



July 24, 2018

Chair Felicia Marcus
California State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Via Electronic Mail

7995 Bruns Road
Byron, California 94514-1625

Telephone
(209) 835-0375
Fax
(209) 835-2869

**General Manager
Secretary**
Rick Gilmore

Dear Ms. Marcus:

As you know, Byron-Bethany Irrigation District (BBID) and other petitioners are currently engaged in multi-phased litigation against the State Water Resources Control Board (Board) in the Santa Clara County Superior Court.

Earlier this year, the parties to the litigation began settlement discussions. In a letter dated April 18, 2018, counsel for the Board requested Petitioners provide an initial settlement proposal. By letter dated May 25, 2018, Petitioners sent their initial settlement proposal, as requested. On June 25, 2018, the Board's counsel responded with a counter-proposal, stating that Petitioners' initial proposal was shared with the Board, and listing the terms of the Board's counter-proposal.

Since beginning settlement discussions, Petitioners' counsel have been reviewing the Board's agenda and meeting minutes for indications that the Board Members plan to discuss, or have discussed, Petitioners' settlement proposal in closed session or otherwise. We have not seen any indication the Board Members discussed Petitioners' settlement offer.

Given this information, Petitioners are now writing you to ask whether Petitioners' settlement proposal was presented to the Board Members for discussion as we have been advised by the Board's counsel. Should you and your fellow Board Members be unaware of Petitioners' settlement proposal, we encourage you to initiate discussions with your counsel so that the Board may discuss and consider the proposal.

Please let me know if you have any questions or would like to discuss this matter further. I look forward to working with you and your Board to resolve this litigation in a fair and timely manner.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Rick Gilmore", is written over the closing text.

Rick Gilmore
General Manager