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DEPARTMENT OF JUSTICE



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July 28, 2015

VIA EMAIL AND PERSONAL DELIVERY

The Honorable Timothy M. Frawley
Sacramento County Superior Court
Gordon D. Schaber Downtown Courthouse
720 Ninth Street
Department 29
Sacramento, CA 95814-1398

RE: *Rosedale-Rio Bravo Water Storage District, et al. v. Cal. Dept. of Water Resources, et al.*
Superior Court of California, County of Sacramento, Case No. 34-2010-80000703

Central Delta Water Agency, et al. v. Cal. Dept. of Water Resources, et al.
Superior Court of California, County of Sacramento, Case No. 34-2010-80000561

Respondent Department of Water Resources' Request for Order Extending Time to
Comply With November 24, 2014 Writ of Mandate

Dear Honorable Judge Frawley:

The Department of Water Resources (DWR) respectfully seeks an order to extend by six months the current December 31, 2015 deadline for DWR to prepare and recertify a revised Monterey Plus Environmental Impact Report (EIR). At the court's direction, DWR is submitting a short letter brief in support of its request, and will be pleased to address this issue further at the July 31, 2015 hearing.

The court's November 24, 2014 Findings and Peremptory Writ (Writ) provides in part: "Unless the Court orders otherwise for good cause shown, DWR must correct the deficiencies in the Monterey Plus EIR and recertify a revised Monterey Plus EIR by December 31, 2015." To meet that deadline, as set forth in DWR's December 30, 2014 Initial Return to Writ, DWR's schedule called for releasing a draft revised EIR to the public on September 1, 2015. This is the last realistic date by which a draft revised EIR can be released so that the additional required steps (45-day public comment period, reviewing and responding to public comments, release of Final revised EIR, etc.) can be completed in advance of the December 31 deadline. DWR

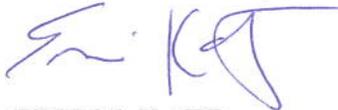
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expected to meet that deadline, but recently determined that additional time is required to calibrate and confirm the groundwater modeling information it is using to evaluate potential Kern Water Bank operational impacts to groundwater. DWR believes a six month extension will be sufficient, but will be able to better estimate the time needed after it finishes additional work on the model and conducts some initial runs in September 2015.

Good cause exists for granting the requested relief. DWR and its consultants have been working diligently to prepare a revised EIR to meet the December 31, 2015 deadline. In December 2014 DWR completed its contracting process and hired a CEQA consultant and two modeling sub-consultants to assist DWR. The independent groundwater modeling experts evaluated existing groundwater models in the Kern Water Bank areas, and have been actively using the models to inform DWR's analysis of potential groundwater impacts. To date they have logged at least 4,300 hours on the project. A significant portion of that time has been devoted to analysis of Kern Water Bank operation's potential groundwater impacts. Only recently did DWR determine that unexpected additional work on the model is required in order to meet DWR's CEQA needs. Performing a quantitative analysis with a modified groundwater model, while also working with the Kern Water Bank Authority (KWBA) and Rosedale Rio Bravo Water Storage District (Rosedale) on various technical aspects of the modeling, cannot be completed by the September 1, 2015.

DWR has no interest in delaying completion of the revised EIR or performing more analysis than is required to comply with the Writ. However, DWR does want its revised EIR to be a quality product that meets its high standards, and wants to ensure that it benefits from receiving input from the local interests who will be most directly impacted by the project. In pursuit of those goals DWR has engaged in the modeling exercise, and has engaged in substantial outreach to KWBA and Rosedale. Following through on those tasks will result in an approximate six month delay in completing the revised EIR. If the deadline is not extended, DWR would have to abandon groundwater modeling as an analytical tool in its assessment of Kern Water Bank operation's potential groundwater impacts.

Sincerely,



ERIC M. KATZ
Supervising Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

cc: All Counsel (via email)