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February 28, 2013

Sent Via E-File

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth St., Suite 300
Sacramento, CA 95814

Re: *Santa Ana Region Water Permit – San Bernardino County,* 10-TC-10, California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010- 0036, Effective January 29, 2010
San Bernardino County Flood Control District, County of San Bernardino, Cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Highland, Montclair, Ontario and Rancho Cucamonga, Co-Claimants

Dear Ms. Halsey:

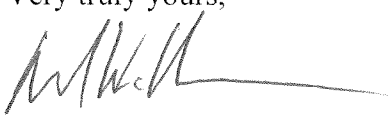
This office represents the above-referenced Co-Claimants with respect to Test Claim 10-TC-10, Santa Ana Regional Water Quality Control Board Order No. R8-2010-0036, effective January 29, 2010. I am writing on behalf of the Co-Claimants to request that this Test Claim be placed on inactive status.

This request is being made due to the pendency of appeals regarding test claims filed with respect to the Los Angeles County and San Diego County municipal stormwater permits. Claimants believe that these appeals will clarify potentially controlling legal issues, making further briefing at this time on the Test Claim inadvisable and a waste of resources. Claimants have discussed this request with counsel for the Water Boards, David Rice, and Mr. Rice has no objection.

It is our understanding that inactive status preserves the filing date of the Test Claim for consideration by the Commission, and that once placed back on active status, any further briefing and consideration of the Test Claim would proceed on schedule.

Co-Claimants therefore respectfully ask that you grant this request for the above-referenced Test Claim to be placed on inactive status, pending further instructions from the Co-Claimants. Thank you in advance for your consideration of this request.

Very truly yours,



David W. Burhenn

cc: Mailing List via E-File