

**BILL LOCKYER**  
*Attorney General*

*State of California*  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 324-4913  
Facsimile: (916) 327-2319  
E-Mail: [william.cunningham@doj.ca.gov](mailto:william.cunningham@doj.ca.gov)

July 15, 2003

Division of Water Rights  
State Water Resources Control Board  
Cal/EPA Headquarters  
1001 "I" Street, 14<sup>th</sup> Floor  
Sacramento, CA 95814-2828

Re: Revised Decision 1644

Dear Chairman and Members of the Board:

On behalf of the Department of Fish and Game, I would again like to thank the Board and Board staff for the time and effort recently invested in the revised "draft" Decision for the lower Yuba River. This decision reflects a solid understanding of the evidence already in the administrative record before the Board and the limited nature of the supplemental materials offered by the Yuba County Water Agency and directed to your attention by the Yuba County Superior Court.

As we have earlier argued, the supplemental evidentiary materials provided in the Declarations of Mrs. Mitchell, Bratovich, and Aiken do not, in fact, contain any significant new information. The information that is provided appears, at best, cumulative to the extensive information on the same topics already contained within the Board's record. The information also appears prone to substantial misinterpretation in its presentation by the Yuba County Water Agency and does not, in any way, support an argument that the Board's terms for instream water flows necessary to protect fish and wildlife should be altered or reduced.

While the Department continues to have reservations about some of the terms of the decision and their impacts upon the fish and wildlife resources associated with the lower Yuba River, the Department would like to commend the Board for its continuing efforts to balance the needs of the River's consumptive users with those of California's natural resources dependant upon the

Chairman and Members of the Board  
State Water Resources Control Board  
July 15, 2003  
Page 2

Yuba River's water flows. The Department would also encourage the Board to expeditiously adopt and implement its revised decision. The sooner the permanent terms for instream flows contained in Decision 1644 can be put in place the better the chance those natural resources might survive for generations yet to come.

Sincerely,



WILLIAM D. CUNNINGHAM  
Deputy Attorney General

For BILL LOCKYER  
Attorney General

WDC/plc