



April 10, 2017

Public Records Coordinator
California Department of Water Resources
1416 9th Street, 12th Floor
Sacramento, CA 95814

Sent via U.S. Mail and email to pubrec@water.ca.gov

**Re: Request for Public Records Regarding the Allocation of Costs
for the California WaterFix Project Pursuant to the
California Public Records Act**

To Whom it May Concern:

On behalf of the Natural Resources Defense Council (“NRDC”), which has more than 400,000 members and activists who live in California, I am writing to request public records from the California Department of Water Resources (“DWR”), pursuant to the California Public Records Act (“CPRA”), California Government Code §§ 6250 *et seq.*

Pursuant to the CPRA, please produce all documents¹ prepared between November 1, 2016 and April 6, 2017 regarding cost allocation for the California WaterFix project, including but not limited to all records regarding how those costs may be allocated between the State Water Project (“SWP”) and Central Valley Project (“CVP”), and how costs may be allocated to different contractors of the CVP and SWP, the public, and/or any other parties.

CPRA generally requires the production of all relevant public records that have been disclosed to any other member of the public, and prohibits selective disclosure. *See Black Panther Party v. Kehoe*, 42 Cal.App.3d 645, 656-57 (1974). Any relevant documents that have been physically distributed to one or more CVP or SWP contractors and/or the Bureau of Reclamation at a meeting, and then physically collected at the end of the meeting, must be disclosed

¹ “Documents” means anything denoted by the use of that word or its singular form in the text of CPRA and includes correspondence, minutes of meetings, memoranda, notes, emails, notices, facsimiles, charts, tables, presentations, orders, filings, and other writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored).

pursuant to this request in order to avoid selective disclosure. In addition, the CPRA prohibits public agencies from preventing disclosure of public records by maintaining responsive documents in the possession of another party, including a contractor such as the Hallmark Group. Cal. Gov. Code § 6253.3.

CPRA requires that DWR respond to this request within ten days. *Id.* at § 6253(c). If you anticipate encountering any practical difficulties in fulfilling this request, we request a meeting or call pursuant to section 6253.1 of the Government Code, which requires DWR to “provide suggestions for overcoming any practical basis for denying access to the records or information sought.” We request electronic copies of documents be sent via email to dobegi@nrdc.org if possible. *See id.* at § 6253.9. If an electronic format is not available, then please produce the records by sending them to the following address:

Doug Obegi
Natural Resources Defense Council
111 Sutter Street, 20th Floor
San Francisco, CA 94104

We respectfully request that any fee for the processing, production, or replication of the requested documents be waived pursuant to Government Code section 6253. *See N. Cnty. Parents Organization v. Dep’t of Educ.*, 23 Cal. App. 4th 144, 148 (1994). If for any reason DWR does not waive fees associated with this request, please contact me if the anticipated costs of response will exceed \$200; NRDC will then consider whether to approve such costs.

Thank you in advance for your attention to this request. Please do not hesitate to contact me at (415) 875-6100 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Doug Obegi".

Doug Obegi
Senior Attorney