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Commission on
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VIA DROP BOX

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

Re: Test Claim 10-TC-11, San Diego Region Water Permit – County of Orange – Request for Extension

Dear Ms. Halsey:

This letter is being written on behalf of our clients, the County of Orange and the Orange County Flood Control District, and on behalf of joint test claimants Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo and San Juan Capistrano (collectively, "Joint Test Claimants") to request an extension to **October 21, 2016** for the filing of a brief setting forth the impact of the California Supreme Court's recent decision in *Department of Finance v. Commission on State Mandates*, S214855 (Aug. 29, 2016) on the above-captioned test claim.

By letter dated September 9, 2016, the Commission invited all parties, interested parties and interested persons to submit additional briefing on the Supreme Court's decision by **October 10, 2016**. (Hearing on this test claim is scheduled for **March 24, 2017**).

The Joint Test Claimants request an extension, applicable to all parties, interested parties and interested persons, for the filing of the briefing to **October 21**, the same date that a similar brief is required to be filed in Test Claim 09-TC-03, Santa Ana Region Water Permit, County of Orange. That test claim is scheduled to be heard by the Commission on **January 27, 2017**.

As you know, 2 Cal. Code Reg. section 1187.9, subdivision (a), provides that as long as a postponement of a hearing would not be required, there is no prejudice to any party or interested party, and there is no other good reason for denial, a request for extension of time to file comments on a test claim shall be approved. Given that the

Ms. Heather Halsey
Executive Director
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hearing in this test claim is set for a date after that for Test Claim 09-TC-03 (as to which the October 21 briefing deadline applies), there should be no need to postpone the hearing on this test claim. Additionally, the extension would allow Joint Test Claim representatives on both Orange County test claims to coordinate their comments and avoid duplication of effort.

I contacted Senior Staff Counsel Catherine George Hagan, counsel for the San Diego Water Board and the State Water Resources Control Board, and Ms. Hagan indicated that her clients do not object to the requested extension.

The Joint Test Claimants appreciate your consideration of this extension request. Please let me know if you or your staff have any questions. Thank you

Very truly yours,

LEON J. PAGE
COUNTY COUNSEL

By 
Julia Woo, Deputy

JW:po

cc: Service List (Via Drop Box)

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 5, 2016, I served the:

Claimant Request for Extension and Notice of Approval of Extension Request
San Diego Region Water Permit – County of Orange, 10-TC-11
California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2009-0002, effective December 16, 2009
County of Orange, Orange County Flood Control District, Cities of Dana Point,
Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, and San Juan Capistrano,
Co-Claimants

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 5, 2016 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/4/16

Claim Number: 10-TC-11

Matter: San Diego Region Water Permit - Orange County

Claimants: City of Dana Point
City of Laguna Hills
City of Laguna Niguel
City of Lake Forest
City of Mission Viejo
City of San Juan Capistrano
County of Orange
Orange County Flood Control District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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