Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127
Nipomo, CA 93444

Phone: (805) 929-4153
Fax: (805) 929-5598
Email: kochcal@earthlink.net

June 26, 2000
Nipomo Community Services District
148 Wilson Street
P.O. Box 326   (805) 929-1133 Phone
Nipomo, CA 93444   (805) 929-1932 Fax

Dear Doug Jones:

I am requesting a complete unedited exact copy of the document provided to Jim Garing by NCSD; "Engineering Considerations of Groundwater Yields and Rights on the Nipomo Mesa Sub-Area, San Luis Obispo County, CA (October 1993) as listed on page 8 of the draft initial study by Jim Garing for new water transmission Main in the May 17th 2000 agenda.

Thank You

John Snyder
Vice President

Send Confirmation (Event Succeeded)

Date:	6/26/00	**Time:**	10:57 PM
Pages:	2	**Duration:**	0 min 44 sec
Recipient:	Jones, Doug	**Company:**	Nipomo Community Services District
Fax Number:	9291932	**Subject:**	
Type:	Fax	**Resolution:**	Fine
Retries:	0	**Speed:**	9600 bps
Status:	Completed	**Status Code:**	Complete
Remote CSID:	805 929 1932	**Pages Sent:**	2
Keywords:		**ECM:**	On
Billing:			

Koch California Ltd.

FACSIMILE COVER PAGE

To: Doug Jones	From: John Snyder
Fax #: 9291932	Fax #: (805) 929-5598
Company: Nipomo Community Services	Tel #: (805) 929-4153

Subject:	
Sent: 6/26/00 at 10:57:06 PM	Pages: 2 (including cover)

MESSAGE:

Request for Data #2

Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127
Nipomo, CA 93444

Phone: (805) 929-4153
Fax: (805) 929-5598
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Thank You

John Snyder
Vice President

NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
P.O. BOX 326   NIPOMO, CA 93444-0326
(805) 929-1133 FAX (805) 929-1932

July 3, 2000

John Snyder
Koch California Ltd.
P O Box 1127
Nipomo, CA 93444

SUBJECT: REQUEST FOR DOCUMENTS

This is in response to your June 26, 2000 FAX requesting documents from the District. Please refer to the letter sent to you from Mr. Jon Seitz, dated March 23, 2000.

If you have any further questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Doug Jones
General Manager

cc: Jon S. Seitz, District Legal Counsel

Document request/Snyder42

SHIPSEY & SEITZ, INC.

JON S. SEITZ
MICHAEL W. SEITZ

A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
SAN LUIS OBISPO, CALIFORNIA 93406
(805) 543-7272 FAX (805) 543-7281
JON S. SEITZ
District Legal Counsel
Nipomo Community Services District

JOHN L. SEITZ
(1924-1986)

GERALD W. SHIPSEY
(RETIRED)

March 23, 2000

JOHN SNYDER, VICE PRESIDENT
KOCH CALIFORNIA LTD.
662 Eucalyptus Road
P.O. Box 1127
Nipomo, CA 93444

BARRY H. EPSTEIN, ESQ.
FITZGERALD, ABBOTT & BEARDSLEY LLP
Attorney for Koch California Ltd./
 and John Snyder
1221 Broadway, 21st Floor
Oakland, CA 94612

        RE: REQUEST FOR DOCUMENTS

Dear Mr. Snyder:

        The District has forwarded your March 18, 2000 request for
records, which I presume to be a public records request, on to
this firm for a response. Said letter is attached hereto.
Accordingly, the District responds as follows:

1.   The Request is objected to pursuant to Government Code
Section 6255, because on the facts of this particular request the
public interest served by not making the records public clearly
outweighs the public interest served by disclosure of the
records.

        You are currently represented by Attorneys in the
groundwater litigation against the District titled Santa Maria
Valley Water Conservation District, a public entity, plaintiff,
vs. the City of Santa Maria, a municipal corporation, et al. and
related cross actions. The records requested potentially relate
to said litigation. Using the Public Records Act as well as the
formal discovery process under the California Code of Civil
Procedure and Evidence Code, unfairly requires the District (as a
litigator) to deal with:

• The burden of double disclosure request for the same document;
  one under the Public Records Act and the other under the
  formal discovery process.

Page 2
Mr. John Snyder
Attorney Barry H. Epstein
March 23, 2000

- Two disclosure process that could be sequenced by you and your
  attorneys to the disadvantage of the public
- Two disclosure processes whose procedures may conflict with
  one another
- Having to make a disclosure determination for the purposes of
  litigation but within the abbreviated time period allowed by
  the Public Records Act for public records purposes; rather
  than within the longer period allowed by the formal discovery
  process for litigation purposes.

     Further, the District cannot fully prepare for litigation
challenges if records are being given to an opposing party
through the Public Records Act process. Since the Public Records
Act is to be administered liberally by the District to facilitate
the disclosure of records, it is virtually impossible for the
District's special water litigation attorneys to know about, let
alone substantially review, requests for records under the Public
Records Act. Thus, under the Public Records Act, records relating
to a pending claim or litigation can be disclosed to an opposing
litigant without being called to the attention of the special
litigation attorneys for the District. As a consequence, the
District is not able to fully prepare a response to an opponent's
potential use of those records.

     During the pendency of the current groundwater litigation to
which you are a litigant, whatever public interest there is in
the disclosure of obtaining records through the Public Records
Act is satisfied fully by the formal discovery process which:

- makes available the disclosure of such records, even if the
  records are not disclosed under the Public Records Act while
  the matter is pending;
- ensures that the District's litigation attorneys will know
  about and be involved in deciding what records are being
  disclosed to an opposing party;
- provides the District's litigation attorneys with the
  opportunity to raise proper objections to the request for
  records, within the time frame appropriate for litigation.

     It is the District's position that the Public Records Act

Page 3
Mr. John Snyder
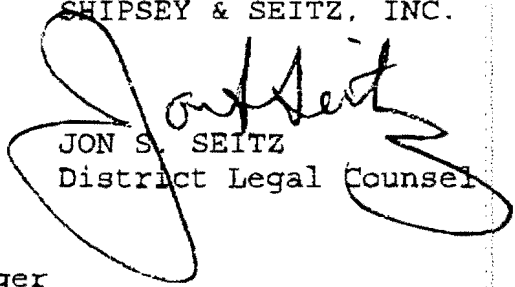Attorney Barry H. Epstein
March 23, 2000

should not be interpreted to result in a nullification of the existing discovery procedures for obtaining documents for litigation. Therefore, the District objects to the request made in the March 18, 2000 letter and will continue to object on this basis to any and all future Public Records Requests that have any relation or nexus to water issues involved in the current groundwater litigation.

2.   To the extent the records exist, the request is objected to pursuant to Government Code Section 6254(b) because they relate to pending litigation to which the District is a party.

3.   To the extent the records exist, the request is objected to pursuant to Government Code Section 6254(k) because disclosure of said records is exempted or prohibited pursuant to federal or state law, including but not limited to, provisions of the Evidence Code and Code of Civil Procedure relating to Attorney/Client Privilege, Attorney Work Product, and Expert Work Product.

    As you are a litigant in the Santa Maria Valley Water Conservation District lawsuit and are represented by legal counsel in said litigation, I am jointly addressing this letter to you and your attorney of record.

                              Very truly yours,
                              SHIPSEY & SEITZ, INC.

                              JON S. SEITZ
                              District Legal Counsel

JSS/cm
Enclosures
cc: Doug Jones, General Manager
              Nipomo Community Services District (w/encls)
       James Markman, Esq., Water Counsel, NCSD (w/encls)