

State Water Resources Control Board

February 6, 2018

Ms. Des Jardins
145 Beel Drive
Santa Cruz, CA 95060
Telephone: (831) 423-6857
Email: ddj@cah2oresearch.com

RE: 10-DAY RESPONSE LETTER REGARDING REQUEST FOR PUBLIC RECORDS

Dear Ms. Des Jardins,

The California State Water Resources Control Board (State Water Board, or Board) received your January 28, 2018 request under the California Public Records Act (Gov. Code, § 6250 et seq.) for State Water Board records generally pertaining to communications between the State Water Board and certain entities participating in or otherwise involved in the proposed WaterFix project. Your request is attached for reference.

You requested the following State Water Board records:

1. *Any and all communications between the California Natural Resources Agency and the State Water Resources Control Board relating to:*
 - a. *The WaterFix project;*
 - b. *The WaterFix Water Right Change Petition application or hearing;*
 - c. *Permit terms for the State Water Project and Central Valley Project, since the WaterFix Water Right Change Petition application was filed on August 26, 2015, not currently posted on the State Water Resources Control Board website.*
2. *Any and all communications between the California Governor's office and the State Water Resources Control Board relating to:*
 - a. *The WaterFix project;*
 - b. *The WaterFix Water Right Change Petition application or hearing;*

- c. *Permit terms for the State Water Project and Central Valley Project, since the WaterFix Water Right Change Petition application was filed on August 26, 2015, not currently posted on the State Water Resources Control Board website.*
3. *Any and all communications between the State Water Contractors and the State Water Resources Control Board relating to:*
 - a. *The WaterFix project;*
 - b. *The WaterFix Water Right Change Petition application or hearing, except for communications about non-controversial procedural issues;*
 - c. *Permit terms for the State Water Project and Central Valley Project, since the WaterFix Water Right Change Petition application was filed on August 26, 2015, not currently posted on the State Water Resources Control Board website.*
4. *Any and all communications between the California Department of Water Resources and the State Water Resources Control Board regarding:*
 - a. *The WaterFix Water Right Change Petition application or hearing, except for communications after October 30, 2015 about non-controversial procedural issues;*
 - b. *The WaterFix Partially Recirculated Draft EIR/EIS, not currently posted on the State Water Resources Control Board website, or previously produced in response to Public Records Act Requests by Patrick Porgans or Michael Brodsky, since January 1, 2015.*
5. *The 2002 comments by the firm of Bartkiewicz, Kronick & Shanahan on the Board's November 19, 2002 resolution to exempt Board members from Chapter 16 of the Administrative Procedure Act on Judicial Ethics.*
6. *A copy of the contract executed by the State Water Resources Control Board pursuant to the Board's 2010 resolution Authorizing the Executive Director to Enter into an Agreement With the State Water Project Contractors and the Federal Central Valley Project Contractors, or a Joint Powers Authority Comprised of Those Contractors, for Reimbursement of the Costs of Analysis Associated With Developing New Flow Criteria for the Delta Ecosystem, and any payments received under the contract.*

The State Water Board has determined that it has records responsive to your request. We anticipate that the majority of records will consist of emails that can be electronically transferred to an FTP site for easy access and at no cost. Nicole Kuenzi, Attorney III in the State Water Board's Office of Chief Counsel (OCC), will contact you shortly to help coordinate production of these electronic documents.

Once State Water Board staff have identified all State Water Board records responsive to your request, OCC will review those records for privilege and other potentially applicable exemptions from disclosure under the Public Records Act. Given the volume and nature of records described in your request, this review could be fairly time-intensive, but OCC and other Board

staff will make every effort to facilitate prompt review and timely disclosure of non-exempt, responsive public records. If, after OCC's review, the State Water Board withholds one or more documents based on an applicable privilege or other Public Records Act exemption, you will be provided with the number of documents withheld, the general nature of each, the specific privilege or other exemption justifying non-disclosure, and the name and title of the State Water Board employee who made the non-disclosure determination.

OCC and/or Board staff may follow up with you to coordinate the production of these records on a rolling basis as OCC's review progresses so that you may start obtaining access to responsive records as soon as possible. In the meantime, if you have questions or wish to express concerns regarding the State Water Board's response to your records request, you may contact Nicole Kuenzi by phone (916-322-4142) or email at Nicole.Kuenzi@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "a d e", is positioned above the typed name.

Andrew Deeringer
Attorney III
Office of Chief Counsel
State Water Resources Control Board

