



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Office of Chief Counsel
1001 I Street, 22nd Floor, Sacramento, California 95814
P.O. Box 100, Sacramento, California 95812-0100
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

June 1, 2010

Mr. Michael Barkley
161 N. Sheridan Avenue #1
Manteca, CA , 95336

Dear Mr. Barkley:

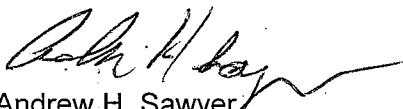
**BARKLEY v. STATE WATER RESOURCES CONTROL BOARD, SACRAMENTO CONTY
SUPERIOR COURT CASE NO. 34-2010-80000513**

This letter serves as confirmation that the State Water Resources Control Board's (State Water Board or Board) December 14, 2009 letter from the State Water Board to you is not the Board's final decision on your protest or on the Bureau of Reclamation's (Reclamation) time extension application for Application 18115, and does not constitute a project approval for CEQA purposes.

The December 14, 2009 letter constituted a dismissal of your protest of the above-mentioned Reclamation time extension petition. On January 14, 2010 you submitted a timely petition for reconsideration of the dismissal. The Board is still considering your January 14 petition and anticipates a final decision within the next 45 days. Although Water Code section 1122 directs the Board to act within 90 days, a period that lapsed on April 14, 2010, the Board still has jurisdiction to act on your petition. Under section 1126 the 30 day statute of limitations to file a writ petition in superior court commences 30 days after the Board issues a decision on your petition for reconsideration.

Pursuant to our discussion on May 28, 2010, the Board anticipates that you will dismiss Case No. 34-2010-80000513 without prejudice after receiving this letter.

Sincerely,


Andrew H. Sawyer
Assistant Chief Counsel

cc: Dan Fuchs
Deputy Attorney General
Office of the Attorney General
1300 I Street
Sacramento, CA 95814
dan.fuchs@doj.ca.gov