



BURHENN & GEST LLP
624 SOUTH GRAND AVENUE
SUITE 2200
LOS ANGELES, CALIFORNIA 90017-3321
(213) 688-7715
FACSIMILE (213) 624-1376
WWW.BURHENNGEST.COM

WRITER'S DIRECT NUMBER
(213) 629-8788

WRITER'S E-MAIL ADDRESS
dburhenn@burhennigest.com

January 16, 2018

VIA DROP BOX

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: *Santa Ana Region Water Permit – County of San Bernardino, 10-TC - 10, Request for Extension of Time to File Rebuttal Comments*

Dear Ms. Halsey:

I am writing this letter on behalf of test claimants County of San Bernardino, San Bernardino County Flood Control District (“District”), and the Cities of Big Bear Lake, Chino, Chino Hills, Fontana, Highland, Montclair, Ontario and Rancho Cucamonga (“Claimants”).

Claimants were served with the comments of the Department of Finance (“DOF”) on the above-referenced Joint Test Claim on December 22, 2017 and with the Comments of the State Water Resources Control Board and the Santa Ana Regional Water Quality Control Board (“Water Boards”) on December 27, 2017. As a result, Claimants Rebuttal Comments to the DOF comments are required to be filed on **January 22, 2018** and Rebuttal Comments to the Water Board comments are due to be filed on **January 26, 2018**.

Due to the length of the State agency comments and the numerous issues raised therein, the need to review the voluminous administrative record filed on December 21, 2017 as well as over 12,000 pages of exhibits, and the need for Claimant representatives to review the Rebuttal Comments prior to filing, Claimants respectfully request an extension of time to **March 15, 2018** in which to file Rebuttal Comments to both the DOF and Water Boards comments.

This date, which represents extensions of 52 and 48 days, respectively, is less than the 70-day extension given to the State agencies, which Claimants did not oppose. In

Ms. Heather Halsey

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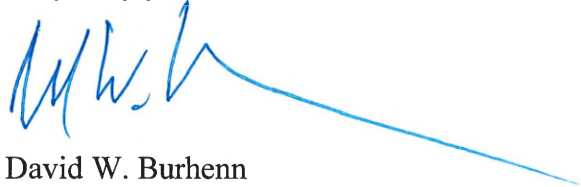
addition, because the State agency comments were filed just before the holidays, this has further limited the time available to prepare the Rebuttal Comments.

As you know, the Commission is not scheduled to hear this test claim until **July 27, 2019**. While we are fully cognizant of the Commission's desire to have prompt submissions in all test claims before it, the short extension sought in this letter will not delay the work of your staff in its consideration of this test claim or require a postponement of the hearing date, since a proposed decision will not be due from staff until May 2019, more than a year from the proposed March 15 date. Similarly, there would be no prejudice to any party or interested party from the requested extension, since the Rebuttal Comments are the final documents to be submitted prior to comments on the proposed decision.

Pursuant to 2 Cal. Code Reg. § 1187.9(a), so long as a postponement of the 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 shall be approved.

Claimants therefore respectfully request that the date for submittal of the Rebuttal Comments of Claimants be extended to no later than **March 15, 2018**. Thank you in advance for your consideration of this request.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'D. W. Burhenn', with a long horizontal line extending to the right.

David W. Burhenn

DB:dwb

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 January 19, 2018, I served the:

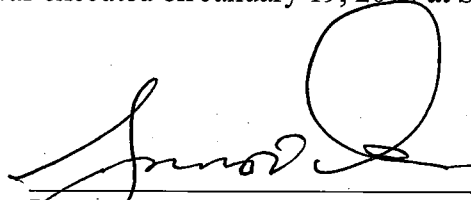
- **Notice of Extension Request Approval issued January 19, 2018**
- **Claimant's Request for Extension of Time filed January 17, 2018**

*California Regional Water Quality Control Board, Santa Ana Region,
Order No. R8-2010-0036, 10-TC-10*

County of San Bernardino, San Bernardino County Flood Control District,
Cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Highland,
Montclair, Ontario, and Rancho Cucamonga, 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 January 19, 2018 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/22/17

Claim Number: 10-TC-10

Matter: California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0036

Claimants: City of Big Bear Lake
City of Chino
City of Chino Hills
City of Fontana
City of Highland
City of Montclair
City of Ontario
City of Rancho Cucamonga
County of San Bernardino
San Bernardino 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.)

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Matt Ballantyne, City Manager, *City of Chino*

13220 Central Avenue, Chino, CA 91710

Phone: (909) 334-3304

mballantyne@cityofchino.org

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Konradt Bartlam, City Manager, *City of Chino Hills*

14000 City Center Drive, Chino Hills, CA 91709

Phone: (909) 364-2610

kbartlam@chinohills.org

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Shanda Beltran, General Counsel, *Building Industry Legal Defense Foundation*

Building Association of Southern California, 17744 Sky Park Circle, Suite 170, Irvine, CA 92614

Phone: (949) 553-9500

sbeltran@biasec.org

Cindy Black, City Clerk, *City of St. Helena*

1480 Main Street, St. Helena, CA 94574

Phone: (707) 968-2742

cityclerk@cityofstheleena.org

Al Boling, City Manager, *City of Ontario*

303 E. B Street, Ontario, CA 91764

Phone: (909) 395-2354

aboling@ontarioca.gov

Allan Burdick,

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916)595-2646

Bburgess@mgtamer.com

David Burhenn, *Burhenn & Gest, LLP***Claimant Representative**

624 South Grand Avenue, Suite 2200, Los Angeles, CA 90017

Phone: (213) 629-8788

dburhenn@burhenngest.com

Gwendolyn Carlos, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-0706

gcarlos@sco.ca.gov

Daniel Carrigg, Deputy Executive Director/Legislative Director, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8222

Dcarrigg@cacities.org

Annette Chinn, *Cost Recovery Systems, Inc.*

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901

achinnrcs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*

925 L Street, Sacramento, CA 95814

Phone: (916) 319-8326

Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*

2217 Isle Royale Lane, Davis, CA 95616

Phone: (530) 758-3952
coleman@muni1.com

Mike Cory, Acting Public Works & Utility Services Director, *City of Colton*
650 N La Cadena Dr, Colton, CA 92324
Phone: (909) 370-5065
mcory@coltonca.gov

Anita Dagan, Manager, Local Reimbursement Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Gregory Devereaux, Chief Executive Officer, *County of San Bernardino*
San Bernardino County Flood Control District, 385 North Arrowhead Avenue, Fifth Floor, San
Bernardino, CA 92415-0120
Phone: (909) 387-5417
gdevereaux@cao.sbcounty.gov

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, Legislative Representative, *California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@csda.net

John Gillison, City Manager, *City of Rancho Cucamonga*
10500 Civic Center Drive, Rancho Cucamonga, CA 91730
Phone: (909) 477-2700
john.gillison@cityofrc.us

Catherine George Hagan, Senior Staff Counsel, *State Water Resources Control Board*
c/o San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego,
CA 92108
Phone: (619) 521-3012
catherine.hagan@waterboards.ca.gov

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Sunny Han, Project Manager, *City of Huntington Beach*
2000 Main Street, Huntington Beach, CA 92648

Phone: (714) 536-5907
Sunny.han@surfcity-hb.org

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Justyn Howard, Program Budget Manager, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-1546
justyn.howard@dof.ca.gov

Michael Hudson, City Engineer, *City of Montclair*
5111 Benito Street, Montclair, CA 91763
Phone: (909) 625-9441
mhudson@cityofmontclair.org

Joseph Hughes, City Manager, *City of Highland*
27215 Base Line, Highland, CA 92346
Phone: (909) 864-6861
jhughes@cityofhighland.org

Chris Hughes, City Manager, *City of Ontario*
393 E. B Street, Ontario, CA 91764
Phone: (909) 395-2555
chughes@ci.ontario.ca.us

Kenneth Hunt, City Manager, *City of Fontana*
8353 Sierra Avenue, Fontana, CA 92335
Phone: (909) 350-7653
khunt@fontana.org

Amer Jakher, Director of Public Works, *City of Beaumont*
550 E. Sixth Street, Beaumont, CA 92223
Phone: (951) 769-8520
Ajakher@ci.beaumont.ca.us

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Dorothy Johnson, Legislative Representative, *California State Association of Counties*
1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
djohnson@counties.org

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Anita Kerezsi, *AK & Company*
3531 Kersey Lane, Sacramento, CA 95864
Phone: (916) 972-1666
akcompanysb90@gmail.com

Michael Lauffer, Chief Counsel, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
michael.lauffer@waterboards.ca.gov

David Lawrence, Director of Public Works/City Engineer, *City of Big Bear Lake*
P.O. Box 10000, 39707 Big Bear Blvd., Big Bear Lake, CA 92315-8900
Phone: (909) 866-5831
dlawrence@citybigbearlake.com

Jeff Mathieu, City Manager, *City of Big Bear Lake*
39707 Big Bear Blvd., PO BOX 10000, Big Bear Lake, CA 92315
Phone: (909) 866-5831
jmathieu@citybigbearlake.com

Hortensia Mato, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3000
hmato@newportbeachca.gov

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Geoffrey Neill, Senior Legislative Analyst, Revenue & Taxation, *California State Association of Counties (CSAC)*
1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
gneill@counties.org

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Adriana Nunez, Staff Counsel, *State Water Resources Control Board*
P.O. Box 100, Sacramento, CA 95812
Phone: (916) 322-3313
Adriana.nunez@waterboards.ca.gov

Lori Okun, Assistant Chief Counsel, *State Water Resources Control Board*
Regional Water Board Legal Services, 1001 I Street, Sacramento, CA 95814
Phone: (916) 341-5165
Lori.Okun@waterboards.ca.gov

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Steven Pavlov, Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814

Phone: (916) 445-3274
Steven.Pavlov@dof.ca.gov

Jai Prasad, *County of San Bernardino*

Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018
Phone: (909) 386-8854
jai.prasad@atc.sbcounty.gov

Mark Rewolinski, *MAXIMUS*

808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (949) 440-0845
markrewolinski@maximus.com

David Rice, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814
Phone: (916) 341-5161
davidrice@waterboards.ca.gov

Teresita Sablan, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814
Phone: (916) 341-5174
Teresita.Sablan@waterboards.ca.gov

Carla Shelton, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Hope Smythe, Executive Officer, *Santa Ana Regional Water Quality Control Board*

3737 Main Street, Suite 500, Riverside, CA 92501-3348
Phone: (951) 782-4493
Hope.Smythe@waterboards.ca.gov

Eileen Sobeck, Executive Director, *State Water Resources Control Board*

1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
Eileen.Sobeck@waterboards.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Edward Starr, City Manager, *City of Montclair*

5111 Benito Street, Montclair, CA 91763
Phone: (909) 625-9405
ecstarr@cityofmontclair.org

Joe Stephenshaw, Director, *Senate Budget & Fiscal Review Committee*

California State Senate, State Capitol Room 5019, Sacramento, CA 95814

Phone: (916) 651-4103

Joe.Stephenshaw@sen.ca.gov

Tracy Sullivan, Legislative Analyst, *California State Association of Counties (CSAC)*

Government Finance and Administration, 1100 K Street, Suite 101, Sacramento, CA 95814

Phone: (916) 650-8124

tsullivan@counties.org

Derk Symons, Staff Finance Budget Analyst, *Department of Finance*

Local Government Unit, 915 L Street, Sacramento, CA 95814

Phone: (916) 445-3274

Derk.Symons@dof.ca.gov

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 243-8913

jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3127

etseng@newportbeachca.gov

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

Brian.Uhler@LAO.CA.GOV

Oscar Valdez, Auditor-Controller, Treasurer, Tax Collector, *County of San Bernardino*

San Bernardino Flood Control District, 268 West Hospitality Lane, Fourth Floor, San Bernardino, CA 92415-0018

Phone: (909) 382-7000

oscar.valdez@atc.sbcounty.gov

Renee Wellhouse, *David Wellhouse & Associates, Inc.*

3609 Bradshaw Road, H-382, Sacramento, CA 95927

Phone: (916) 797-4883

dwa-renee@surewest.net

Jennifer Whiting, Assistant Legislative Director, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8249

jwhiting@cacities.org

Patrick Whitnell, General Counsel, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8281

pwhitnell@cacities.org

Hasmik Yaghobyan, *County of Los Angeles*

Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012

Phone: (213) 974-9653

hyaghobyan@auditor.lacounty.gov