1	Exhibit A - TABLE OF CONTENTS to
2	PROTEST to the California State Water Resources Control Board, Division of Water Rights regarding
3	USA Application 18115, Permit 13776, Protest filed October 1, 2009
4	
5	FORMS
6	Protest - (Petitions) Based on Injury to Vested Rights
7	Protest - (Petitions) Based on Environmental or Public Interest Considerations
8	
9	SUPPLEMENT - Supplement to Water Rights and Environmental Protest against Extension of Time for
10	Bureau of Reclamation's (USA's) Application 18115, Permit 12776; Contents:
11	I. Preliminaries, p. 1
12	A. [protestant's identification], p. 1
13	B. [protestant's affiliations and interests], p. 1
14	C. [extension of time is appropriate], p. 1
15	D. [requirements of Reg. 706], p. 1
16	E. [protestant's address, Angle rights, Angle Decree], p. 1
17	F. [protestant's SWRCB applications/licenses/permits], p. 2
18	G. [protestant's usage of Decreed water and license & permit water], p. 2
19	H. [regulation 749 should not apply to this watershed], p. 2
20	I. [USA's total project on this watershed], p. 2
21	J. [request for hearing], p. 3
22	II. Jurisdiction/Contrary to Law, p. 4
23	A. [no SWRCB jurisdiction over Decreed surface flows; SWRCB jurisdiction over all non-Decreed
24	and non-surface flows], p. 4
25	B. [protestant's on-line index of the Angle case], p. 4
26	C. [Decree covers all USA, not just Reclamation], p. 4
27	D. [Decree written by USA applied most strictly against USA], p. 5
28	04/06/2010 Exhibit A in Support of Petition 1 SWRCB Ap 18115 Protest

1	1. [Decree, Para XV. p. 173: no diversions except as provided]
2	2. [Decree, Para XV. p. 173: diversions outside the season, against right limits]
3	3. [Decree, Para XV. p. 174: amounts or rates apply to entire calendar year]
4	4. [Decree, Para XV. p. 175: if allowed by water master, larger head for shorter periods]
5	5. [Decree, Para XV. p. 175: change point of diversion and places, means, manner or purpose of the
6	use]
7	6. [Decree, Para XV. p. 177: rights in excess of decreed may not be claimed by parties, etc.]
8	7. [Decree, Para XV. p. 178: restrained from interfering with superior rights]
9	E. [phrases show Decree binds all lands in the Decree and all persons named in the Decree and their
10	successors and assigns], p. 5
11	F. [errors in land descriptions in the Decree irrelevant], p. 5
12	G. [Decree eliminates any other USA reserved right, including forestry right], p. 6
13	H. [United States District Court has exclusive jurisdiction over surface flowing waters within
14	watershed; SWRCB lacks jurisdiction], p. 6
15	I. [SWRCB must stop handling disputes to surface water in the watershed], p. 6
16	J. [attached Exhibit C, in progress, complex Decree limits; USA has taken more water than allowed in
17	nearly every year since 1930; watermaster reported spillage & waste until reports stopped after 1946;
18	watermaster reports to the court of USA selling water to non-project users; lack of SWRCB jurisdiction
19	over Black Butte, half of Stony Gorge, all other USA filings and petitions and diversions, stock ponds,
20	etc.], p. 6
21	K. [Decree loopholes in favor of USA, limited to storage], p. 7
22	1. [excess during initial reclamation]
23	2. [4 other types of excess, 1 system-wide, 3 parcel-by-parcel]
24	L. [claims under loopholes must be overt, specific and public; unproven excess a crime under
25	California Water Code 1052; USA entitlement limited to acreage actually irrigated; Decree allowed 4.05
26	a-f per acre at point of diversion, USA has taken far more than that], p. 7
27	M. [unpermitted Intertie, Lateral 40 to Tehama-Colusa Canal] p. 8
28	04/06/2010 Exhibit A in Support of Petition 2 SWRCB Ap 18115 Protest

1	N. FRAUD ON THE COURT, p. 8
2	1-13. [sequence of the fraud] pp. 8-11
3	O. UNDERFLOW, p. 11
4	1. [Angle Decree scrupulously excludes underflow, governs surface flow only], p. 11
5	2 [extensive underflow testimony in the Angle record, p. 11]
6	3. [Angle Decree excludes underflow], p. 12
7	4. [water master behavior as if Angle Decree included underflow], p. 12
8	5. [THE COLUSA COUNTY/STONYFORD WATER SUPPLY CASE, SWRCB Ap. 27382 &
9	WR79-6 & 80-11 extended reach of the Angle Decree ], p. 12
10	a. UNDEFLOW - [extended reach to cover underflow], p. 12
11	b. [allowed contest over Decreed claims with the SWRCB without jurisdiction], p. 13
12	c. [interfered with Angle right to move points of diversion & use without jurisdiction], p. 13
13	d. [promoted contract between Colusa County and Reclamation for Black Butte water, without
14	jurisdiction], p. 13
15	e. ELDERBERRIES - [by extension, interfered with protestant's elderberry and habitat restoration
16	project], p. 13
17	III. PUBLIC INTEREST, p. 13
18	A. FULLY APPROPRIATED, p. 14
19	1. [SWRCB D 1042/Ap 19355 no jurisdiction], p. 14
20	2. [SWRCB D 1100/Ap 18115 no jurisdiction], p. 14
21	3. [Decree limits currently 97,940.35 acre-feet for entire watershed so "fully appropriated" is
22	erroneous; Judge Levi's nullification of GCID right in USDC ED case 91-1128; SWRCB 1062(a)(1)(C)(2)
23	\$10,000 fee for application in a fully approrpiated stream is punitive], p. 14
24	B. COUNTIES OF ORIGIN/AREAS OF ORIGIN, p. 14
25	1. [upstream communities have suffered from USA's overall project; Newville], p. 14
26	2. [Elk Creek; Grindstone Rancheria; Stonyford], p. 14
27	3. [Fouts Springs], p. 15
28	04/06/2010 Exhibit A in Support of Petition 3 SWRCB Ap 18115 Protest

1	4. [Century Ranch], p. 15
2	5. [Fouts Springs Youth Facility Environmental Assessment, Decree damaged upstream economy],
3	p. 15
4	6. [USA overall project inconsistent with SWRCB watershed protection, county of origin, area of
5	origin policies & duties], p. 15
6	C. "AS AGAINST" & SWRCB REGULATION 749, p. 16
7	1. [as against], p. 16
8	2. [discriminatory enforcement by water master and U.S. District Court], p. 16
9	a-ii. [35 specific instances, citing specific files & boxes in the Angle Record, etc.], pp. 16-20
10	2.[sic] [Decree shaded to favor its author, USA], p. 20
11	3. [selective enforcement chilled upstream uses and emboldened USA], p. 20
12	4. [USA takes more, SWRCB allows it], p. 20
13	5. [USA, OUWUA, GCID use SWRCB protest mechanism to enforce imbalance], p. 20
14	6. ["fully appropriated" designation punishes only the weak], p. 20
15	7. ["as against" claiming, especially by USA, prohibited by Decree], p. 20
16	D. WASTE, p. 20
17	1. [California Water Code 275 and others; California Constitution Article 10 Section 2, Water
18	Master reports of waste and spillage], p. 20
19	2. [Orland Project devolving into hobby farms], p. 21
20	a-c. [some references to the devolvement], p. 21
21	d. [hobby farm uses violate Reclamation policy], p. 21
22	IV. ENVIRONMENT AND PUBLIC TRUST, p. 21
23	A. CEQA, Guidelines, Discussions, NEPA, ESA, CESA, p. 21
24	1. [short fuse on filing protest requires winging this complex area of the law], p. 22
25	2. [short fuse limits research into anadromous fish references in the watershed], p. 22
26	3. [Angle Decree usurped SWRCB Public Trust within the watershed, but only for surface flow up
27	to the Decree limits], p. 22
28	04/06/2010 Exhibit A in Support of Petition 4 Civil No. S-80-583-LKK

1	4. [California Public Resources Code 21083, significant impacts, cumulative impacts, substantial
2	adverse effects on human beings], p. 22
3	5. [same provisions in Guidelines 15065], p. 22
4	6. [California Public Resources Code 21002 feasible mitigations for significant impacts must be
5	adopted], p. 22
6	7. [mitigations must be adopted, & under NEPA as well, EIR/EIS appropriate on cumulative
7	project], p. 23
8	B. ANADROMOUS FISH, p. 23
9	1. [Judge Purkitt quotes], p. 23
10	2. [CSPA cite], p. 23
11	3. [Clark, 1929, CDFG Bulletin 17 cite], p. 23
12	4. [NMFS two biological opinions], p. 24
13	5. [salmon dammed to extinction, water flow is still there upstream], p. 24
14	6. [salmon entering downstream, USA's barriers], p. 24
15	7. [listing of chinook], p. 24
16	8. [chinook and ESA and "take"], p. 24
17	C. BALD EAGLES, p. 25
18	D. OTHER PROTECTED SPECIES, p. 25
19	E. INVASIVE PLANT SPECIES, p. 25
20	F. SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS FOR WHICH FEASIBLE
21	MITIGATIONS EXIST, p. 25
22	1. [feasible mitigations, recited as settlement terms, must be adopted] p. 25
23	2. [USA Fouts Springs EA admits the substantial adverse effects on human beings of USA's
24	cumulative project] p. 25
25	3. [neglected upstream infrastructure a part of these impacts]
26	G. SEISMIC WARNING, p. 26
27	V. SETTLEMENT TERMS, p. 26
28	04/06/2010 Exhibit A in Support of Petition 5 Civil No. S-80-583-LKK

I

1	A. ,p. 26
2	1. [The Lower Stony Creek Plan, a failure] p. 26
3	2. [USA negotiates in bad faith; action required, then settlement]
4	B. Settlement Terms/Mitigations, p. 27
5	1-16. [settlement terms & mitigations] p. 27-29
6	VI. CONCLUSION
7	VII. VERIFICATION
8	
9	EXHIBITS TO PROTEST:
10	Exhibit A to Protest - Cases in the Erosion of Water Rights in the Stony Creek Watershed (Related
11	Cases)
12	Exhibit A-1 to Protest - List of Stony Creek watershed diversions in e-WRIMS, search first by stream,
13	second by tributary, third by county, fourth by Mendocino National Forest, then by Decisions & Rulings -
14	Count up to 314 including 4 Decisions & 8 Water Right Opinions
15	Exhibit A-2 to Protest - unique e-WRIMS forest/mendocino/blm in Glenn/Tehama/Colusa [counties]
16	Exhibit B to Protest - Letter to Mr. Tom Tidwell, Chief, US Forest Service, regarding Forest Service
17	violations of the Angle Decree
18	Exhibit C to Protest - Diversion Limits in the Decree and Excess Diversions by Plaintiff United States of
19	America (and Glenn-Colusa Irrigation District) [see Exhibit to this Motion Memorandum for an
20	updated version]
21	Exhibit D to Protest - Excerpts from the United States Forest Service, Mendocino National Forest, Fouts
22	Springs Youth Facility Environmental Assessment
23	
24	
25	
26	
27	
28	04/06/2010 Exhibit A in Support of Petition 6 Civil No. S-80-583-LKK