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October 19, 2021  
*Via Email and US Mail*

State Water Resources Control Board  
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Sacramento, CA 95814  
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**Re: PETITION FOR RECONSIDERATION OF STANFORD VINA RANCH  
IRRIGATION COMPANY, LOS MOLINOS MUTUAL WATER COMPANY,  
and PEYTON PACIFIC PROPERTIES, LLC RELATED TO EMERGENCY  
REGULATIONS and CURTAILMENT ORDERS FOR THE CURTAILMENT  
OF DIVERSIONS ON MILL AND DEER CREEKS - TITLE 23 CCR § 876.5  
ET SEQ.**

Dear Members of the State Water Resources Control Board:

1. Name and Address of Petitioners

Stanford-Vina Ranch Irrigation Company ("Stanford Vina") and its shareholders  
P.O. Box 248  
6230 Tehama-Vina Road  
Vina, California 96092

Los Molinos Mutual Water Company (“LMMWC”) and its shareholders  
P.O. Box 211  
25162 Josephine Street  
Los Molinos, CA 96055

Peyton Pacific Properties, LLC  
dba Mill Creek Ranch  
105 N 5<sup>th</sup> St.  
Canadian, TX 79014

2. Specific Board Action of Which Petitioners Request Reconsideration.

On September 22, the State Water Resources Control Board (“SWRCB”) adopted emergency regulations for the Curtailment of Diversion on Mill and Deer Creeks Due to Insufficient Flow for Specific Fisheries, adding sections 876.5, 876.7, and 878.4 and amending sections 878.1 and 879, in title 23, division 3, chapter 2, article 24 of the California Code of Regulations (“Regulations”), and adopted SWRCB Resolution No. 2021-0038, a resolution TO ADOPT A DROUGHT-RELATED EMERGENCY REGULATION FOR CURTAILMENT OF DIVERSIONS ON MILL AND DEER CREEKS DUE TO INSUFFICIENT FLOW FOR SPECIFIC FISHERIES (“Resolution”). On October 11, SWRCB staff issued: ORDER WR 2021-0089 DWR, CURTAILMENT ORDER IN THE MATTER OF DIVERSION OF WATER FROM MILL CREEK TRIBUTARY TO THE SACRAMENTO RIVER IN TEHAMA COUNTY; and ORDER WR 2021-0090 DWR, CURTAILMENT ORDER IN THE MATTER OF DIVERSION OF WATER FROM DEER CREEK TRIBUTARY TO THE SACRAMENTO RIVER IN TEHAMA COUNTY (“Curtailment Orders”). Petitioners seek reconsideration of these actions to adopt and approve the Resolution and Regulations and to issue the Curtailment Orders.

3. The Date on Which the Order or Decision was Made by the Board

On or around September 22, 2021, and on or around October 11, 2021.

4. The Reason the Action was Inappropriate or Improper

Reconsideration is sought on the basis of 23 CCR section 768, subdivisions (a)<sup>1</sup>, (b)<sup>2</sup> and (d)<sup>3</sup>. The reasons why the SWRCB’s and SWRCB staff’s actions are inappropriate and improper are set forth in the following exhibits, attached hereto and incorporated herein by this reference:

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1 “Irregularity in the proceedings, or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing;”

2 “The decision or order is not supported by substantial evidence;”

3 “Error in law.”

- Exhibit 1: Letter dated September 21, 2021 from Minasian Law Firm on behalf of Stanford Vina and Los Molinos Mutual Water Company re: Emergency Regulations and Curtailment Orders for Mill Creek and Deer Creek
- Exhibit 2: Letter dated September 8, 2021 from Minasian Law Firm on behalf of LMMWC regarding Preliminary Draft Drought Emergency Regulation, with Exhibits A through F
- Exhibit A: Letter dated March 16, 2021 to SWRCB from Minasian Law Firm obo LMMWC re: Channel Clearing – Mill Creek, Tehama County
- Exhibit B: Joint Letter dated April 2, 2021 from Stanford Vina and LMMWC re: Mill Creek/Deer Creek Multipurpose Channel Restoration Measures
- Exhibit C: Email Exchange between Jason Roberts (CDFW) and Dustin Cooper (Minasian Law Firm) re: Restoration Project Approvals and Prerequisites
- Exhibit D: Joint Letter dated May 5, 2021 from Stanford Vina and LMMWC re: Mill Creek/Deer Creek Multipurpose Channel Restoration Measures
- Exhibit E: Letter Dated May 13, 2021 re: Drought Actions on Mill Creek and Outline of Key Terms for Drought Year 2021 Actions on Mill Creek
- Exhibit F: Joint Letter Dated July 12, 2021 from Stanford Vina and LMMWC re: Channel Restoration and Critical Riffle Modification on Deer and Mill Creeks
- Exhibit 3: Letter dated September 8, 2021 from Minasian Law Firm on behalf of Stanford Vina regarding Preliminary Draft Drought Emergency Regulations, with Exhibits A through H
- Exhibit A: Letter dated February 26, 2021 re: Channel Clearing – Deer Creek, Tehama County
- Exhibit A-1: Letter dated May 8, 2018 re: Channel Clearing – Deer Creek, Tehama County
- Exhibit B: Letter dated February 21, 2021 to SWRCB from Minasian Law Firm obo Stanford Vina re: Channel Clearing – Deer Creek, Tehama County
- Exhibit C: Letter dated March 11, 2021 to SWRCB from Minasian Law Firm obo Stanford Vina re: Channel Clearing – Deer Creek, Tehama County
- Exhibit D: Joint Letter dated April 2, 2021 from Stanford Vina and LMMWC re: Mill Creek/Deer Creek Multipurpose Channel Restoration Measures
- Exhibit E: Email Exchange between Jason Roberts (CDFW) and Dustin Cooper (Minasian Law Firm) re: Restoration Project Approvals and Prerequisites
- Exhibit F: Joint Letter dated May 5, 2021 from Stanford Vina and LMMWC re: Mill Creek/Deer Creek Multipurpose Channel Restoration Measures
- Exhibit G: Outline of Key Terms for Drought Year 2021 Actions on Deer Creek and Letter Dated May 11, 2021 re: Drought Actions on Deer Creek

- Exhibit H: Joint Letter Dated July 12, 2021 from Stanford Vina and LMMWC re: Channel Restoration and Critical Riffle Modification on Deer and Mill Creeks
- Exhibit 4: Comment Letter Dated September 7, 2021 from Peyton Pacific Properties, LLC, Bailey and Amy Peyton re: Drought Emergency Regulation – Mill Creek
- Exhibit 5: Letter Dated September 16, 2021 from Dustin Cooper (Minasian Law Firm) obo Stanford Vina and LMMWC re: Comment to Preliminary Draft Drought Emergency Regulation for Mill Creek and Deer Creek Watersheds
- Exhibit 6: Letter dated September 15, 2021 from Jackson Minasian (Minasian Law Firm) obo Stanford Vina and LMMWC re: Stanford Vina Ranch Irrigation Company and Los Molinos Mutual Water Company Freedom of Information Act Request
- Exhibit 7: Letter dated September 2, 2021 to SWRCB from Dustin Cooper (Minasian Law Firm) obo Stanford Vina and LMMWC re: Preliminary Draft Drought Emergency Regulation for Mill Creek and Deer Creek Watersheds and including Public Records Act request to SWRCB dated July 8, 2021
- Exhibit 8: Letter dated September 16, 2021 from Dustin Cooper (Minasian Law Firm) obo Stanford Vina and LMMWC re: Comment to Preliminary Draft Drought Emergency Regulation for Mill Creek and Deer Creek Watersheds
- Exhibit 9: Letter dated September 17, 2021 to CDFW from Dustin Cooper (Minasian Law Firm) obo Stanford Vina and LMMWC re: Response to CDFW's Letter dated September 14, 2021
- Exhibit 10: Letter dated September 2, 2021 to NMFS from Dustin Cooper (Minasian Law Firm) obo Stanford Vina and LMMWC re: Preliminary Draft Drought Emergency Regulation for Mill Creek and Deer Creek Watersheds and including FOIA request to NMFS dated July 8, 2021
- Exhibit 11: Letter dated September 2, 2021 to CDFW from Dustin Cooper (Minasian Law Firm) obo Stanford Vina and LMMWC re: Preliminary Draft Drought Emergency Regulation for Mill Creek and Deer Creek Watersheds and including Public Records Act request to SWRCB dated July 8, 2021

5. Specific Action Which Petitioner Requests

Petitioners request that the SWRCB and SWRCB staff vacate its decisions to adopt, approve, and issue the Resolution, Regulations, and Curtailment Orders, and Petitioners request that SWRCB compensate Petitioners for damages incurred as a result of the improper actions undertaken by the State Water Board and its staff.

6. A Statement that Copies of the Petition and Accompanying Materials Have Been Sent to All Interested Parties

Copies of the Petition and accompanying materials have been sent to Deer Creek Irrigation District (DCID), California Department of Fish and Wildlife (CDFW), the National Marine Fisheries Service (NMFS), and SWRCB Division of Water Rights. Petitioners do not believe that this petition is required to be sent to any other parties.

Very truly yours,

MINASIAN, MEITH, SOARES  
SEXTON & COOPER, LLP

By:   
Aidan P. Wallace

cc: Jackson Minasian  
Dustin Cooper

California Department of Fish and Wildlife (CDFW)  
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