

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING
(Portion)

MAY 20, 2015

Coastal Hearing Room - Second Floor
1001 I Street
Sacramento, California 95814

scribed by: Thresha Spencer, CSR No. 11788

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STATE WATER RESOURCES CONTROL BOARD
BOARD MEMBERS

- Chair Felicia Marcus
- Vice-Chair Frances Spivy-Weber
- Board Member Tam M. Doduc
- Board Member Steven Moore
- Board Member Dorene D'Adamo

1 PORTION OF TRANSCRIPT OF PROCEEDINGS

2 (File 12 - all)

3 --o0o--

4 CHAIR FELICIA MARCUS: Thank you. I know folks have
5 worked very hard to try and actually converse and work these
6 things through, and it's much better -- it doesn't take away
7 from the fact that it's a horrible drought and a horrible
8 situation (inaudible). So figuring what to do is the
9 challenge.

10 I'm trying to figure out what the most useful thing
11 for us to do right now would be. I found this actually
12 quite helpful, believe it or not.

13 What?

14 (Inaudible.)

15 CHAIR FELICIA MARCUS: Oh, Tim? Oh, yeah. I didn't
16 bring -- your card is over there.

17 Tim, last word. You'll just wrap it all up for us?

18 (Inaudible.)

19 CHAIR FELICIA MARCUS: That's fine.

20 TIM O'LAUGHLIN: Tim O'Laughlin, representing the
21 San Joaquin Tributaries Authority. I have a question for
22 staff, and maybe they can answer it. So on the chart that
23 was put up on the screen, it said "San Joaquin River Basin
24 Curtailment this Friday."

25 Do we know, is that the San Joaquin River Basin from

1 Vernalis all the way to Friant, and if -- what's the
2 geographic boundary of it? And also is there a start date?
3 Is it 1906 or 1908? What's -- what's the game plan?

4 KATHERINE MROWKA: Yes. Staff has done the analysis
5 for the individual tributaries, the Stanislaus, Merced, and
6 Tuolumne, and right now they're combining data for the basin
7 as a whole to give us a common date at a common location. I
8 believe it's Mossdale Bridge.

9 TIMOTHY O'LAUGHLIN: So -- but does that -- but will
10 that include the -- if it's Mossdale Bridge, you're going to
11 curtail on the mainstay on San Joaquin River on Friday too?

12 KATHERINE MROWKA: It's common curtailment.

13 TIMOTHY O'LAUGHLIN: All right. Thank you.

14 CHAIR FELICIA MARCUS: Say that again.

15 KATHERINE MROWKA: So, basically, it would be a
16 watershed-based curtailment like all of our others have been
17 this year.

18 TIMOTHY O'LAUGHLIN: Well, okay. So it's just going
19 to be the Stanislaus, Tuolumne, and the Merced?

20 KATHERINE MROWKA: No. We've run all the data for
21 the individual -- those are the tributaries.

22 TIMOTHY O'LAUGHLIN: I just need to know is it all
23 three of them --

24 KATHERINE MROWKA: Plus, we're running right now the
25 data for the major -- for, like, the combined whole

1 watershed picture, so...

2 TIMOTHY O'LAUGHLIN: So is the curtailment going to
3 include the mainstem San Joaquin?

4 KATHERINE MROWKA: At this time.

5 TIMOTHY O'LAUGHLIN: Perfect. That's all I need.
6 Thanks. I appreciate that.

7 I just have two real quick points. I am struck by
8 the irony of this, and actually Terry Erlewine tee'd this up
9 earlier, and it came in the letter that you received last
10 year which started these discussions going forward. Which
11 was the exporters say 35 percent of their water is being
12 mysteriously disappearing in the system. We think it's in
13 the Delta but we need to find out where it's -- where it's
14 currently.

15 And you got that letter and then you folks started
16 your process to go forward and collect information to do
17 what you do.

18 So I find it strange that we're in this process now,
19 and the first curtailment that's going to be issued is on
20 the San Joaquin River above Vernalis. And I'm wondering why
21 that is because there's no way that anyone on the mainstem
22 of the San Joaquin River or on the three tribs could ever
23 take stored water from the projects.

24 So I'm sitting here, and here's my question to you
25 folks, because you're the policy people. And when you do

1 policy, in my mind, you have a goal in effect. Or what's
2 the goal?

3 So I've been asking your staff and people, "What is
4 the goal?" And I hear it's to protect senior rights. Well,
5 that's really not the goal. The goal is, is to protect
6 stored water being released by the projects into the Delta
7 so you can back more water up into Shasta and Oroville and
8 the American River. I have no problem with that. Totally
9 down with that.

10 So why is a curtailment being issued on San Joaquin
11 because we don't take their stored water and we can't
12 possibly take their stored water? And so it's kind of
13 ironic to us that this is occurring in the fashion that it's
14 going to occur.

15 The other thing that's ironic is, to me, is there's
16 this discussion, and I applaud Ms. Spaletta on moving
17 forward or trying to get some reduction in Delta water use.

18 My clients have already been reduced somewhere
19 between 40 and 90 percent. So if the -- if the goal is that
20 we've taken these reductions and you get a hall pass on
21 curtailment and enforcement, then why are we issuing
22 curtailment notices at all of the San Joaquin River of the
23 tribes? We've already reduced. We took those -- we took
24 those voluntary measures already in February and March. So
25 how are you going to do that? And one of the oxymoronic

1 things --

2 CHAIR FELICIA MARCUS: Wait. What do you mean --
3 what do you mean by that?

4 TIMOTHY O'LAUGHLIN: Well, all the districts
5 voluntarily reduce their water supply to their growers and
6 have pushed water up into storage and are -- and are taking
7 conservation measurements and, therefore, so why is that any
8 different --

9 CHAIR FELICIA MARCUS: But that's the stored --
10 that's the stored water.

11 TIMOTHY O'LAUGHLIN: But it doesn't matter. If
12 they're taking -- I mean, think about it this way. If the
13 statement is -- here's the funny thing about this.

14 If the goal is that, based on the curtailment that
15 we were going to protect stored water in the Delta, and
16 people in the Delta aren't taking water without -- without
17 right, just because you reduce it 25 percent and they're
18 taking 75 percent without right doesn't make it right.

19 So my question to you and your staff is, who are
20 you -- what is the goal here? Because in the her -- Kathy's
21 presentation, it was ironic. I mean, there is no water in
22 the San Joaquin River system. There is nothing. And, like
23 she said, you go out and do these inspections and it's dry.
24 Like we said last year and we said this year again, people
25 upstream of our reservoirs, we're not concerned about them

<http://www.yrba.net/facp>

1 diverting. There is no water to divert.

2 So what -- what are -- I'm asking you. What are you
3 trying to accomplish here? I mean, I get -- I have no
4 problem because I've been fighting this battle for 25 years.
5 I have no problem tee'ing up legal issues that need to be
6 resolved in the Delta, okay? I am fully supportive of that.
7 There's some major -- like, is stored water released to meet
8 Delta outflow protected? I don't know. I've never seen a
9 1707 on it, I've never seen a State Board Order on it. If
10 that water goes into the X2 zone and it's abandoned, is it
11 subject to appropriation?

12 I mean, there are great questions to ask, okay? But
13 if you go about it with a curtailment, here's my fear: My
14 fear is we're going to be in a legal procedural morass,
15 which has nothing to do with the substantive issues.
16 Because it's all going to go to whether you have a notice,
17 whether you have an order, whether you've taken a final
18 action, whether it's an administrative action, can we seek a
19 stay? Can you seek -- can we have a TRO? Are you going to
20 say we have to exhaust our administrative perimeters and
21 come back here and file motions for reconsideration?

22 I mean, we're going to be playing that dance, and
23 especially if your staff rolls this out in a sequential
24 order where we're going to have curtailments for -- I don't
25 know -- are you going to go all pre-'14 rights all the way

1 back to, like, 1850, or are you just going to do like 1906?

2 KATHERINE MROWKA: Staff is still doing that math
3 for me.

4 TIMOTHY O'LAUGHLIN: Okay. So -- but let's say you
5 do half of them now and half of them later. So now we're
6 going to be staggering these people through these processes
7 with various complaints, then you're going to do riparians,
8 now you're going to do Sacramento.

9 Now, my clients have claims that they have pre-'14
10 rights that are superior to pre-'14 rights in the Delta, and
11 you're going to -- so I get the issue and the legal issues
12 involved, but the process by which you're trying to -- and I
13 keep telling your staff this -- the process by which you're
14 trying to get to the point to put the legal issues in play
15 isn't going to get you there.

16 CHAIR FELICIA MARCUS: And what's your suggestion?

17 TIMOTHY O'LAUGHLIN: My suggestion is that if you
18 truly feel that you want to do -- get to these legal issues,
19 and I've told your Water Master this and I've told your
20 staff this, you issue CDOs and ACLs on specific properties
21 or interests in which you think parties are taking water
22 without right. It's pretty simple. Because the broad brush
23 isn't going to get you there and it's not going to give you
24 the fact patterns and it's not going to give you the issues
25 that you want.

1 BOARD MEMBER DORENE D'ADAMO: But that just seems to
2 be one aspect of it. So if we were to focus on -- I guess
3 you're talking about the Delta diverters that may or may not
4 have a right, but the issues are broader than that. And
5 just --

6 TIMOTHY O'LAUGHLIN: Are they?

7 BOARD MEMBER DORENE D'ADAMO: Well, and -- okay. So
8 when you say protecting -- that we're protecting -- we,
9 staff, is wanting to protect senior water right holders.

10 TIMOTHY O'LAUGHLIN: Okay.

11 BOARD MEMBER DORENE D'ADAMO: So the Delta diverters
12 are also in the San Joaquin watershed.

13 TIMOTHY O'LAUGHLIN: Yes, they are.

14 BOARD MEMBER DORENE D'ADAMO: And so one would think
15 that, in anticipation of a claim that they would have, is
16 what about folks upstream, such as your folks?

17 TIMOTHY O'LAUGHLIN: And if Mr. Herrick --
18 Mr. Herrick is sitting right behind me. If Mr. Herrick ever
19 has a claim that we are improperly diverting his water
20 downstream, bring it on.

21 BOARD MEMBER DORENE D'ADAMO: Well, I just --

22 TIMOTHY O'LAUGHLIN: But that's not -- but that's
23 not what happened here. The claim that was made was made by
24 the projects that the restored water was being illegally
25 diverted. It wasn't that the upstream -- Mr. Herrick didn't

1 make a claim last year that we were improperly taking his
2 water upstream. That claim wasn't made. And if he wanted
3 to make that claim, I think that would be a fine claim to
4 bring to the State Board or to a court and we can go through
5 that, but that's not what this curtailment is about.

6 The curtailment is -- the curtailment is to push
7 more water into the Delta, okay, so that the Delta people
8 can get their water needs met and, therefore, back off
9 taking water that's being released by the projects. That's
10 what's happening, okay? And it's under the guise that they
11 have senior rights.

12 Now, Mr. Herrick and I have had numerous long
13 discussions about who has what senior rights in the Delta,
14 but like even your staff admits, when the forms came in,
15 people in the Delta claim pre-'14 and riparian rights. Your
16 Water Master sent them a letter and said "Which one is it?"
17 Your staff analysis treats everybody like a riparian. Well,
18 we already know under the Phelps case that everybody isn't a
19 riparian. So that's the issue.

20 And if you go this route, the problem is going to be
21 you're going to get stuck in this legal mumbo-jumbo world,
22 and you're not going to get to the substantive issues. And
23 the curtailment isn't going to give you additional water in
24 the Delta, if that's what you're hoping for. I don't know
25 if you're hoping for additional water in the Delta or if

<http://www.yeslaw.net/help>

1 you're hoping to cut off or reduce the amount of loss to the
2 exporters. I don't know which one it is. I go back and
3 forth every other day about which one it is.

4 CHAIR FELICIA MARCUS: (Inaudible.)

5 TIMOTHY O'LAUGHLIN: It isn't? So is it to protect
6 stored water?

7 CHAIR FELICIA MARCUS: It's to implement the system.

8 BOARD MEMBER STEVEN MOORE: Yeah, you know. We look
9 at --

10 CHAIR FELICIA MARCUS: It's fair to point out -- I
11 mean, this is helpful to point out what we need to think --

12 BOARD MEMBER STEVEN MOORE: In terms of outcome but,
13 you know, there is a ministerial function that, you know, we
14 have to confront when there's -- when the demand outstrips
15 the supply. So there's a ministerial function that we're
16 trying to, you know, in good faith, implement.

17 TIMOTHY O'LAUGHLIN: Well, now see that's -- now I
18 take you at your word -- and I take you at your word and I
19 agree entirely with what you say, and I understand that
20 regulators wants to regulate and I understand this desire --
21 well, no, because here's the problem.

22 We presented to you last year -- we presented to you
23 last year in the San Joaquin River. We had all the major
24 water right holders, and we had the South Delta signed up.
25 And we said, "You do not curtail us. You don't need to

1 curtail us. You didn't curtail us. You had no complaints.
2 You had no allegation of water right infringements. You had
3 nothing on the San Joaquin, except some BS little things
4 down on the mainstem of the -- on the Friant. Those were,
5 like, three complaints.

6 So we operate -- because, you see, actually, I
7 disagree with you. The water rights system is a
8 self-effectuating system. And if you have a water right,
9 you and your neighbors get together and figure out how that
10 water is going to move through the stream, how it's going to
11 operate, who is going to divert, and when.

12 So -- so that's the basis. You don't see
13 curtailment notices because you don't need them.

14 So -- and if you try to do it in the San Joaquin
15 River system, which is this big, then you're just going to
16 run into all these little nuances and problems.

17 So my statement is, don't issue it, and if you think
18 somebody is illegally diverting water, issue a CDO and an
19 ACL, and you'll be in a much better position.

20 CHAIR FELICIA MARCUS: Clearly.

21 JOHN HERRICK: If I may. This is the sort of thing
22 that we need to discuss more than, you know, no offense but,
23 you know, at 7:00 o'clock at night at the last minute.

24 CHAIR FELICIA MARCUS: No. Agreed.

25 JOHN HERRICK: This is very important, and I'm not

1 trying to isolate my clients so everybody else is fine. But
2 Tim has brought up the crux of the issue. Curtailments on
3 the Tuolumne and the Merced and the Stanislaus in a year
4 when there's zero water, really, that's not protecting South
5 Delta.

6 The intent of this program is to protect exported
7 stored water. Now, we could find ways to tee that up, we
8 could go after somebody, but that's who is being protected.
9 It's the stored water for future use, whether that's fish or
10 X2 or exports, that's the intent of this process.

11 Now, I don't know if that's what you think or I
12 don't know if that's what staff thinks to themselves, but
13 nobody's -- there's no senior right holder that's going
14 "Phew, you curtailed everybody from Mossdale up" -- and
15 besides, it can't be Mossdale, it has to Vernalis. Mossdale
16 is in the title zone.

17 But -- but this is the issue. And it all boils back
18 down to the poor South Delta, which is should they be
19 diverting water when somebody is releasing stored water to
20 meet obligations? Well, we think the answer is clear, but
21 everybody else apparently doesn't. So if you want to tee
22 that up, let's figure it out.

23 But you're embarking upon a curtailment of, I don't
24 know how many, hundreds or thousands of diverters for no
25 benefit when there's no complaint.

1 Now, I would say if somebody is complaining that the
2 Delta is -- these illegal diverters, it's odd that they
3 don't bring a complaint for that. They just write a letter
4 that says, "You know, I think they're evil" and then --

5 CHAIR FELICIA MARCUS: But, see now you're making
6 caricature of it.

7 JOHN HERRICK: And then the Board repeats that for
8 two years, but be that as it may.

9 CHAIR FELICIA MARCUS: Right. Look, I see what
10 you're saying and, you're right, this isn't the best time to
11 have this conversation. What we've been struggling to do is
12 figure out how to tee that conversation up. Because what
13 happens is a caricature of people caricaturing other
14 people's legitimate interests.

15 So we have two sets of problems, and they are real
16 problems. One is the unsettled legal decisions. Some think
17 they're settled, some think they aren't, the whole set of
18 those. And then there's this issue of the data and the
19 information we have, some of which we don't have because
20 people haven't given it to us and some of which they have
21 now given to us. And so there's a whole hassle of things
22 that people are doing a Rashomon on, and we have to figure
23 out what to do about it.

24 JOHN HERRICK: But we are not having workshops or
25 hearings to find that.

1 CHAIR FELICIA MARCUS: Right. And what we need is
2 help in tee-ing up those issues, which is what I was trying
3 to get at before versus a restatement of people's positions
4 and what somebody else's intent is and why they're bad.
5 Which I know is a human thing to do, I just don't find it
6 that useful.

7 BOARD MEMBER DORENE D'ADAMO: How would you suggest
8 we tee it up on stored water?

9 JOHN HERRICK: Well, I've been asked -- we, not I.
10 We've been asking for a couple years if you -- if you, as
11 the Board or staff, will give us your factual
12 thought/factual determination of how water works in the
13 Delta and tell us why you think the law that we've quoted to
14 you is wrong, then we could have a workshop and see where,
15 you know, somebody is making something up or not or if it's
16 clear or if it's not resolved or if there's issues or
17 there's conflicting law. And then, from that, we can figure
18 out what to do.

19 And I've suggested before, you guys will never agree
20 to it, not because of you but because of the Attorney
21 General's Office and your own counsel, you'll never agree
22 to, "Here's the set of facts and the law, and let's get a
23 declaratory relief action quickly."

24 Now, I don't know why that could ever happen, but
25 that's an easy way to do it, especially if we've all sat

1 down and said, "Okay. That -- we do agree on that." This
2 one everybody says each other is wrong, and this one is
3 maybe, boom. I mean, that's the easiest and cleanest way.
4 So that's your discussion, no offense, with the AG's office
5 who won't listen to you and your own staff who will listen
6 to you, so -- there are ways to do it. There are many other
7 ways too, but those -- those are the issues.

8 BOARD MEMBER DORENE D'ADAMO: I have -- I have a
9 question for you. Let's just assume that we have that
10 answer on stored water and that there's the determination
11 that there's a certain amount of stored water that the Delta
12 diverters are picking up. Wouldn't it matter to you at that
13 point about a curtailment process on the San Joaquin and on
14 the Sacramento? You're at the bottom of the system.

15 JOHN HERICK: Well, stored water is released into
16 the Delta, but the issue is whether there's natural flow
17 absent the stored water for people to divert, whether there
18 are regulatory and statutory obligations on people who are
19 releasing water to the Delta, and whether there are
20 regulations that are ordering people to maintain conditions
21 for those diversions in the Delta. So it's a bigger group
22 of things and, of course, however it all pans out --

23 BOARD MEMBER DORENE D'ADAMO: Right.

24 JOHN HERRICK: -- then some day it -- some day a
25 potential curtailment might be important, but it's not now.

1 Anyway, I didn't mean to delay things, but --

2 BOARD MEMBER DORENE D'ADAMO: No. No.

3 JOHN HERRICK: But this is the heart of the matter.

4 Because the exporters don't want Tuolumne River water --

5 well, I said that wrong. I said that wrong.

6 (Laughter from the audience.)

7 JOHN HERRICK: Thank you for your time.

8 UNIDENTIFIED VOICE: They won't sell it.

9 CHAIR FELICIA MARCUS: That was interesting, yeah.

10 Yeah, definitely.

11 Other questions, thoughts?

12 BOARD MEMBER TAM M. DODUC: The three takeaway,

13 that's just I got were, according to Mr. Herrick, no one

14 listens to us, not the AG, not anyone else.

15 According to Mr. Nomellini, staff tells us what to

16 do.

17 And according to, I forget who the third person was,

18 we're actually doing better than we've perceived.

19 (Laughter from the audience.)

20 CHAIR FELICIA MARCUS: All right. A lot to think

21 about. I'm trying to figure out --

22 BOARD MEMBER DORENE D'ADAMO: I would like to better

23 understand, it's interesting, because I can go back and

24 forth on this issue, and there are so many different --

25 CHAIR FELICIA MARCUS: (Inaudible.)

1 BOARD MEMBER DORENE D'ADAMO: Yeah. There are so
2 many different aspects of it. I -- I do think that, as you
3 said, that the goal is to implement the water rights system.

4 And one of the things that I am concerned about --
5 all you have to do is pick up a newspaper and see that there
6 are people that think that our water rights system doesn't
7 work and maybe we ought to scrap it and try something else.

8 So we've got to collectively figure out a way --
9 personally, I think that it can work, but there are these
10 ongoing issues that haven't been resolved over a period of
11 decades. So we need to get to the bottom of it and
12 demonstrate that the water rights system does work.

13 Because for those of you that are looking at
14 strictly a legal analysis, there's -- you should also be
15 looking at, you know, the court of public opinion and what
16 could occur if we don't do our jobs.

17 So I'd like to, you know, maybe, after staff gets
18 some time to sort through the hydrology, how things are
19 going forward from, you know, the sort of the perspective of
20 the math, have a better understanding of if this happens,
21 then what are the options? If we take this action, what are
22 the various options?

23 Not just our options, but for those that would be
24 filing suit or issuing some sort of counter-complaint. What
25 are the different options as far as how things could play

1 out.

2 CHAIR FELICIA MARCUS: Now, one thing I find
3 challenging is the notion that some people hold that we
4 really can't do anything. And the practical impact of doing
5 what some suggest is that if we did it legally the way they
6 said we should do it, we could never get anything done in a
7 drought. Just not -- just not possible because we'd be in
8 court forever.

9 So it does appeal to me to tee up the issues, and I
10 know that Mr. George and the team have been working through
11 it. But I would like to see, sooner than later, that short
12 list of issues. We won't resolve all 20 of them or 100 of
13 them that are out there. I'd like to see what are the three
14 to five greatest hits that would make progress in this
15 arena, and then where would we make the most progress in
16 implementing the system?

17 Because just stasis and throwing up our hands is
18 just not an option. And, I know, again, that there are ways
19 that we can and that we plan to, but I would like to see
20 that strategic package for moving forward that we've talked
21 about for a long time, even if it's just in the next couple
22 of days, few days.

23 And I would like a clearer sense of the timing on
24 things so I know which things we need to decide, what we
25 have to decide before Friday somehow, and what we have to do

1 in the next few weeks so that we make the time to be able to
2 the -- the team. Because some of the issues we're
3 discussing today, I know that this is eerily familiar, and
4 people have brought it up, are the same issues we talked
5 about last year. And this year is not last year, this year
6 is worse than last year. And just not acting is not good,
7 but I want to make sure that what we do is strategic and
8 thoughtful but has forward motion.

9 Would you like the last word?

10 UNKNOWN PUBLIC SPEAKER: Thank you, Chair Marcus and
11 Board. I need to make a correction to a comment I made
12 and -- and I would like to -- as suggestions you consider
13 what the gentleman said that we have a forum of experts, we
14 need more growers to show up there. They say no one listens
15 to them so they don't come to these meetings, but...

16 CHAIR FELICIA MARCUS: We've had a lot at other
17 meetings, I'll tell you.

18 UNKNOWN PUBLIC SPEAKER: That's good.

19 CHAIR FELICIA MARCUS: Honestly. This was a quiet
20 meeting compared to our last meeting.

21 UNKNOWN PUBLIC SPEAKER: Yeah. Yeah. My -- it's a
22 lot of -- the correction is that I'm a good -- I'm a good
23 news choir singer, and the truth is we do have a dying
24 redwood tree that's almost 70 years old. We do have --
25 we're paid by ton, we have less tonnage. I'm told we need

<http://www.yeslaw.net/halp>

1 to irrigate more.

2 When I went to county -- a San Joaquin County Board
3 Meeting a year ago, a lady reported that 11 wells have gone
4 dry. My father said we can't put -- the well go any deeper,
5 and our house we have cloudy water and it was clear three
6 years ago, so we're going to have to pay \$4,000 for a soft
7 water system.

8 It -- we are feeling the result, and any talk of
9 diversion is ridiculous. We don't -- what are they talking
10 about diverting from -- to semi-arid? And the vocabulary.
11 We haven't heard the word aquifer. I heard riparian.

12 We only have a well. We don't have a canal. And
13 when people say, "Oh, storage," I know that's the Farm
14 Bureau. But, for me, I have to say, and some others, who is
15 controlling the spigots? I mean, I'd like to know more
16 about the aquifer system that we're relying on and that was
17 100 years ago, it was three feet with watermelon, now it's
18 50 feet. And it's because it goes to Oakland from the party
19 reservoir.

20 So people have been borrowing our water since part E
21 1906, and later San Francisco had an earthquake. I mean,
22 playing with water is pretty serious.

23 CHAIR FELICIA MARCUS: It's complicated.

24 UNKNOWN PUBLIC SPEAKER: So thank you for your time
25 in doing that, and I hope we can consider more press release

1 in good faith and more forums like this and workshops where
2 people -- because there's a lot of vocabulary. I said,
3 "What does curtailment mean?" I says, "That's your water
4 rights."

5 CHAIR FELICIA MARCUS: Surface water rights.

6 UNKNOWN PUBLIC SPEAKER: Oh, well, we have a well.

7 CHAIR FELICIA MARCUS: Not groundwater.

8 UNKNOWN PUBLIC SPEAKER: I didn't even know that.

9 And then we heard some other things. Substitute water.
10 What do you mean substitute water? We don't want more
11 cloudy water.

12 Anyway, thanks -- thanks a lot for letting me
13 correct my earlier comment.

14 CHAIR FELICIA MARCUS: Thanks for spending the day
15 with us.

16 So we'll be talking a lot the next few days, but can
17 we -- I really want -- I feel remiss in not having that
18 schedule laid out, questions tee'd up and figuring out.

19 All right. With that, more to think about than to
20 resolve in this meeting, but this actually was very helpful
21 to me, so thank you for the time that you've all spent. I'm
22 sorry it's so late. It may be an unsatisfactory conclusion
23 because we haven't wrapped anything up, but it's been
24 helpful, so thank you.

25 With that, I will adjourn.

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(Whereupon, end of transcribed portion.)

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REPORTER'S CERTIFICATE

State of California)
) ss.
County of Sacramento)

I certify that the statements in the foregoing hearing were transcribed in the within-entitled cause by audio; that said hearing was taken at the time and place therein named; that the testimony of said witnesses was reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations; and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said hearing, nor in any way interested in the outcome of the cause named in said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of September, 2015.

THRESHA SPENCER
Certified Shorthand Reporter
Certificate No. 11788

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