

LAW OFFICES OF
PATRICK J. MALONEY

2425 WEBB AVENUE, SUITE 100
ALAMEDA ISLAND, CALIFORNIA 94501-2922

PATRICK J. "MIKE" MALONEY

(510) 521-4575
FAX (510) 521-4623
e-mail: PJMLAW@pacbell.net

THOMAS S. VIRSIK

June 16, 2010

Victoria A. Whitney, Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Re: Statements of Water Diversion
Colorado River – Imperial County

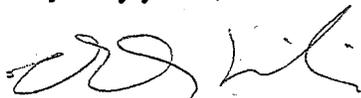
Dear Ms. Whitney:

Enclosed is a copy of our April 22, 2010 letter (without enclosures). To date, we have received neither a response nor any indication that the statements of water diversion were filed ahead of the July 1, 2010 deadline. We again demand that the SWRCB file our clients' statements.

Additionally, our clients intended to file amendments to their statements once received and numbered by the SWRCB. Since the SWRCB has delayed for over four years, our clients do not have the filing information (e.g., a numbered copy of their statement) on which they can tender individual amendments. Thus, our clients have no option but to tender the following universal amendment to Footnote 1 for all statements reflected in the April 22, 2010 letter:

Corporations Code § 14452 (formerly Civil Code § 552). Whenever any corporation, organized under the laws of this state, furnishes water to irrigate lands that the corporation has sold, the right to the flow and use of that water is and shall remain a perpetual easement to the land so sold, at any rates and terms that may be established by the corporation in pursuance of law. Whenever any person who is cultivating land on the line and within the flow of any ditch owned by the corporation, has been furnished water by it with which to irrigate his or her land, that person shall be entitled to the continued use of that water, upon the same terms as those who have purchased their land from the corporation.

Very truly yours,



Thomas S. Virsik
Enclosure April 22, 2010 letter

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THOMAS S. VIRSIK

April 22, 2010

Victoria A. Whitney, Deputy Director
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State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Re: Statements of Water Diversion
Colorado River – Imperial County

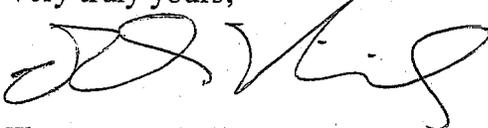
Dear Ms. Whitney:

Beginning in March 2006 and continuing through December 2006, this office presented over 350 statements to the SWRCB for filing on behalf various clients that use Colorado River water in the Imperial Valley. To date not a single statement has been filed. Since none of the statements have been returned to our office, we know the statements are still in the Board's possession so we are not sending additional copies. A list of all statements sent to the Board is enclosed.

The Legislature's passage of SB 8 (the amendments to Water Code §§ 5100, et seq), made effective starting February 2010, has brought those statements to the fore. Both our clients and the SWRCB are now obligated to follow the detailed and mandatory requirements of SB 8. Accordingly, we demand on our clients' behalf that the statements already presented be processed and filed as of the date of their receipt, i.e., starting in 2006. Given the substantial changes and new burdens and presumptions in the Water Code wrought by SB 8, our clients are concerned that they may suffer prejudice should the Board's records erroneously suggest that their reporting of their diversions and use dates only after the passage of SB 8.

In addition, and without waiving any of the above, please confirm that the format of the statements and their contents already in the Board's possession is sufficient for any future filings under SB 8, whether for diversions from the Colorado River or otherwise.

Very truly yours,



Thomas S. Virsik
Enclosure