

April 6, 2010

To Charles R. Hoppin, Frances Spivy-Weber, Arthur G. Baggett, Jr., Tam M. Doduc, and Walter G. Pettit, individually and as members of the California State Water Resources Control Board:

Third Supplement to Petition for Reconsideration of 01/12/2010 for Ap. 18115

Dear Chairman Hoppin and the other Board Members:

I have not heard anything from you regarding my petition for reconsideration of your rejection of my protest against USA's petition for extension of time on Ap 18115. At the moment I am planning on serving you and USA with a Petition for Writ, etc., on Monday 04/12/2010 before filing the petition with the court. If this is not what you intend, please inform me promptly. Suspending that 12/14/2009 Victoria Whitney letter would be a good way to start.

Enclosed are additional or updated exhibits which I would have submitted at or before the public hearing to which I was entitled had you not ignored my demands for such a hearing, Exhibits:

- A. <http://www.mjbarkl.com/307-3.pdf> - the portion being a table of contents for my Protest of 10/01/2010
- B. <http://www.mjbarkl.com/excess.xls> - Table portion of preliminary tabulation of excess diversions by USA for its Orland Project
- C. <http://www.mjbarkl.com/excess.xls> - Bar Chart portion of preliminary tabulation of excess diversions by USA for its Orland Project
- D. <http://www.mjbarkl.com/limits2.htm> - Diversion Limits in the Angle Decree and Excess Diversions by USA & GCID
- E. <http://www.mjbarkl.com/decline.htm> - Forces That Led to the Decline of the Upstream Stony Creek Watershed, Cumulative Adverse Effects on Human Beings of USA's Projects, Plans, and Proposals
- F. <http://www.mjbarkl.com/salmon.htm> - Collected References to Salmon on Stony Creek
- G. <http://www.mjbarkl.com/seismic.htm> - Collected References to the Seismic Vulnerability of USA Dams on Stony Creek

For your information, a hearing was held at U.S. District Court yesterday on my related motion to bring the Angle Decree court, the water master and the Decree into alignment and simplify the issues for you. The judge will be ordering me to bring the motion in a different form, but indicated he would prefer you resolve your end of the issues first. Since you are a party to the Angle Decree as an *in rem* and *in personam* successor and assign, the appropriate way to handle much of this is for the Water Master and Department of Justice to bring you before the U.S. District Court in a contempt proceeding of some sort, but that seems unlikely until the alignment I sought occurs.

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Thank you for your consideration,

Respectfully submitted,

Michael J. Barkley

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cc: Bob Colella, Reclamation