

1 SISKIYOU COUNTY POMONA GRANGE
2 (8 GRANGES)
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9 IN PRO PER

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SISKIYOU

12 TULELAKE IRRIGATION DISTRICT,
13 a California Irrigation District,

14 Plaintiffs,

15 vs.

16 ALL PERSONS HAVING OR CLAIMING
17 TO HAVE AN INTEREST IN THE
18 VALIDITY OF AGREEMENTS ENTERED
19 INTO BY TULELAKE IRRIGATION
20 DISTRICT ENTITLED "KLAMATH
21 BASIN RESTORATION AGREEMENT
22 FOR THE SUSTAINABILITY OF PUBLIC
23 TRUST RESOURCES AND AFFECTED
24 COMMUNITIES" AND "KLAMATH
25 HYDROELECTRIC SETTLEMENT
26 AGREEMENT",

27 Defendants.
28 _____/

29 AND RELATED CROSS ACTION.
30 _____/

31 AMICI CURIAE ON CROSS-COMPLAINT OF COUNTY OF
32 SISKIYOU; SISKIYOU COUNTY FLOOD CONTROL AND WATER
33 CONSERVATION DISTRICT BY: SISKIYOU COUNTY POMONA GRANGE

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STATUTES

1 Cal. Bagley-Keen Act, 11,120-11,132

2 Section 11,121(a)

Section 11,121(c)

3 Section 11,122.5

Section 11,122.5(b)

4 Section 11,124

Section 11,125.1

5 California Constitution, Article 1 Sec. 3 (a), (b) (1)

MISCELLANEOUS

6 42Ops.Cal.Atty.Gen.61

32Ops.Cal.Atty.Gen.240

7 Cal. Atty. Gen., Indexed Letter, No. IL00-906 (February 20, 2001)

Klamath Basin Compact (Bi-State Agreement and Ratified by Congress 1957)

CASE

8 Recent case, Fletcher v Blue Ribbon Task Force October 2010, Sacramento Superior Court

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1 Amici SISKIYOU COUNTY POMONA GRANGE (SCPG), respectfully submits the
2 following amicus curiae brief urging the denial of the validation of the agreements entered into
3 by TULELAKE IRRIGATION DISTRICT (TID), known as “The Klamath Basin Restoration
4 Agreement for the Sustainability of Public Trust Resources and Affected Communities” (KBRA)
5 and “Klamath Hydro Settlement Agreement” (KHSA).

6 **IDENTITY AND INTEREST OF AMICI**

7 SISKIYOU COUNTY POMONA GRANGE was founded in 1904 by the citizens of
8 Siskiyou County. Its purpose was to provide support and education and assist the local
9 population in their ranching and business endeavors. Over the years it has evolved from a purely
10 agriculture support organization to a total community support entity. It provides not only
11 agriculture support but insurance services, and legal and legislative lobbying on behalf of the
12 citizens. We have been an active voice in putting the members’ concerns and opinions before the
13 elected representatives, not only on the local and state level, but through our national
14 organization as well.

15 The recent Advisory Ballot Measure “G” passed with over 79% approval to not remove
16 the four dams on the Klamath River. This ballot was initiated by the Siskiyou County Water
17 Users Association with the support of the Grange membership. Dam removal is a major
18 component of the KBRA and KHSA, hence the interest of the Grange membership.

19 **SUMMARY OF ARGUMENT**

20 Amici, SCPG, requests the Court to ask itself, why does the TID feel the need to validate
21 the KBRA and the KHSA?

22 Is it because the KBRA & KHSA lack the basic elements of a legal agreement, as pointed
23 out in Cross-Complainant’s brief?

24 SCPG feels the answer is because TID and others (State and Federal Agencies and
25 Tribes) violated California statutes, more specifically, the Bagley-Keen Act 11,120-11,132.

26 Sometime prior to the year of 2006 and thereafter, TID and others (governmental and
27 non-governmental persons and state agencies) participated and conducted secret and confidential
28 negotiations.

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DATED: _____

ANTHONY INTISO, OVERSEER