

July 21, 2015

*(Via Electronic Mail [Cathy.Crothers@water.ca.gov](mailto:Cathy.Crothers@water.ca.gov) and U.S. Mail)*

Ms. Cathy Crothers, Chief Counsel  
California Department of Water Resources  
P.O. Box 942836, Room 1104-4  
Sacramento, CA 94236-0001

**Re: California Public Records Act Request**

Dear Ms. Crothers:

Pursuant to the California Public Records Act, California Government Code section 6250 et seq., on behalf of Byron-Bethany Irrigation District (BBID), I hereby request copies of all public records prepared, received, owned, used, or possessed by the California Department of Water Resources or its staff, including, but not limited to, the State Water Project Analysis Office (collectively referred to herein as DWR), relating in any way to California State Water Resources Control Board (SWRCB) Enforcement Action ENF01951 -- ADMINISTRATIVE CIVIL LIABILITY COMPLAINT REGARDING UNAUTHORIZED DIVERSION OF WATER FROM THE INTAKE CHANNEL TO THE BANKS PUMPING PLANT (FORMERLY ITALIAN SLOUGH) IN CONTRA COSTA COUNTY (ENF01951). I request all public records as defined in Government Code section 6252(e), which include any "writing" as defined in Government Code section 6252(g)<sup>1</sup>.

The public records requested in this letter include, but are not limited to:

1. All public records related in any way to ENF01951.
2. All public records related in any way to the SWRCB's June 12, 2015 "Notice of Unavailability of Water and Need for Immediate Curtailment for Those Diverting Water in the Sacramento-San Joaquin Watersheds and Delta with a Pre-1914 Appropriative Claim Commencing During or After 1903."
3. All public records related in any way to the statement in the SWRCB's June 12, 2015 "Notice of Unavailability of Water and Need for Immediate Curtailment for Those Diverting Water in the Sacramento-San Joaquin

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<sup>1</sup> "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

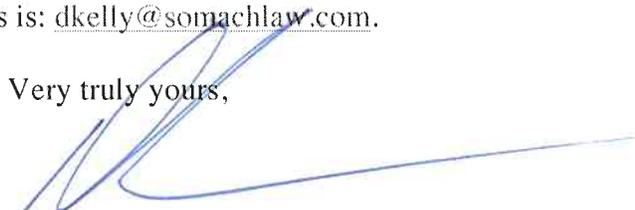
Watersheds and Delta with a Pre-1914 Appropriative Claim Commencing During or After 1903” that “there is insufficient water in the system to service” the claims of right affected by the Notice.

4. All public records related in any way to the determination by the SWRCB that, as of June 12, 2015, there was insufficient water to satisfy BBID’s pre-1914 appropriative water right.
5. All public records, from January 1, 2015 through July 20, 2015, between anyone at DWR and anyone at the SWRCB regarding BBID’s diversion of water and/or ENF01951.
6. All public records, from January 1, 2015 through July 20, 2015, between anyone at the DWR and anyone at the SWRCB regarding the availability of water in the Sacramento-San Joaquin watersheds and/or the California Delta.
7. All public records related in any way to the SWRCB’s July 15, 2015 PARTIAL RESCISSION OF APRIL, MAY AND JUNE 2015 CURTAILMENT NOTICES AND CLARIFICATION OF STATE WATER BOARD POSITION RE: NOTICES OF UNAVAILABILITY OF WATER FOR THOSE DIVERTING WATER IN THE SACRAMENTO RIVER WATERSHED, SAN JOAQUIN RIVER WATERSHED AND DELTA, AND SCOTT RIVER.

Pursuant to California Government Code section 6253.9, I hereby request that any record that is available in electronic format be provided in electronic format. If any computer programming services are necessary to export the data files into the requested format, and the DWR intends to charge for such costs pursuant to Government Code section 6253.9(b), please advise me of such costs immediately.

Please contact me within ten (10) days to let me know if DWR has the requested public records. Should you contend that any of the requested records must be withheld, then under Government Code section 6255 please provide a written response detailing the basis for withholding the record(s). My email address is: [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com).

Very truly yours,



Daniel Kelly

DK:yd

cc: Rick Gilmore, General Manager, Byron-Bethany Irrigation District  
(via electronic mail [r.gilmore@bbid.org](mailto:r.gilmore@bbid.org))