

Clifton Court, L.P.  
Suzanne Womack  
3619 Land Park Drive  
Sacramento, CA 95818

August 9, 2017

Hearing Officer Tam Doduc and Co-Hearing Officer Felicia Marcus  
State Water Resources Control Board  
1010 I St  
Sacramento, CA 95814

Re: Motion for Reconsideration of July 27, 2018 Hearing Ruling Striking CCLP  
Testimony

Dear Hearing Officers and Board,

We respectfully request reconsideration of the Hearing Ruling striking pages 2-4 of testimony by Suzanne Womack and Sheldon Moore. (beginning with "If the CCF" and ending with "Delta Levee Special Flood Project Program").

The July 27, 2018 Hearing ruling states that the testimony was stricken because it did not contain references to Part 2 Case in Chief evidence. But we were just following the instructions of the Hearing Officers in submitting evidence responsive to the Draft Supplemental EIR/EIS.

The June 18, 2018 hearing ruling stated on page 2, "the parties may submit evidence that is responsive to DWR's EIR Supplement, even if that evidence touches on matters not directly raised during the case-in-chief phase of Part 2."

The introduction to our testimony states,

If under the new plan the CCF is not "extensively modified," the safety and productivity of our farm will continue to be imperiled.

(p. 1.)

This sentence was not stricken, but the following paragraphs which substantiates our claim were stricken. In the sentence before the stricken paragraphs on p. 2, we tried to clearly tie the testimony in the following paragraphs to the Administrative Draft Supplemental EIR/EIS, stating:

Now DWR wants to "create a new Byron Tract Forebay (eliminating the extensive modifications to Clifton Court Forebay)" (Draft Supplemental EIR/EIS [DSEE]1-4 line 16).

We continued:

If the CCF is not extensively modified under-seepage will continue to be a public safety problem.

(p. 2.)

Our testimony also stated:

Now, however, with the DSEE, DWR wants to abandon CCF and pretend that its identified under-seepage problems don't exist. The relocated forebay location proposed by DWR does nothing to remedy the adverse impacts from present operations and lack of maintenance with respect to the existing forebay. This leaves CCLP's property (as well as adjacent wetlands and surface water exposed to the now documented problems arising from the existing forebay, such as seepage, levee damage, and potential levee/embankment failure -without any mitigation measures whatsoever being proposed by DWR. CCLP requests that the south bank of the CCF, at the very least, be fortified with a -50.0 feet slurry cutoff wall and that the intake control structure be re-designed and built. (p. 3.)

If this testimony is stricken, we will not have had the opportunity to respond to the safety issues raised by the changes to the WaterFix project in the Administrative Draft Supplemental EIR/EIS.

There were two other paragraphs of testimony that were stricken. The stricken paragraph on Water Quality states:

Now that we will be left with our farm intact, we have serious concerns how the proposed CWF operations will affect our water quality.

(p. 3)

The following stricken paragraph on Levee failure states:

If our farm is not taken, we will continue to incur substantial levee repair costs caused by State and Federal water export.

(p. 3.)

These sentences were our attempt to tie those paragraphs to DWR's announcement after Part 2 Case in Chief that they would no longer be acquiring our farm.

We made our best effort to explain in our testimony how the testimony was tied to the changes in the Administrative Draft EIR/EIS, and to DWR's changes in plans to acquire our property.

If the Hearing Officers do not allow our testimony into the hearing, we will not have had any opportunity in the hearing to provide testimony responding to the changes to the project in the Administrative Draft EIR/EIS, or to suggest permit terms and conditions based on that testimony.

For these reasons, we request reconsideration of the July 27, 2018 hearing ruling striking our testimony.

Sincerely,

Suzanne Womack

**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):

**Motion for Reconsideration of July 27, 2018 Hearing Ruling Striking  
CCLP Testimony**

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 August 7, 2018, 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](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:** N/A

I certify that the foregoing is true and correct and that this document was executed on 8-9-2018  
Date

Signature: 

Name: Suzanne Womack

Title: General Partner

Party/Affiliation: Clifton Court, L.P.

Address: 3619 Land Park Drive  
Sacramento, CA 95818