

July 7, 2017

VIA ELECTRONIC MAIL

Tam Doduc, Hearing Chair and Co-Hearing Officer
Felicia Marcus, Co-Hearing Officer
State Water Resources Control Board
1001 I Street
Sacramento, California 95814
CWFhearing@waterboards.ca.gov

Re: Sacramento Valley Water Users' Subpoenas *Duces Tecum*

Dear Hearing Chair Doduc, Hearing Officer Marcus, and California WaterFix Hearing Staff:

On June 29, 2017, the Sacramento Valley Water Users ("SVWU") served subpoenas *duces tecum* requesting the U.S. Bureau of Reclamation and California Department of Water Resources ("DWR") to produce documents and modeling files referenced in the Biological Opinions ("BiOps") issued by the United States Fish & Wildlife Service ("USFWS") and the National Marine Fisheries Agency ("NMFS") on June 26, 2017. The subpoenas *duces tecum* required production of the requested documents by 5pm today, July 7, 2017. In advance of this deadline, I met and conferred with counsel for DWR and Reclamation and reached a mutual agreement to modify the schedule for compliance with the subpoenas.

Pursuant to that mutual agreement, the subpoenas are modified per the following terms:

1. DWR will produce all of the requested documents and information, including documents and information duplicative of that in Reclamation's possession that Reclamation does not object to being produced.
2. The deadline for Reclamation to respond or object to the subpoena will be extended to July 21, 2017 at noon, except that Reclamation reserves all rights and immunities available to it under federal law.
3. DWR will make a good faith effort to produce the BiOp Resolution Log component of category (b) and all documents responsive to categories (d) and (i) by July 7, 2017 at 5pm and the deadline for producing those documents will be July 10, 2017 at noon.

4. DWR will produce all remaining documents and information by noon on July 17, 2017.
5. All documents and information will be produced to the FTP site made available by the CWF Hearing Team.
6. The deadline for DWR to object to the subpoena will be extended to noon on July 18, 2017.

The parties appreciate the Hearing Team's cooperation in making the FTP site available to facilitate DWR and Reclamation's compliance with the subpoenas. If the Hearing Team has any concerns with the modifications to the subpoena as mutually agreed with DWR and Reclamation, please contact me at mnikkel@downeybrand.com or 916-520-5211. Thank you.

Very truly yours,

DOWNEY BRAND LLP



Meredith E. Nikkel

1488146.1

cc: CA WaterFix 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:

Letter dated July 7, 2017 re **Sacramento Valley Water Users'** Subpoena Duces Tecum

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 July 3, 2017, posted by the State of 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: Method of Service: _____
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I certify that the foregoing is true and correct and that this document was executed on July 7, 2017.

Signature: 

Name: Catharine Irvine

Title: Legal Secretary

Party/Affiliation: Downey Brand, LLP

Address: 621 Capitol Mall, Sacramento, CA 95814