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JAMES M. BOYD, JR., Of Counsel

November 20, 2006

VIA FAX (341-5620) AND MAIL

Mr. Arthur G. Baggett, Jr.  
Mr. Charles Hoppin  
Hearing Officers  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, California 95812-0100

Re: SWRCB Hearing on Yuba County Water Agency Petition To Change  
Effective Date Of RD-1644 Long-Term Instream-Flow Requirements

Dear Mr. Baggett and Mr. Hoppin:

This firm represents the Yuba County Water Agency ("YCWA"). I am writing about the SWRCB hearing that presently is scheduled for December 11 on YCWA's petition to change the effective date of the long-term instream-flow requirements in the SWRCB's Revised Decision 1644. (This petition is referred to in this letter as "YCWA's petition.")

The SWRCB's September 22 notice for this hearing stated that protests to YCWA's petition and notices of intent to appear at the hearing had to be filed with the SWRCB by noon on October 23, and that exhibits and testimony had to be filed with the SWRCB by noon on November 17.

The October 24 letter regarding this hearing from Ernest Mona of the SWRCB's staff stated that the only notices of intent to appear that were filed for this hearing were filed by YCWA and the Department of Water Resources ("DWR"). Both of these parties support YCWA's petition. No party filed a protest to YCWA's petition. (The Bureau of Reclamation and the California Department of Fish and Game notified the SWRCB that they would be submitting policy statements for the hearing. Both of these entities also support YCWA's petition.)

According to the Division of Water Rights' website, only YCWA and DWR submitted exhibits and testimony for this hearing. Both of these parties' exhibits and testimony support granting YCWA's petition.<sup>1</sup>

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<sup>1</sup>One of these exhibits, exhibit YCWA-7, is the Fisheries Agreement for the 2007 Lower Yuba River Pilot Program. The exhibit submitted on November 17 was not signed, because YCWA still is obtaining the signatures for this agreement, a process that it could not start until the Negative

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Because no party protested YCWA's petition, and because no party to the December 11 hearing is going to oppose YCWA's petition, the December 11 hearing no longer is necessary. YCWA therefore requests that the SWRCB cancel the December 11 hearing and issue an order granting YCWA's petition. Because YCWA and DWR will need to spend time and effort to prepare for the December 11 hearing if it is not cancelled, YCWA requests that you rule promptly on this request.

If you have questions regarding this request, then I propose that you hold a conference call or a meeting with representatives of all of the parties to the hearing. Cathy Crothers, staff attorney for DWR, the only other party to this hearing, has advised me that she is willing to participate in such a conference call or meeting. (I am sending a copy of this letter to Ms. Crothers. This letter therefore is not an ex parte communication.)

Thank you for your attention to this matter.

Very truly yours,



ALAN B. LILLY

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cc: Cathy Crothers, Department of Water Resources (via e-mail, [crothers@water.ca.gov](mailto:crothers@water.ca.gov))  
Ernest Mona, Division of Water Rights (via e-mail, [emona@waterboards.ca.gov](mailto:emona@waterboards.ca.gov))

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Declaration for the 2007 Pilot Program was adopted on November 14. YCWA will file a copy of the fully signed agreement with the SWRCB as soon as it is available.