

EXHIBIT 16-A

From: kmarkey65@comcast.net
To: dave@laredolaw.com, darby@mpwmd.dst.ca.us
Sent: Friday, August 5, 2011 5:17:49 PM
Subject: Director's Appeal

Hi Darby, Dave,

Rule 71 allows me as an individual Director to refer "subordinate decisions" to the full Board - ie staff decisions. Pursuant to that right, I would like to appeal the following:

1. Subordinate decisions related to the appeal by Judy and David Beech.
2. Subordinate decisions related to the WDS applications by Flores and Picente

This includes, but is not limited to: the June 24th correspondence from Darby Fuerst to the Beeches deciding on the question of the extention of the well testing time period; the July 20th letter from the District to Flores and Picente, deeming their applications to be complete; and the July 26th letter from the District to the Beeches stating that their appeal of the June 24th correspondence will not be heard by the Board because it doesn't cite a Rule or Regulation.

I am concerned about this situation because it brings to light serious ambiguity in our Rules and Regulations regarding notification of well-testing, time periods for various actions, and standards for well testing. Each of these determinations by staff "affects, impacts, or deals with matters of general policy" (see Rule 71 as grounds for Director's appeals.) Furthermore, there are "significant environmental concerns" regarding failure to resolve these ambiguities, as well as "significant economic" impacts on the Districts services because we don't have the money to fight a court battle over denial of due process issues that could be so much more easily resolved at this level. We are reducing programs because of lack of dollars right now, and failure to act promptly and reasonably on this dispute could cost us significant dollars.

Please let me know if you need any clarification on my appeal, or if there are any other procedural steps I need to take to make this appeal valid from your point of view. I left a message for both of you regarding this matter, to give you a "heads up" that this was coming. Thanks!

Kristi Markey, Director
Division 3