

**MINASIAN, MEITH,
SOARES, SEXTON &
COOPER, LLP**

ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 Bird Street
Post Office Box 1679
Oroville, California 95965-1679

Writer's E-MAIL: dcooper@minasianlaw.com

PAUL R. MINASIAN, INC.
JEFFREY A. MEITH
M. ANTHONY SOARES
DUSTIN C. COOPER
EMILY E. LaMOE
ANDREW J. McCLURE
JACKSON A. MINASIAN
AIDAN P. WALLACE

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

WILLIAM H. SPRUANCE,
Retired

MICHAEL V. SEXTON,
Retired

September 16, 2021

DWR-MillDeerDrought@waterboards.ca.gov

Re: Comment to Preliminary Draft Drought Emergency Regulation for Mill Creek and Deer Creek Watersheds

To Whom it May Concern:

This letter is in follow up to our correspondence dated September 2 and 8, 2021 to the State Water Resources Control Board, California Department of Fish and Wildlife and National Marine Fisheries Service. In those letters, we requested responses to Public Records Act requests dated July 8, 2021 and a Freedom of Information Act request dated July 9, 2021 and production of responsive records 24 hours in advance of comment deadline, which was originally scheduled at noon on September 8, 2021. The comment deadline was then extended to noon today.

Please be advised that our clients still have not received records responsive to those PRA and FOIA requests. While we have been contacted to inquire as to the scope of the requests, we have not received any records from the State Water Board or NMFS. We did receive from CDFW on September 7, 2021 a link to first batch responsive records with a statement that further records will be produced "on a rolling basis as they become available"; however, the link is broken and we are unable to access or view any of the first batch records. CDFW has not responded to our repeated email and phone calls to try to resolve the technical issue and gain access to those records.

Consequently, this letter is to advise that affected water users Stanford Vina Ranch Irrigation Company and Los Molinos Mutual Water Company cannot submit complete comments to the proposed adoption of emergency regulations on Mill and Deer Creeks by today's noon deadline. We continue to await the State Water Board's, CDFW's and NMFS' complete responses to our clients' PRA and FOIA requests. If necessary, our clients will submit comments, regardless of whether complete responses are provided, at or before the time the State Water Board considers this item on September 22, 2021. However, be advised that our clients reserve all rights to pursue legal action for your agencies' failure to timely and completely respond to the PRA and FOIA requests and

To: DWR-MillDeerDrought@waterboards.ca.gov
Re: Emergency Regulations on Mill and Deer Creeks
Date: September 16, 2021
Page 2

the resulting inability to provide complete comments for the State Water Board members' consideration.

Minasian, Meith, Soares,
Sexton & Cooper, LLP

By 

Dustin C. Cooper

DCC/ast

Cc: Eileen Sobeck, Executive Director, SWRCB
Tina Bartlett, Regional Manager, CDFW Norther Region
Howard Brown, NMFS