcement proceedings regarding West Side Irrigation District and Byron Bethany Irrigation District pending before the Board are not final and therefore not ripe for review by a court. However, we are aware of, but disagree with, arguments made by some of the petitioners that these proceedings may be a changed circumstance they wish to address by amending their pleadings.

The State Water Board therefore requests the opportunity to discuss the timing of the filing of amended petitions/complaints, if any, and the filing of the State Board's responsive pleadings. Resolution of the petitioners' intent regarding pleadings will promote judicial efficiency by averting the need for the court to process unnecessary responses to documents petitioners intend to amend.

For the foregoing reasons, the State Water Board asks that you contact the undersigned at your earliest convenience to clarify petitioners' intent regarding amendment of the operative pleadings in these actions. This is a threshold issue that should be resolved before the other issues identified in Rule 3.451(a) and Rule 3.724 can be effectively addressed.

Thank you for your time and attention to this matter. We look forward to hearing from you.

Sincerely,



CLIFFORD T. LEE
Deputy Attorney General

For KAMALA D. HARRIS
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CTL: Self

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