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August 21, 2015

Via Electronic and U.S. Mail

Clifford T. Lee  
Deputy Attorney General  
California Department of Justice  
455 Golden Gate Avenue  
Suite 11000  
San Francisco, CA 94102-7004  
[Cliff.Lee@doj.ca.gov](mailto:Cliff.Lee@doj.ca.gov)

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

Dear Mr. Lee:

This letter follows your letter dated August 19, 2015 in the above-referenced proceeding. Your letter recognizes the pending enforcement actions against the Byron-Bethany Irrigation District (BBID) and the West Side Irrigation District may be “changed circumstances” that warrant amended pleadings.

As you may be aware, the State Water Resources Control Board (SWRCB) has set ENF01951, the enforcement action against BBID, for a hearing on October 28, 2015, with a pre-hearing conference set for September 25, 2015. Given the short time frames within which the SWRCB has decided to proceed against BBID, notwithstanding the pendency of these coordinated proceedings, BBID intends on seeking intermediate relief through a temporary restraining order and/or stay of the SWRCB’s upcoming hearing on ENF01951. As your letter states, judicial efficiency favors avoiding unnecessary burdens on the Court. ENF01951 seeks to impose penalties for alleged past conduct. As such, there should be no pressing need to fast-track the enforcement proceeding, forcing BBID to seek intermediate relief and adding to the Court’s already busy calendar. BBID therefore requests that your client consider removing ENF01951 from its calendar until the Santa Clara Superior Court can hear a regularly noticed motion on whether intermediate relief is appropriate.

Clifford T. Lee

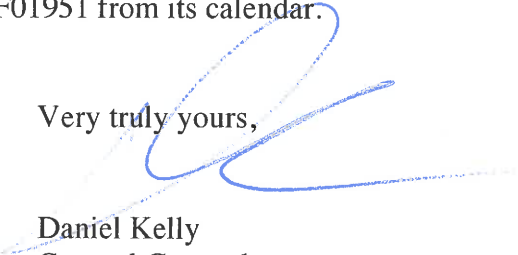
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Please let me know by the close of business, Monday, August 24, 2015, whether the SWRCB will agree to remove ENF01951 from its calendar.

Very truly yours,



Daniel Kelly  
General Counsel  
Byron-Bethany Irrigation District

DK:yd

cc: *via electronic mail:*

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