

December 8, 2016

Hearing Chair Tam Doduc
Hearing Officer Felicia Marcus
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814-2828

SUBJECT: WaterFix Hearing – Response to “Part 3” Proposal

Dear Hearing Officers Doduc and Marcus:

In a December 5, 2016 letter, the “Downey Brand Protestants” proposed that the Hearing Team create a separate “Part 3” of the WaterFix hearing as the "exclusive" forum for presenting proposed terms and conditions to be applied to orders concerning the WaterFix change petition (Part 3 Proposal).

Our agencies respectfully request that, however you respond to the Part 3 proposal, you not preclude the presentation of proposed terms and conditions and supporting technical evidence in Part 1 or Part 2 of the WaterFix hearing. On August 30, 2016, the Placer County Water Agency requested confirmation that the submittal of proposed permit terms and conditions could be submitted as Part 1B rebuttal evidence, rather than as Part 1B direct evidence. By email dated August 30, 2016, the Hearing Team confirmed that “a party participating in Part 1B of the hearing may submit a proposed protest dismissal package as part of a rebuttal submittal. . .” Thus, if you approve the Part 3 Proposal, then we respectfully request that you expressly confirm that proposed permit terms and conditions and supporting evidence also may be submitted before any Part 3. This would be appropriate because the presentation of proposed terms and conditions during Part 1B or Part 2 may help to resolve issues and narrow the disputes over WaterFix prior to any Part 3.

Sincerely,

PLACER COUNTY WATER AGENCY

SOMACH, SIMMONS & DUNN

By: /s/ Dan Kelly

By: /s/ Aaron Ferguson

Staff Counsel

Attorneys for Sacramento County Water
Agency

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STOEL RIVES LLP

By: /s/ Ryan Bezerra

By: /s/ Wes Miliband

Attorneys for Cities of Folsom and
Roseville, Sacramento Suburban Water
District and San Juan Water District

Attorneys for City of Sacramento

STATEMENT OF SERVICE

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

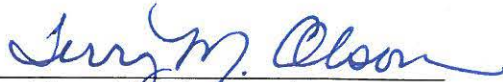
I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

California WaterFix Hearing – Response to Part 3 Proposal

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 November 15, 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:

I certify that the foregoing is true and correct and that this document was executed on December 8, 2016.

Signature: _____



Name: Terry M Olson

Title: Legal Assistant

Party/Affiliation: Cities of Folsom, Roseville, Sacramento Suburban Water District, San Juan Water District and Yuba County Water Agency

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