

**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](mailto: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

TELEPHONE:  
(530) 533-2885

FACSIMILE:  
(530) 533-0197

WILLIAM H. SPRUANCE,  
Retired

MICHAEL V. SEXTON,  
Retired

September 2, 2021

Eileen Sobeck, Executive Director, SWRCB  
Erik Ekdahl, Deputy Director  
Phil Wyels, Public Records Act Coordinator  
[pwysels@waterboards.ca.gov](mailto:pwysels@waterboards.ca.gov)  
[DWR-MillDeerDrought@waterboards.ca.gov](mailto:DWR-MillDeerDrought@waterboards.ca.gov)

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

Dear Ms. Sobeck, Mr. Ekdahl and Mr. Wyels:

Yesterday at 4:43 p.m. we received the lyris email containing the "Notice of Opportunity for Public Comment on the Preliminary Draft Drought Emergency Regulation for Mill Creek and Deer Creek Watersheds" with a comment deadline of noon on September 8, 2021. Accounting for the Labor Day weekend, this gives 3.5 business days to comment.

The Notice contains a link to the State Water Board's website "Mill Creek and Deer Creek Drought Response", which contains a July 30, 2021 letter from NMFS to the State Water Board and August 9, 2021 letter from California Department of Fish and Wildlife both requesting the State Water Board adopt emergency regulations. Yesterday was the first time our clients and this office were provided copies of this correspondence. As the State Water Board is well aware, in 2021 there have been extensive and ongoing dialog between water users on Mill and Deer Creeks, including onsite visits, meetings and exchange of written correspondence. It is extremely troubling that water users on Mill and Deer Creeks were not copied on these letters. This is not working in a "transparent manner" with "Water Board staff and landowners" as offered in CDFW's August 9, 2021 letter.

On July 8, 2021 we transmitted a Public Records Act request on behalf of our affected clients (courtesy copy enclosed) requesting records related to Mill and Deer Creeks. The State Water Board has neither responded to the Request, nor provided any responsive records.

To: Eileen Sobeck, Erik Ekdahl and Phil Wyels  
Re: Re: PRA  
Date: September 2, 2021  
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Obtaining the records that are the subject of the Request is necessary for our client's to be able to submit complete comments. These records are also important for the Board Members of the State Water Board to consider when this item is presented to them on September 22, 2021.

**Therefore, please provide all responsive records by noon on Tuesday, September 7, 2021.** This will afford only 24 hours for our clients to offer comments by the State Water Board's noon deadline on September 8, 2021.

If the State Water Board is unable to produce all responsive records, be advised we reserve the right to pursue all available legal remedies available to our clients, including the right to compel production of public records and to comment after the September 8<sup>th</sup> deadline and before the State Water Board considers the emergency regulations on September 22, 2021.

Very truly yours,

MINASIAN, MEITH, SOARES, SEXTON  
& COOPER, LLP



By: \_\_\_\_\_  
DUSTIN C. COOPER

cc:  
Stanford Vina Ranch Irrigation Company, [mike@crainwalnut.com](mailto:mike@crainwalnut.com)  
Los Molinos Mutual Water Company, [lmmutual@att.net](mailto:lmmutual@att.net)  
Tina Bartlett, [tina.bartlett@wildlife.ca.gov](mailto:tina.bartlett@wildlife.ca.gov)  
Jason Roberts, [Jason.roberts@wildlife.ca.gov](mailto:Jason.roberts@wildlife.ca.gov)  
Erik Ekdahl, [Erik.Ekdahl@waterboards.ca.gov](mailto:Erik.Ekdahl@waterboards.ca.gov)  
Diane Riddle, [Diane.Riddle@waterboards.ca.gov](mailto:Diane.Riddle@waterboards.ca.gov)  
Nicole Williamson, [Nicole.Williamson@waterboards.ca.gov](mailto:Nicole.Williamson@waterboards.ca.gov)  
Ellen McBride, [Ellen.McBride@noaa.gov](mailto:Ellen.McBride@noaa.gov)  
Howard Brown, [Howard.Brown@noaa.gov](mailto:Howard.Brown@noaa.gov)  
David Guy, NCWA, [dguy@norcalwater.org](mailto:dguy@norcalwater.org)

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1681 BIRD STREET  
P.O. BOX 1679  
OROVILLE, CALIFORNIA 95965-1679

Writer's email: [jminasian@minasianlaw.com](mailto:jminasian@minasianlaw.com)

PAUL R. MINASIAN, INC.  
JEFFREY A. MEITH  
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DUSTIN C. COOPER  
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TELEPHONE:  
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FACSIMILE:  
(530) 533-0197

WILLIAM H. SPRUANCE,  
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MICHAEL V. SEXTON,  
Retired

July 8, 2021  
*Via Email*

State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
Attention: Phil Wyels  
[pwyels@waterboards.ca.gov](mailto:pwyels@waterboards.ca.gov)

Re: **Public Records Act Request**

Ladies and Gentlemen:

This firm represents Stanford Vina Ranch Irrigation Company and Los Molinos Mutual Water Company. On behalf of those parties and pursuant to the California Public Records Act, Government Code sections 6250 et seq., this letter requests copies of all records in the following categories within the control, custody, or possession of the State Water Resources Control Board ("SWRCB"):

1. All records or documents, electronic, written, or otherwise, related or referring to Deer Creek from January 1, 2021 through the present.
2. All records or documents, electronic, written, or otherwise, related or referring to Mill Creek from January 1, 2021 through the present.
3. All records or documents, electronic, written, or otherwise, related or referring to Stanford Vina from January 1, 2021 through the present.

4. All records or documents, electronic, written, or otherwise, related or referring to Stanford Vina Ranch Irrigation Company from January 1, 2021 through the present.
5. All records or documents, electronic, written, or otherwise, related or referring to SVRIC from January 1, 2021 through the present.
6. All records or documents, electronic, written, or otherwise, related or referring to Los Molinos Mutual Water Company from January 1, 2021 through the present.
7. All records or documents, electronic, written, or otherwise, related or referring to LMMWC from January 1, 2021 through the present.
8. All records or documents, electronic, written, or otherwise, related or referring to emergency regulations from January 1, 2021 through the present.

A request for records or documents “referring”, “relating” or that “relate” to a subject request all records that in any way mention the subject and are in any way relevant to the subject.

If you are unable to comply with this Request because you believe it is not focused or effective, Government Code section 6253.1(a) requires you to (1) assist the Agency in identifying the records and information that are responsive to the request or to the purpose of the request; (2) describe the information technology and physical location in which the records exist; (3) provide the Agency with suggestions for overcoming any practical basis for denying access to the records or information it is seeking.

If you believe that any records within the scope of this request are exempt from disclosure, I request that, pursuant to Government Code section 6255, you notify me immediately, in writing, explaining the reasons for withholding the records. I further request that, pursuant to Government Code section 6253(d), that you identify the names and positions of each person responsible for such determinations.

Government Code section 6253(b) requires the prompt duplication of records upon the payment of fees covering the direct costs of duplication. Please contact us as to the amount due for copying the records.

To: State Water Resources Control Board  
Re: Public Records Act Request  
Date: July 8, 2021  
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Please research responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including without limitation electronic records, audiotapes, videotapes, written materials, and photographs.

If it is your position that any portion of the requested records are exempt from disclosure, we request that you provide us with an index of those documents. An appropriate index must describe each document claimed as exempt with sufficient specificity to permit a reasoned judgment as to whether the documents are actually exempt under the Public Records Act. Should you have any questions concerning the scope of the foregoing request, please do not hesitate to contact me direct.

Please feel free to contact me if you have any questions or would like to discuss this Request.

Very truly yours,

MINASIAN, MEITH, SOARES,  
SEXTON & COOPER, LLP

By:   
Jackson Minasian

JAM:lmj