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January 28, 2018

VIA electronic mail

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State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**Re: Public Records Act request for Ex Parte communications by other agencies**

Dear Mr. Lauffer,

This Public Records Act Request is a followup to the Public Records Act requests by Michael Brodsky on December 28, 2017 and by Patrick Porgans on August 31, 2017. Those requests uncovered substantial Ex Parte communications between the the California Department of Water Resources (“DWR”) and the WaterFix Water Right Change Petition Hearing team regarding modeling in the WaterFix hearing.

I appreciate the Board’s attention to those PRA requests. However, since Ex Parte rules appear to have not been strictly followed, Ex Parte communications with other agencies may also be an issue.

Ex Parte communications between the State Water Resources Control Board and the Natural Resources Agency, the Governor’s Office, or the State Water Contractors who are parties to the WaterFix hearing, may also be an issue in the proceeding. Ex Parte communications relating to the WaterFix hearing should be disclosed. Ex Parte communications relating to permit terms for the SWP and CVP in the Phase 2 update of the Bay-Delta Water Quality Control Plan likely overlap with

issues considered in adopting “appropriate Delta flow criteria” in the WaterFix hearing and should also be disclosed.

Pursuant to the California Public Records Act (Government Code section 6250 *et seq.*), I am requesting copies of the following public 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.

In addition, I request

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.

Pursuant to Government Code section 6253.9, subdivision (a), I request any record that is available in electronic format to be provided in electronic format. The records may be produced in the ftp folder for Deirdre Des Jardins in the WaterFix hearing.

I appreciate your attention to this request. If the Board denies this request, or any portion thereof, please advise me in writing of the basis for the denial, and in conformance with Government Code section 6253, subdivision (d), the name and title of the person making the denial.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Des Jardins', with a stylized flourish at the end.

Deirdre Des Jardins  
Principal, California Water Research