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September 26, 2016

VIA ELECTRONIC MAIL ONLY

Chair Felicia Marcus
Board Member Tam Doduc
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-01000
E-Mail: CWFhearing@waterboards.ca.gov

Re: California WaterFix Hearing - Response to Request for Additional Cross-Examination by Counsel for the Cities of Folsom and Roseville

Dear Chair Marcus and Board Member Doduc:

This letter provides the response of the San Luis & Delta-Mendota Water Authority ("Water Authority") to the September 26, 2016 request by counsel for the Cities of Folsom and Roseville (together, "Cities") for "an additional 45 minutes of cross-examination of the water-right panel" in the California WaterFix hearing.

The Water Authority recognizes that it is within the discretion of the State Water Resources Control Board ("State Water Board") as to whether to grant the Cities' request for additional cross-examination. However, the Water Authority takes this opportunity to raise three points in response to the Cities' request.

First, there is no basis for anyone to claim "surprise" at the questions asked during the Water Authority's approximately 15-minute cross-examination of Reclamation's witness Ray Sahlberg on September 22. In Part 1A, in cross examination of various prior witnesses, the Cities have made their interest in storage levels in Folsom Reservoir, and CVP contract allocations, very apparent. (See, e.g., Transcript for 8-10-16 Hearing, Vol. 8 at pp. 247-267; Transcript for 8-11-16 Hearing, Vol. 9 at pp. 6-62.) The protests filed by the Cities and other members of Group 7 to Part 1A of the hearing also raise the issues insofar as they allege injury to CVP contractors. (See, e.g., Attachment to City of Folsom Protest at pp. 7-11.) It is entirely unsurprising that Reclamation's expert on CVP contracts and water rights would be asked about whether and how the Cities' CVP contracts and other contracts with Reclamation address those topics. Those questions are directly relevant to whether the Cities can claim legal injury from the WaterFix project.

Second, the Cities have provided no explanation why the opportunity for cross-examination of Mr. Sahlberg they have already been provided was inadequate. Surely, the Cities are well familiar with the terms of their contracts and water rights, and the water rights permit terms applicable to Folsom Reservoir. On September 22 they could and should have asked whatever additional questions they had based on Mr. Sahlberg's answers to the Water Authority's 15 minutes of cross examination.

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Third, there is an insinuation in the Cities' letter that Reclamation is trying to somehow evade the State Water Board's requirement for written testimony by arranging "friendly" cross-examination. To be clear, Reclamation did not request the Water Authority to do cross examination of Mr. Sahlberg, or to ask any particular questions. The Water Authority chose to do cross examination, and chose what questions to ask. Mr. Sahlberg chose his answers.

Thank you for your consideration of this response.

Regards,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



REBECCA R. AKROYD

cc: [Service List]



STATEMENT OF SERVICE

**CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

Response to Request for Addition Cross-Examination by Counsel for the Cities of Folsom and Roseville

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated 9/20/2016, posted by the State Water Resources Control Board at

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.

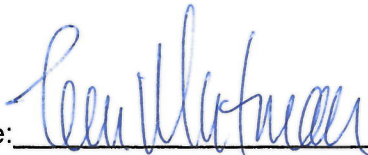
For Petitioners Only:

	I caused a true and correct hard copy of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818:
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	Method of Service: _____
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I certify that the foregoing is true and correct and that this document was executed on 9/26/2016

Date

Signature: 

Name: Terri Whitman

Title: Legal Secretary

Party/Affiliation: SLDMWA

Address: 400 Capitol Mall, 27th Floor
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