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T. Hannigan  
cc: Piche  
Hart  
Christensen  
L. Gage  
S. Weber  
done  
1/25/00

January 13, 2000

VIA FACSIMILE AND FIRST CLASS MAIL  
CERTIFIED, RETURN RECEIPT REQUESTED

638.0 Delta  
SW

Lester Snow  
Regional Director  
U.S. Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

Tom Hannigan  
Director  
Department of Water Resources  
P. O. Box 942836  
Sacramento, CA 94236-0001

Re: " Current Operations at Delta Pumping Facilities "

Gentlemen:

Please be advised that this office represents Christopher Flaherty of Flaherty Farms, a farmer on Coney Island in south-eastern Contra Costa County. Coney Island is located immediately east of Clifton Court Forebay, and the attendant Tracy Pumping Plant operated by the federal government and the Harvey O. Banks Pumping Plant operated by the state.

Recent operation of the state and federal pumping facilities have almost completely dewatered areas of the Old River branch of the San Joaquin River, located between Coney Island and Union Island, to the extent that irrigation facilities utilized by my client located on the southern edge of Coney Island are exposed and unuseable on a regular and daily basis.

The elevations of these facilities have been fixed for many years, and until recently the water level had never dropped to

replace fax  
control # 2050-0009

call up  
1/28/00

Lester Snow  
Tom Hannigan

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January 13, 2000

the levels recently experienced. Such results in an inability to irrigate and an increase in the difficulty of irrigating, on a regular and daily basis.

At the present time my client's wheat has been at a critical stage and in need of irrigation. Your operations have been and are impairing and preventing irrigation.

Please accept this as a demand that pumping operations be immediately limited to prevent the dewatering of the channel and inability to use the irrigation facilities on Coney Island. If this cannot be done, it is our intent to seek injunctive relief. If the situation is not to be remedied, please advise me of the name, telephone and facsimile numbers, and address of your counsel or other representative to be given notice of the time and place of application for injunctive relief.

Please advise me accordingly.

Very truly yours,

NOMELLINI, GRILLI & McDANIEL  
PROFESSIONAL LAW CORPORATIONS



DANIEL A. MCDANIEL

DAM/sc

cc: The Honorable Dianne Feinstein  
The Honorable Barbara Boxer  
The Honorable Richard W. Pombo  
The Honorable Patrick Johnston  
The Honorable Michael J. Machado  
Walter Pettit, State Water Resources Control Board