

***Stand Up For California!***  
**“Citizens making a difference”**

[www.standupca.org](http://www.standupca.org)

P.O. Box 355  
Penryn, CA 95663

December 11, 2013

Jan Goldsmith, City Attorney  
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**RE: Public Records Act Request**

Dear City Attorney Goldsmith:

Pursuant to my rights under the California Public Records Act. (Government Code Section 6250 et seq., and the California Constitution, as amended by passage of Proposition 59 on November 2, 2004) *Stand Up For California!* is writing to request a copy of the following records, which I have been advised and understand may be in the possession of your city. As you may be aware, the Barona Band of Mission Indians submitted an application to acquire 200.4 acres of land contiguous to their existing reservation and contiguous to the San Vicente reservoir in trust. Currently the Tribe has no intentions of developing the land but is considering the use of the property for a possible construction of a water pipeline, to pump water from the San Vicente Reservoir.

In the Baron Band's narrative dated September 28, 2006, to the fee to trust application dated November 8, 2013, the Tribe states, "... *the Tribe has sporadically been engaged in negotiations with the City of San Diego over the last four years to purchase and pump water to the Barona Reservation via a pipeline from San Vicente Reservoir located nearby*".

- Stand Up For California requests copies of any and all documents related to the negotiations between the City of San Diego and the Barona Band for the purchase of water and construction of a pipeline from the San Vicente Reservoir on the Band's lands during the time period of 2000 – 2006.
- Stand Up For California requests copies of any and all documents related to potential current efforts between the City of San Diego and the Barona Band to purchase water and build a pipeline from San Vicente Reservoir on the Band's lands.

While this potential transaction between the Barona Band and the City may seem or appear to be a local issue it is connected to a much larger issue dealing with the State of California's water rights from the Colorado River, defense of the State Boundary and a significant abuse of the civil and property rights of citizens residing along the Colorado River in the County of Riverside. I

will attach and include two letters for your review that outline some of the issues related to the purchase and wheeling of water to the Tribe. First and foremost and yet not listed on page 3 of the MWD letter, is the necessary determination of whether or not the Colorado River Indian Tribe (CRIT) has a water allotment to sell. The imagined allotment of water is based on whether or not the CRIT Indian Reservation extends into California. The State of California has long held and is a party in a U.S. Supreme Court stipulated agreement that makes clear the land on the west bank of the River claimed by the CRIT is in dispute. The Tribe claims trust land, yet we have documents from the BIA that indicate there is no land in trust. The Tribe has claimed Reservation status, yet there is no Act of Congress creating a Reservation in California.

I ask for a determination on this request within 10 days of your receipt of it and an even earlier reply if you can make that determination without having to review the records in question. If you nonetheless determine that the requested records are subject to a still valid exemption, I would further request that (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption and (2) that, with respect to records containing both exempt and nonexempt content: you redact the exempt content and disclose the rest.

Finally should you deny part of this entire request, you are required to provide a written response describing the legal authority or authorities on which you rely. If I can provide any clarification that will help expedite your attention to this request, please contact me at PH: 916-663-3207. I ask that you notify me of any duplication costs exceeding \$50.00, so that I may decide which records I want copied. If it is possible to send the records via electronic format, I would prefer that.

Sincerely,



Cheryl Schmit – Director

916-663-3207

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