

LAW OFFICES OF  
SMILAND & KHACHIGIANWILLIAM M. SMILAND  
KENNETH L. KHACHIGIAN  
THEODORE A. CHESTER, JR.  
CHRISTOPHER G. FOOTER  
ALBERT M. COHENSEVENTH FLOOR  
601 WEST FIFTH STREET  
LOS ANGELES, CALIFORNIA 90071  
TEL: (213) 691-1310  
FAX: (213) 691-1414JOSEPH W. SWANWICK  
1556-1832  
CHARLES E. DONNELLY  
1890-873  
EMERITUS  
ERNEST M. CLARK, JR.OF COUNSEL  
CHARLES H. CHASESUITE 203  
208 AVENIDA DEL MAR  
SAN CLEMENTE, CALIFORNIA 92672  
TEL: (714) 498-3078  
FAX: (714) 498-8007

July 1, 1998

DUPLICATE VIA TELECOPY

(916) 654-9780

Mr. Rick Breitenbach  
CALFED BAY-DELTA PROGRAM  
1416 Ninth Street  
Suite 1155  
Sacramento, CA 95814Re: Programmatic EIS/EIR

Dear Mr. Breitenbach:

This firm represents landowners and water users located in Area I of the Westlands Water District, including the court-appointed Area I Representatives, and this letter is written on their behalf in response to the CALFED Bay-Delta Program Draft Programmatic Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR") dated March, 1998. Our clients irrigate and farm many thousands of acres within Area I. Our clients are the third-party beneficiaries of contract rights and the equitable owners of appropriative rights, based on permits issued by the State Water Resources Control Board ("Board"), to receive 900,000 acre-feet of irrigation water per year.

Although the Draft EIS/EIR (at 11-12, 11-13) discusses the creation and preservation of water rights, and the Board's duty with respect thereto, there is no analysis in the description of the project alternatives of whether, and to what extent, the implementation of such alternatives would injure existing water rights. Obviously only alternatives that can be legally undertaken warrant any analysis of their potential environmental impacts.

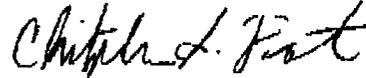
Thus, unless and until there is some assurance that the suggested alternatives will not result in any injury to existing water rights holders, there is no basis for further review of

D:\data\2454\COR\Breitenbach1

Mr. Rick Breitenbach  
July 1, 1998  
Page 2

such alternatives. The omission of such assurance from the Draft  
EIS/EIR is fatal to its compliance with the requirements of the  
National Environmental Policy Act or the California Environmental  
Quality Act.

Yours very truly,



Christopher G. Foster

CGF/mbs

D:\data\2454\COR\Breitenbach1