

BRISCOE IVESTER & BAZEL LLP
155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
(415) 398-5630 FAX

RECEIVED
September 06, 2018
**Commission on
State Mandates**

Peter Prows
(415) 402-2708
pprows@briscoelaw.net

6 September 2018

Ms. Heather Halsey, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Subject: Request to File Combined Rebuttal on 1 October Re: 17-TC-04

Dear Ms. Halsey:

The Santa Clara Valley Water District ("District") respectfully requests that it be allowed to submit a combined rebuttal on 1 October 2018 to the two comments submitted regarding its Test Claim 17-TC-04 ("Test Claim").

The 65-page single-spaced comment letter of the San Francisco Bay Regional Water Quality Control Board ("Regional Board") to this Test Claim was filed on 15 August 2018 and distributed to interested parties on 20 August. The comment of the California Department of Finance ("Finance") was filed on 29 August and distributed on 31 August. Finance's comment echoes the main arguments made by the Regional Board. The Regional Board and Finance each requested, and received, multiple extensions for the filing of their comments.

Because the arguments made by the Regional Board and Finance echo each other, a combined rebuttal would be appropriate and efficient. A due date of 1 October for the combined rebuttal would not cause any postponement of the hearing, or prejudice, because it does not meaningfully change the District's existing deadline to reply to Finance's comment. Additionally, the District needs until 1 October to prepare its reply to the Regional Board's comment because counsel for the District has been preoccupied with preparing and filing its opening brief on the merits of its judicial challenge to the legality of the Mandate at issue in this Test claim, which was filed in Contra Costa County Superior Court on 30 August; prevailing on that judicial challenge would likely

BRISCOE IVESTER & BAZEL LLP

Ms. Halsey

6 September 2018

Page 2

mitigate the costs at issue in this Test Claim, and so it was reasonable for counsel for the District to prioritize that filing over preparing a reply before now to the Regional Board's comment to the Test Claim.

Having now filed the opening brief on the merits challenging the legality of the Mandate, counsel for the District can direct their attention towards replying to the comments on the Test Claim, though counsel would appreciate having this full month to do so. (*See* 2 CCR § 1187.9(a) (grounds for extension requests).)

The District is unaware of any reason why the extension should not be granted, and believes the extension will ultimately best serve the Commission and the parties.

Thank you for your consideration of this request and for your service.

Sincerely,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

Peter Prows

Counsel for the District

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 10, 2018, I served the:

- **Notice of Extension Request Approval issued September 10, 2018**
- **Claimant's Request for Extension of Time filed September 6, 2018**

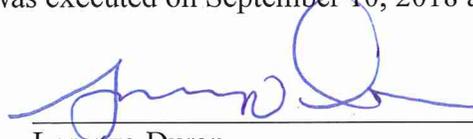
Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project, 17-TC-04

San Francisco Bay Regional Water Quality Control Board (SFRWQCB) Order No. R2-2017-0014, Provision B. 19, effective April 12, 2017

Santa Clara Valley Water District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 10, 2018 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/23/18

Claim Number: 17-TC-04

Matter: Waste Discharge Requirements and Water Quality Certification for: Santa Clara Valley Water District and U.S. Army Corps of Engineers, Upper Berryessa Creek Flood Risk Management Project

Claimant: Santa Clara Valley Water District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Marni Ajello, Attorney, Office of Chief Counsel, *State Water Resources Control Board*
San Francisco Bay Regional Water Quality Control Board, 1001 I Street, 22nd Floor, Sacramento, CA 95814
Phone: (916) 327-4439
marnie.ajello@waterboards.ca.gov

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Tamarin Austin, Attorney, Office of Chief Counsel, *State Water Resources Control Board*
San Francisco Bay Regional Water Quality Control Board, 1001 I Street, 22nd Floor, Sacramento, CA 95814
Phone: (916) 341-5171
Tamarin.Austin@waterboards.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Dale Bowyer, Section Leader, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612

Phone: (510) 622-2323
Dale.Bowyer@waterboards.ca.gov

Allan Burdick,
7525 Myrtle Vista Avenue, Sacramento, CA 95831
Phone: (916) 203-3608
allanburdick@gmail.com

J. Bradley Burgess, MGT of America
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Evelyn Calderon-Yee, Bureau Chief, State Controller's Office
Local Government Programs and Services, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Norma Camacho, Chief Executive Officer, Santa Clara Valley Water District
5700 Almaden Expressway, San Jose, CA 95118
Phone: (408) 265-2600
ncamacho@valleywater.org

Gwendolyn Carlos, State Controller's Office
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Annette Chinn, Cost Recovery Systems, Inc.
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinnrcrs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, Legal Analyst's Office
925 L Street, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Anita Dagan, Manager, Local Reimbursement Section, State Controller's Office
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-4112
Adagan@sco.ca.gov

Marieta Delfin, State Controller's Office
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Donna Ferebee, Department of Finance
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Susan Geanacou, Department of Finance
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, Legislative Representative, *California Special Districts Association*
1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@csda.net

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Justyn Howard, Program Budget Manager, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-1546
justyn.howard@dof.ca.gov

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Jill Kanemasu, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-9891
jkanemasu@sco.ca.gov

Anita Kerezsi, *AK & Company*
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446
Phone: (805) 239-7994
akcompanysb90@gmail.com

Eric Koch, Deputy Director, *Department of Water Resources*
Flood Management and Dam Safety, P.O. Box 942836, Room 1115-9, Sacramento, CA 94236-0001
Phone: (916) 654-7180
Eric.Koch@water.ca.gov

Lisa Kurokawa, Bureau Chief for Audits, *State Controller's Office*
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 327-3138
lkurokawa@sco.ca.gov

Michael Lauffer, Chief Counsel, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
michael.lauffer@waterboards.ca.gov

Keith Lichten, Division Chief, *San Francisco Bay Regional Water Quality Control Board*
Watershed Management, 1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2380
klichten@waterboards.ca.gov

Selina Louie, Water Resource Control Engineer, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612

Phone: (510) 622-2383
SLouie@waterboards.ca.gov

Jill Magee, Program Analyst, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
Jill.Magee@csm.ca.gov

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Lourdes Morales, Senior Fiscal and Policy Analyst, *Legal Analyst's Office*
925 L Street, Sacramento, CA 95814
Phone: (916) 319-8320
Lourdes.Morales@LAO.CA.GOV

Thomas Mumley, Assistant Executive Officer, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2395
thomas.mumley@waterboards.ca.gov

Karla Nemeth, Director, *Department of Water Resources*
P.O Box 942836, Room 1115-1, Sacramento, CA 94236-0001
Phone: (916) 653-7007
Karla.Nemeth@water.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Steven Pavlov, Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Steven.Pavlov@dof.ca.gov

Jai Prasad, *County of San Bernardino*
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018
Phone: (909) 386-8854
jai.prasad@atc.sbcounty.gov

Peter Prows, Partner, *Briscoe Ivester & Bazel LLP*
Claimant Representative
155 Sansome Street, 7th Floor, San Francisco, CA 94104

Phone: (415) 402-2700
pprows@briscoelaw.net

Mark Rewolinski, *MAXIMUS*
808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (949) 440-0845
markrewolinski@maximus.com

Theresa Schweitzer, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3140
tschweitzer@newportbeachca.gov

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

Eileen Sobeck, Executive Director, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
Eileen.Sobeck@waterboards.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Joe Stephenshaw, Director, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Joe.Stephenshaw@sen.ca.gov

Derk Symons, Staff Finance Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Derk.Symons@dof.ca.gov

Jolene Tollenaar, *MGT of America*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3127
etseng@newportbeachca.gov

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
Brian.Uhler@LAO.CA.GOV

Emel Wadhvani, Senior Staff Counsel, *State Water Resources Control Board*
Office of Chief Counsel, 1001 I Street, Sacramento, CA 95814
Phone: (916) 322-3622
emel.wadhvani@waterboards.ca.gov

Renee Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, H-382, Sacramento, CA 95927
Phone: (916) 797-4883
dwa-renee@surewest.net

Bruce Wolfe, Executive Officer, *San Francisco Bay Regional Water Quality Control Board*
1515 Clay Street, Suite 1400, Oakland, CA 94612
Phone: (510) 622-2314
bwolfe@waterboards.ca.gov

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-9653
hyaghobyan@auditor.lacounty.gov