

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



November 16, 2005

Tam M. Doduc, Chairwoman
Arthur G. Baggett, Jr., Board Member
State Water Resources Control Board
1001 I Street 14th Floor
Sacramento, California 95814

Subject: SWRCB Cease and Desist Hearing Against Department of Water Resources
and the U.S. Bureau of Reclamation

Dear Chairwoman Dudoc and Mr. Baggett,

The Department of Water Resources requests that you approve Kathy Kelly, DWR's Chief of the Bay-Delta Office, as the expert witness who will testify regarding the south Delta permanent gates and South Delta Improvement Project (SDIP), as described in Exhibit DWR - 23. Paul Marshall, who was scheduled to present DWR - 23, is unavailable as a witness on November 17 due to commitments made many months ago. On October 14, when the DWR exhibits were submitted for the Hearing, DWR did not know that November 17 would be a date of the Cease and Desist Order Hearings and, therefore, that Mr. Marshall would not be available. Ms. Kelly, as supervisor of Mr. Marshall, participated in the preparation and final approval of DWR - 23. She is an expert in this area as she is responsible for managing work done to implement programs and projects related to the State Water Project occurring in the Sacramento-San Joaquin Delta, including the proposed SDIP. Ms. Kelly's Summary of Professional Qualifications is attached as Exhibit DWR - 25.

Also attached are two documents showing a revision of DWR – 22, presented by Professor John Letey on October 25, 2005. I have attached a red-line/strike-out version, DWR – 22 strikeout, and a clean version, DWR – 22rev. Based on rulings made during the testimony, Professor Letey deleted sections of DWR - 22 related to his analysis of Ayers and Westcot steady-state analysis and his analysis of farmers' claims made in response to DWR's change petition. DWR intends to offer as evidence the DWR – 22rev.

Please contact me at (916) 653-5613 or crothers@water.ca.gov if you would like additional information or have questions regarding the above.

Chairwoman Doduc and Mr. Baggett
November 16, 2005
Page 2

This letter and attached documents have been served by electronic mail and U.S. mail to the SWRCB CDO Hearing Service List, as indicated in the attached Proof of Service.

Sincerely,

A handwritten signature in black ink that reads "Cathy Crothers". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Cathy Crothers
Senior Staff Counsel

Attachments

cc: Barbara Leidigh, SWRCB Senior Staff Counsel