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## State Water Resources Control Board

April 9, 2024

**[VIA REGULAR MAIL AND EMAIL]**

Chris Shutes  
California Sportfishing Protection Alliance  
1608 Francisco St.  
Berkeley, CA 94703  
[blancapaloma@msn.com](mailto:blancapaloma@msn.com)

**PETITION FOR RECONSIDERATION OF THE EXECUTIVE DIRECTOR'S JUNE 16, 2023, APPROVAL OF THE U.S. BUREAU OF RECLAMATION'S TEMPERATURE MANAGEMENT PLAN FOR THE SACRAMENTO RIVER**

Dear Mr. Shutes:

The State Water Resources Control Board (State Water Board or Board) will not accept for review the California Sportfishing Protection Alliance's (CSPA) petition for reconsideration of the Executive Director's June 16, 2023 conditional approval of the temperature management plan (TMP) for the Sacramento River that the U.S. Bureau of Reclamation submitted on June 7, 2023, pursuant to Water Right Order WR 90-5. The Board cannot accept CSPA's petition for reconsideration because it was untimely.

Pursuant to Water Code section 1122, the State Water Board may reconsider all or part of a water right decision or order if the Board orders reconsideration on its own motion or any interested person or entity files a petition for reconsideration not later than 30 days from the date of adoption of the decision or order. The Board does not have jurisdiction to reconsider a water right decision or order unless it orders reconsideration on its own motion within 30 days or a timely petition for reconsideration is filed. (See *Azadigian v. Workers Compensation Appeals Board* (1992) 7 Cal.App.4th 372, 378-379; Water Right Order WR 99-07, pp. 12-13.)

In this case, 30 days from June 16, 2023, was July 16, 2023, which was a Sunday, so the deadline for filing petitions for reconsideration of the Executive Director's conditional approval of the TMP was July 17, 2023. CSPA filed a petition for reconsideration on July 21, 2023. Accordingly, the Executive Director's decision is final, and the Board does not have jurisdiction to reconsider it.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

If you have any questions about this matter, please contact Dana Heinrich, Attorney V,  
at (916) 341-5188 or [dana.heinrich@waterboards.ca.gov](mailto:dana.heinrich@waterboards.ca.gov)

Sincerely,



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