EXHIBIT FOLSOM-28

TESTIMONY OF MARCUS YASUTAKE, P.E.

1. I have been the City of Folsom's Environmental & Water Resources Director since July 2013. In that position, I am responsible for all matters related to the City's water system and supplies. Prior to assuming my current position, I worked as an engineer in the City's Utilities Department since November 2006. I have a Bachelor of Science Degree in BioResource and Agricultural Engineering and a Masters of Science in Water Engineering from California Polytechnic State University, San Luis Obispo. I am a registered California civil engineer, registration number 69158.

2. I understand that, in their testimony in Part 1A of this hearing, Reclamation's and DWR's witnesses testified that:

   - DWR's modeling, on which Reclamation has relied, "should not necessarily be understood to reflect actually what would occur in the future" in "stressed water supply conditions," which would be conditions "[w]hen system wide storage levels are at or near dead pool" (Exhibit DWR-71, p. 12:15-18); and

   - While DWR's modeling is not reliable for "stressed water supply conditions" (Exhibit DWR-71, p. 12:15-18), implementation of the California WaterFix would not injure any legal user of water, such as San Juan, because DWR's and Reclamation's project operators would operate in real time to ensure that no such injury would occur in such conditions (August 10, 2016 transcript, pp. 253-256; August 11, 2016 transcript, pp. 10, 42-44; August 23, 2016 transcript, pp. 207, 211-217; September 22, 2016 transcript, pp. 183-188, 193-210, 213-221, 224-226, 230-233).

3. It is my understanding that Reclamation and DWR have simply claimed that, in dry years, they "would not" operate Folsom Reservoir as depicted in the modeling they have presented, and the operators would avoid drawing the reservoir down so low that it injures legal users of water.

4. I have reviewed the testimony of Keith Durkin submitted concurrently with my testimony, which is **Exhibit SJWD-17**. I also have personal knowledge of the facts stated in paragraphs 5 through 26 of Mr. Durkin's testimony and can testify to those facts. In particular, during 2014 and 2015, I also was personally involved in numerous meetings

and other communications concerning Folsom Reservoir operations with representatives of the Bureau of Reclamation (Reclamation). As a result, I have personal knowledge of how Reclamation operated, and proposed to operate, Folsom Reservoir in real time during the 2014-2015 drought conditions to deliver water to the City of Folsom.

5. As discussed in **Exhibit Folsom-1**, raw water is normally delivered to Folsom, Folsom Prison, Roseville, and San Juan Water District via the municipal and industrial (M&I) water supply intake at Folsom Dam. However, if the lake level drops to the point where the M&I intake becomes unusable, Folsom and Folsom Prison would be served differently than San Juan and Roseville would. Reclamation would serve both the City and Folsom Prison by activating a temporary pump station floating in Folsom Reservoir. As set forth in Exhibit Folsom-1, the physical capacity of the floating pump station is only one-half of the 60 cfs Folsom is entitled to take under its historic water rights under the Co-Tenancy Agreement and its delivery contract with Reclamation, and Reclamation would not be physically able to deliver the quantities of water that Folsom is entitled to receive.

6. As set forth in the testimony of Keith Durkin, **Exhibit SJWD-17**, the water agencies that depend on water from the American River, including the City of Folsom and other agencies that divert water at Folsom Reservoir, have worked with the Water Forum to develop proposed terms and conditions that would alleviate the injury Cal WaterFix would otherwise cause to these users.[1] Those terms and conditions generally are known as the "modified flow management standard" (Modified FMS) because they would modify the existing 2006 lower American River flow management standard to which Reclamation is supposed to operate Folsom Reservoir.

[1] The Modified FMS reflects a proposal to reoperate Folsom Reservoir to balance multiple competing needs for water, including those of salmonids in the lower American River. As a result, the Modified FMS does not fully guarantee that all the water agencies' needs will be fully met through multiple dry years, though the City and the other water users believe the Modified FMS represents the best available solution. Consistent with the Hearing Officers' Orders, the balance that was struck among the American River water uses will be explained in Part 2 of the proceedings when the American River Water Agencies will present evidence related to the fisheries needs and temperature objectives that have been integrated into the Modified FMS proposal and the balance that has been struck between those needs and the needs of the City and other water users.

7. **Exhibit SJWD-27** is a PowerPoint that serves as the summary of this rebuttal testimony.