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16 On behalf of South Delta Water Agency,
17 Central Delta Water Agency, Lafayette Ranch,
18 Heritage Lands, Mark Bachetti Farms
19 and Rudy Mussi Investments L.P.

20 **STATE OF CALIFORNIA**

21 **STATE WATER RESOURCES CONTROL BOARD**

22 Hearing in the Matter of California
23 Department of Water Resources and
24 United States Department of the Interior,
25 Bureau of Reclamation Request for a
26 Change in Point of Diversion for
27 California Water Fix

28 **SOUTH DELTA WATER AGENCY
PROTESTANTS' REPLY TO DWR'S
OBJECTION TO ADMISSION OF PART 2
CROSS EXAMINATION EXHIBITS INTO
EVIDENCE**

29 The South Delta Water Agency Protestants, (“SDWA Protestants”) herein submit their
30 Reply/Response to DWR’s objection to the admission of SDWA-315. SDWA-315 is a
31 PowerPoint presentation made by the the staff of the Metropolitan Water District of Southern
32

1 California ("MWD") during an MWD Board of Directors Finance Committee meeting on
2 March 27, 2018. The exhibit was introduced during the cross examination of Restore the Delta
3 witness Barbara Barrigan-Parrilla who witnessed the MWD presentation two days earlier via
4 webcast. As such, it is admissible to help illicit witness testimony and to explain and support
5 same. Additionally, it is well established that hearsay evidence is admissible in an
6 administrative proceeding so long as it supports or explains other evidence. The information
7 contained in SDWA 315 help explains the other testimony provided by Barrigan-Parrilla, and
8 other witnesses, including Dr. Michael, regarding how the uncertainty of the project's
9 financing affects the public interest.

10 Moreover, SDWA-315 includes CWF yield figures which squarely contradict
11 the information contained in the Petition and provided by DWR's witnesses throughout the
12 proceeding. As such, SDWA - 315 is also admissible for impeachment.

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14 Respectfully Submitted,

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16 Date: May 4, 2018

17 **MOHAN, HARRIS, RUIZ,**
18 **WORTMANN, PERISHO & RUBINO, LLP**

19 By:  _____
20 S. DEAN RUIZ, ESQ.