

1 MICHAEL J. BARKLEY, CA SBN 122433
2 161 N. Sheridan Ave. #1
3 Manteca, CA 95336
4 209/823-4817 mjbarkl@inreach.com

5 Petitioner, in propria persona

6
7
8
9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SACRAMENTO
11

12	_____)	No. 34-2010-80000513
13	Michael J. Barkley,)	
14) REQUEST FOR PREPARATION OF	
15	Petitioner,) ADMINISTRATIVE RECORD FOR	
16) PETITION FOR WRIT OF MANDATE	
17	v.)	
18	State Water Resources Control Board,)	
19) Respondent.	
20))	
21	Bob Colella, U.S. Bureau of Reclamation,)	
22	Real Parties in Interest)	
23	_____)	

24 Petitioner does not have sufficient funds to afford the entire record for Ap. 18115, and therefore
25 asks that the SWRCB prepare only the portions of the record relevant to the issues petitioner raised in
26 his 10/01/2009 Protest and in later filings. This record is to include:

- 27 1) All those documents identified in California Public Resources Code Section 21167.6 subdivision
28 (e), plus
29 2) Records listed in Section A3. (documents for A018115) of Exhibit A attached to the Petition, except
30 for #A3.1. the case index,
31 3) All documents referenced in the Order of 03/25/2010 at #A3.14.
32 4) Documents listed on Exhibit A as #A4.1., #A6.1., #A7.2, #A7.3, #A7.4., #A7.5, #A8.2. #A8.3.,
33 and #A10.1.
34 5) Documents listed in Exhibit A, "Protests and Their Dispositions in SWRCB AP. 18115" attached to
35 Petitioner's 01/12/2010 "Petition for Reconsideration of Staff Denial of Protest Letter of 12/14/2009",

1 which listing is also on petitioner's web page at <http://www.mjbarkl.com/18115pro.htm> :

2 6) Documents listed in Exhibit D, "Orders, Decisions, Decrees, and Environmental Reviews
3 Mentioned in SWRCB AP. 18115" attached to Petitioner's 01/12/2010 "Petition for Reconsideration of
4 Staff Denial of Protest Letter of 12/14/2009", which listing is also on petitioner's web page at
5 <http://www.mjbarkl.com/ea.htm> :

6 a) All documents listed under "Orders" except:

7 i) 10/05/1992 91-1128 Order from Judge Levi

8 ii) 01/19/1992 Order from Judge Levi

9 b) the 09/22/1995 letter Stackhouse/Reclamation to Anton/Div Water Rights under Decisions

10 c) The Angle Decree listed under "Decree"

11 d) All documents listed under "Environmental Review"

12 7) Documents listed in the page referenced at Exhibit A, #A3.4.1. at

13 <http://www.mjbarkl.com/recl2009.htm> - Summaries of 2009 Correspondence between Reclamation &
14 Division of Water Rights

15 a) 03/27/2009 letter KDM ??/Div WRights to Sahlberg/Reclamation re Reclamation 02/17/2009
16 request for "a status update regarding its pending time extension petitions for the " CVP permits; [this is
17 also listed under 4) d) above - please don't duplicate it]

18 b) That 02/17/2009 letter which is not in the A 018115 files

19 c) 04/29/2009 letter Woodley/Reclamation to Whitney/Div WRights ; re Kathy Mrowka 03/27/2009
20 letter:

21 d) 06/23/2009 Petition for Extension of Time Ap 018115 Permit 13776 & Supplement to Petition
22 [swrcb/18115ext.pdf] --

23 e) 07/14/2009 letter KDM/Div WRights to Woodley/Reclamation sig page missing

24 8) Additional Ap 18115 documents on 18115 list attached

25 9) In the "litigation files", 263.311 Regular Functional Activities - Supervision of Water Rights:
26 Report of Referee, 06/1980 Report of Referee , 45 pp, iv, Appendix pp A-1 - A11 (Colusa/Stonyford
27 litigation); if this is unclear, see petitioner's Ap. 27382 index at <http://www.mjbarkl.com/27382.htm>
28 where the report is heavily quoted.

29 10) All Progress reports in A002212 & A018115 .

30 11) All reports of diversions and acreage irrigated in Supplemental Statements of Water Diversion and
31 Use # S006353.

32 12) From Retzloff file, Ap. 20104,

33 a) 04/10/1961 letter Hill/XO to Retzloff, returned for clarification & Completion

34 b) 04/26/1961 letter Retzloff to Hill/SWRB,

35 c) 08/24/1961 letter Hill/XO to Retzloff,

1 d) 09/29/1961 Report on Field Investigation of Unprotected Application,
2 e) 09/16/1966 F Report of Inspection; accompanied by Mr. Retzloff;
3 f) 06/28/1996 Contact Report Retzloff called Chandler/Div WRights
4 g) 01/14/1997 letter Anton/Div WRights to Retzloff, rejecting complaint
5 h) 01/14/1997 staff analysis, Complaints by Robert Retzloff Regarding the Operation of Black Butte
6 Reservoir by the Orland Unit Water Users Association and the U.S. Army Corps of Engineers, Stony
7 Creek in Glenn and Tehama Counties Complaints 262.0(11-04-04 and 11-04-05)

8 13) The entirety of the Stony Creek Complaint file (except for the 01/14/1997 Retzloff analysis)

9 Please exclude duplicates. Please let petitioner know an estimated cost for this record and
10 whether or not you wish any sort of advance deposit. If you wish physical assistance with any of this,
11 please let petitioner know.

12 Respectfully submitted this 12th Day of April, 2010,
13
14
15

16 Michael J. Barkley, Petitioner, in propria persona
17 California SBN 122433
18 161 N. Sheridan Ave. #1
19 Manteca, CA 95336
20 (209)823-4817 (no fax) mjbarkl@inreach.com
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

1 ADDITIONAL AP 18115 DOCUMENTS REQUESTED:

2 Correspondence vol. 1

3
4 111560 Assignment by the California Water Commission to the United States of America of Application
5 No. 18115

6 Correspondence vol. 2

7
8 072661 f Protest Sacramento River and Delta Water Association, 07/26/1961 water needed to flush
9 salinity in the Delta

10 072661 Exhibit "A" "Sacramento River and Delta Water Association" list, 69 names & addresses
11 072861 letter Sullivan/Reclamation to SWRB enclosed Answer of United States to the protest of Edna
12 L. Knight, not within protest period, no notice of extension, protest should not be accepted

13 072861 Answer of United States to the protest of Edna L. Knight, only 28 acres of land riparian in the
14 Angle schedule, riparian not within SWRB jurisdiction --

15 080361 letter Sullivan/Reclamation to SWRB encl "Answer of the United States to the protest of the
16 Sacramento River and Delta Water Association"

17 080361 letter Sullivan/Reclamation to SWRB encl "Answer of the United States to the protest of
18 E.A. Wright"

19
20 080361 "Answer of the United States to the protest of E.A.Wright" No Angle riparian rights in Mr.
21 Wright? "dispute involving the riparian status of the protestant's land does not fall within the jurisdiction
22 of the board." --

23 080361 "Answer of the United States to the protest of the Sacramento River and Delta Water
24 Association" During season, no Stony Creek water reaches the River, refuting protestant's claim that it is
25 used to flush the Delta; protest filed late --

26 080461 letter Hill/SWRB to Dugan/Reclamation acknowledge receipt of your answers to protests of
27 State Fish & Game and Edna L. Knight

28 080461 letter Dugan/Reclamation to SWRB enclosed Answer of United States to the protest of the
29 Stony Creek Water Users Association copy to atty McDonough & 54 members [GET]; protestants
30 claiming reservoirs violated the Angle Decee & state procedures for appropriation and cannot have
31 illegally acquired rights protected; & 1) issues not within SWRB jurisdiction, 2) all upstream can take
32 the water to which they are entitled before it reaches applicant's diversion, 3) protestants claim
33 interference with appropriations that started since 12/19/1914 without compliance with statutory
34 procedure, 4) protests not filed within time states and no showing of diligence; McDonough's mailing
35 list attached

080861 letter Hill/SWRB to atty McDonough received Sacramento River and Delta Water Association

1 protest --
2
3 080961 letter atty McDonough to Hill/SWRB, Stony Creek Water Users Association not attacking
4 Angle, application is for a separate project; many ponds have permits, the others have applied for them --
5 [on back of Hill letter]
6
7 080961 letter atty McDonough to Hill/SWRB, assertion River & Delta, & Stony Creek Water Users'
8 Association filed late; were filed within the time granted for extension, Reclamation assertion that time
9 extended is for negotiation is wrong since it's allowed for any good cause shown
10
11 081761 letter Hill/SWRB to atty Geis, cannot accept Knight & Wright protests, board policy of rejecting
12 protests by upstream users who have the opportunity to divert under any rights before it reaches
13 applicant's diversion point; terms of the assignment preserve county of origin protections. --
14
15 081761 letter Hill/SWRB to atty McDonough, cannot accept individual upstream protests 1) opportunity
16 to use water before applicant gets it under any right they may have, 2) storing water without permit,
17 protest based on a claim after 12/19/1914 without compliance cannot be accepted; joint protest still
18 accepted [copied on back of Geis letter] --
19
20 082561 letter atty McDonough to DUGAN/Reclamation failure to send copy of 08/23/1961 letter an
21 oversight
22
23 091861 Staff Summary for Hearing of Applications 18115 & 19451; 19451 gross area of 17,000 -
24 50,000 acres, net, within the 9,025,000 acres in 18115; submit on 1) unappropriated water, 2) anticipated
25 injury, 3) special terms & conditions
26
27 121361 letter Sullivan/Reclamation to SWRB,
28 021362 letter Moore/Stonyford Soil Conservation District to SWRB
29 092762 letter Hill/SWRB to Applicant, Protestants, and Interested Parties, enclosed D 1100;
30 122762 4 letter Dugan/Reclamation to SWRB
31
32 Correspondence vol. 3
33
34 082065 letter Kay A. Booth to DWR
35 090265 letter Hill/SWRB to Kay A. Booth
36
37 Correspondence vol. 5
38
39 012293 letter Hoffman/Reclamation to Parkinson/SWRCB
40 041293 letter Hoffman/Reclamation to Anton/SWRCB,
41 042093 memo J.Mensch?/DFG to Falkenstein/DivWaterRights,
42 050793 memo Anton to Pettit & State Board Members, summary,
43 121393 letter Johnson/SWRCB to Baiocchi/CSPA
44
45 Correspondence vol. 6
46
47

1 030994 letter Broddrick/CDFG to Colon/Reclamation
2
3 Correspondence vol. 7
4 070595 letter Matt Brown/USFWS to Stony Creek Technical Team, [out of order
5 in file, between 080795 & 081195]
6 080195 letter Meroney/SWRCB to CDFG
7
8 Correspondence vol. 8
9 092295 letter Stackhouse/Reclamation to Anton/Div WR
10 092195 letter Stackhouse/Reclamation to Anton/Div WRights [out of sequence,
11 between 11/15/1995 & 11/24/1995]
12 022396 letter Anton/SWRCB to Stackhouse/Reclamation, Baiocchi/CSPA, - Hirtzel/USFWS,
13
14 Correspondence vol. 9
15 111196 letter Baiocchi/CSPA to Stackhouse/Reclamation;
16 012897 letter Stackhouse/Reclamation to Baiocchi/CSPA;
17 032597 letter Baiocchi/CSPA to Hanson/Reclamation
18 112597 letter Biocchi/CSPA to Trout/Reclamation,
19 122397 letter Ryan/Reclamation to Baiocchi/CSPA
20
21 Correspondence vol. 11
22 122997 letter Felix Smith to Ryan/Reclamation;
23 040698 letter Anton/Div WRights to Trout/Reclamation;
24 100598 letter Baiocchi/CSPA to Smith/Reclamation
25 110598 Walter Cook/Atty [ret] to Trout/Reclamation`
26 120398 memo Pierce/USFWS to Manager/Reclamation Shasta,
27
28 Correspondence vol. 12
29 021199 letter Stackhouse/Reclamation to Schueller/Div WRights
30 071405 letter Whitney/Div WRights to Lindgard/Reclamation;
31 121906 letter Mrowka/Div WRights to Stevenson/Reclamation ,[WITH ATTACHMDENTS]
32 050107 - 051507 2007 Constant Head Orifice (CHO) Operations Report [WITH ATTACHMENTS]
33 120808 letter Woodley/Reclamation to Whitney/Div WRights [WITH ATTACHMENTS]
34 - - -
35 Correspondence re Hearings, Folder 3 [where are 1 & 2?]
091362 letter Dugan/Reclamation to California Water Commission
= = =
[END]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35