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8 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

9
10 **HEARING IN THE MATTER OF
11 CALIFORNIA DEPARTMENT OF
WATER RESOURCES AND UNITED
12 STATES BUREAU OF RECLAMATION
13 REQUEST FOR A CHANGE IN POINT
OF DIVERSION FOR CALIFORNIA
14 WATER FIX**

**CALIFORNIA DEPARTMENT OF
WATER RESOURCES' OBJECTIONS
TO EXHIBITS SUBMITTED IN
SUPPORT OF PROTESTANTS' CASES-
IN-CHIEF**

15
16 **INTRODUCTION**

17 California Department of Water Resources ("DWR") requests that the Hearing Officers
18 issue an order excluding certain of the respective protestants' exhibits submitted at the close of
19 protestants' cases-in-chief as described below.

20 **STATEMENT OF FACTS**

21 On August 26, 2015, DWR and Reclamation filed a petition for a change to the points of
22 diversion in their water rights necessary to allow for the implementation of the California Water
23 Fix ("CWF") program. On October 30, 2015, the Board issued a Notice of Petition and Notice of
24 Public Hearing and Pre-Hearing Conference to consider the petition and they issued the Second
25 Revised Notice of Rescheduled Public Hearing on May 11, 2016.
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1 The Board separated the hearing into two parts: (1) injury to legal users of water and other
2 human uses of water; and (2) potential effects on fish and wildlife and recreational uses and
3 associated human uses. (Oct. 30, 2015 Hearing Notice, at p. 2; Feb. 11, 2016 Ruling, at p. 10.)
4 The Board structured the hearing this way so that it could proceed while the California
5 Environmental Quality Act (“CEQA”) and National Environmental Policy Act (“NEPA”)
6 processes and the compliance process for the federal Endangered Species Act (“ESA”) and the
7 California Endangered Species Act (“CESA”) are being completed. (Oct. 30, 2015 Hearing
8 Notice, at p. 2; Feb. 11, 2016 Ruling, at pp. 1-9.)
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10 After the pre-hearing conference on January 28, 2016, the Hearing Officers issued a ruling
11 on February 11, 2016 that Part 1 focuses on human uses of water (water right and water use
12 impacts) and can address human uses that extend beyond the strict definition of legal users of
13 water, including flood control issues and environmental justice concerns, but if a human use is
14 associated with the health of a fishery or recreation, testimony on this matter should be presented
15 in Part 2. (February 11, 2016 Ruling, at page 10.) This ruling discussed the hearing in relationship
16 to other regulatory processes¹ extensively at pages 1 to 9.
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18 The Water Board’s Second Revised Notice, dated May 11, 2016, established September 1,
19 2016 (later revised to September 2, 2016 via e-mail) as the due date for protestants to submit their
20 Part 1B cases-in-chief. The revised notice also established a deadline of September 15, 2016 for
21 the submission of objections to Part 1B cases in chief, which was later extended to September 21,
22 2016 by a ruling dated September 9, 2016. In their September 9, 2016 ruling, the Hearing
23 Officers clarified that the September 21, 2016 deadline for objections applied only to any motions
24 to disqualify witnesses or to exclude a witnesses’ testimony, in whole or part. Parties were not
25 required to submit any other evidentiary objections by the deadline. DWR filed extensive
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27 ¹ The other processes are CEQA, NEPA, ESA, CESA, the WQCP update, and the Water Quality Certification under
28 section 401 of the federal Clean Water Act.

1 objections to Part 1B cases in chief on September 21, 2016 through a set of Master Objections
2 and individual objections to specific Protestants' cases in chief submittals. Following the close of
3 each of the protestants' Part 1B case-in-chief, the Hearing Officers provided each protestant with
4 a deadline of one-week to submit its revised exhibit list.

5 On December 19, 2016, the Hearing Officers issued a ruling setting a deadline of December
6 30, 2016 to submit objections to evidence to testimony or exhibits that have been submitted into
7 evidence and a deadline of January 6, 2016 for responses to these additional objections. This
8 filing by DWR represents a compilation of objections based on protestants' exhibits relied upon,
9 or not, during Part 1B of the hearing.

11 LEGAL STANDARDS

12 As stated in the October 30, 2015 hearing notice, this is an administrative hearing
13 governed by Title 23 of the California Code of Regulations, section 648-648.8, 649.6, and 760;
14 Chapter 4.5 of the Administrative Procedure Act (commencing with 11400 of the Government
15 Code); sections 801 to 805 of the Evidence Code; and section 11513 of the Government Code.
16 (Cal. Code Regs., tit. 23, § 648, subd. (b).)

17 In this hearing, the Board shall admit any relevant evidence if it is the sort of evidence on
18 which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless
19 of the existence of any common law or statutory rule which might make improper the admission
20 of the evidence over objection in civil actions. (Govt. Code § 11513 subd. (c).) However, the
21 hearing officers have discretion to exclude evidence if its probative value is substantially
22 outweighed by the probability that its admission will necessitate undue consumption of time.
23 (Govt. Code, § 11513 subd. (f).)

26 OBJECTIONS

27 DWR filed extensive written objections to the testimony and exhibits of protestants/parties
28 on September 21, 2016, many of which remain pending. In addition, DWR also lodged numerous

1 objections during the course of the Part 1 hearings to testimony and exhibits presented by
2 protestants/parties. DWR reserves these pending objections and adds the following separate
3 objections specifically to exhibits submitted by the parties on their final exhibit lists after the
4 close of all protestants' cases-in-chief. For convenience, these separate, additional objections are
5 summarized on the attached table.

6 **I. SACRAMENTO VALLEY WATER USERS AND AMERICAN RIVER WATER**
7 **USERS (GROUP 7)**

8 **A. Exhibits Submitted but not Utilized**

9 The various parties of Group 7 submitted a number of exhibits that were not referred to in
10 direct testimony or utilized on cross examination. These are exhibits: CITYSAC-17, CITY-SAC
11 22 through CITYSAC-24, MLF-1 through MLF-5, Roseville-3, SCWA-1. Because these exhibits
12 lack foundation and demonstrated relevance to the proceeding, the exhibits should be excluded
13 from the evidentiary record.

14 **B. Exhibits That Lack Foundation and Relevance to the Proceeding**

15 City of Sacramento submits as exhibits its comments to BDCP DEIR/DEIS and the
16 RDEIR/SDEIS marked as exhibits CITYSAC-33 and CITYSAC-34. Challenges to the
17 environmental review process are outside the scope of Part 1 of this proceeding. City of
18 Sacramento witness Bonny Starr does not provide testimony that such comments are themselves
19 supported by an adequate evidentiary basis or establish that the inclusion of extensive comments
20 from the CEQA/NEPA process are relevant to Part 1 of this proceeding. (See CITYSAC-8, p.
21 21.) Further, while hearsay may be admitted for the purpose of supplementing or explaining
22 other evidence, over timely objection, the hearsay evidence shall not be sufficient in itself to
23 support a finding unless it would also be admissible over objection in a civil action. (Govt. Code
24 § 11513(d).) Further still, if a party seeks to admit evidence, it must establish that the entirety of
25 the exhibit has foundation. A set of comments submitted for the truth of the matters stated therein
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1 must establish the truth of each fact stated in the comments. The submittal of comments simply
2 to demonstrate comments were submitted has no relevance to this proceeding pursuant to the
3 Board's October 30, 2015 Hearing Notice and February 11, 2016 Ruling. (Hearing Notice, p. 2;
4 Ruling, pp. 1-10.) (These grounds of objection to CEQA/NEPA comments apply to each of the
5 subsequent instances of submittal of CEQA/NEPA comments by those parties seeking to use their
6 comments to establish the truth of the matters set forth in those comments.) On these grounds,
7 DWR requests that these exhibits be excluded from the record.

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9 **C. Inclusion of Duplicative and Cumulative Exhibits**

10 Parties within Group 7, Biggs-West Gridley Water District, Carmichael Water District,
11 Glenn-Colusa Irrigation District, Placer County Water Agency, and Sacramento County Water
12 Agency, include on their final exhibit lists exhibits duplicative of those submitted by the
13 Sacramento Valley Water Users (SVWU) as part of Group 7's collective case-in-chief adding
14 hundreds of pages of unnecessary pages to the record. For this reason, such exhibits should be
15 excluded from the record as unnecessarily duplicative and cumulative. For all of these parties,
16 the duplicative and cumulative exhibits are SVWU-100 through SVWU-110, although
17 Sacramento County Water Agency included SVWU-1 and SVWU-2 as well.

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19 **II. NORTH DELTA WATER AGENCY AND MEMBER DISTRICTS ("NDWA")**
20 **(GROUP 9)**

21 **A. Exhibits Submitted but not Utilized**

22 NDWA submitted a number of exhibits that were not referred to in direct testimony or
23 utilized on cross examination. These are exhibits NDWA-35, NDWA-36, NDWA-41, NDWA-42
24 and NDWA-43. Because these exhibits lack any foundation or demonstrated relevance to the
25 proceeding, the exhibits should be excluded from the evidentiary record.

26 **B. Exhibits Irrelevant to the Proceeding**

1 NDWA submits as evidence comment letters to the BDCP DEIR/DEIS and the
2 RDEIR/SDEIS marked as exhibits NDWA-37 and NDWA-38. Challenges to the environmental
3 review process are outside the scope of Part 1 of this proceeding. (See October 30, 2015 Hearing
4 Notice, at p. 2; and February 11, 2016 Ruling, at pp. 1-10.) NDWA's witnesses do not provide
5 any testimony that such comments are supported by an adequate evidentiary basis nor do they
6 adequately establish how such extensive comments to the CEQA/NEPA process are relevant to
7 Part 1 of this proceeding. On these grounds, DWR requests that these exhibits be excluded from
8 the record.
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10 **III. DELTA FLOOD CONTROL GROUP ("DFCG") (GROUP 10)**

11 **A. Exhibits Irrelevant to the Proceeding**

12 Exhibits DFCG-8 through DFCG-11 are irrelevant to the current proceeding. Exhibits
13 DFCG-8 through DFCG-10 are photos of cracks documented in a levee on Grand Island. DFCG-
14 11 is a report prepared by DWR regarding the same incident. On cross examination, however,
15 Mr. Cosio confirmed that the levee cracking on Grand Island was due to trees and not
16 construction. (Vol. 25, pp. 230:13-233:21.) Examples of levee cracking due to trees are
17 irrelevant the issue of potential impacts of the WaterFix, and exhibits DFCG-8 through DFCG-11
18 should be excluded as irrelevant.
19

20 **IV. EAST BAY MUNICIPAL WATER DISTRICT ("EBMUD") (GROUP 15)**

21 **A. Exhibits Submitted but not Utilized**

22 EBMUD submitted three exhibits (EBMUD-X1, EBMUD-X2 and EBMUD-X3) that were
23 not referenced in direct testimony or used during the course of cross examination. Because these
24 exhibits lack any demonstrated relevance to the proceeding, the exhibits should be excluded from
25 the evidentiary record.
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27 **B. Exhibit Irrelevant to the Proceeding as well as Duplicative and Cumulative**

1 EBMUD submits as an exhibit EBMUD-176 as an exhibit, which is its comments to the
2 BDCP EIR/EIS. Challenges to the environmental review process are outside the scope of Part 1
3 of this proceeding. . (See October 30, 2015 Hearing Notice, at p. 2; and February 11, 2016
4 Ruling, at pp. 1-10.) EBMUD witness Dr. Bray points to the comments in his testimony
5 (EBMUD-152, p. 19) as the source of the information he provides, yet he extracted the relevant
6 portions of EBMUD-176 and included them as part of his direct testimony as figures and tables in
7 his testimony rendering submission of the comments duplicative and unnecessary. Further, Dr.
8 Bray does not provide any testimony that inclusion of extensive comments from the
9 CEQA/NEPA process are relevant to Part 1 of this proceeding. On these grounds, DWR requests
10 that EBMUD-176 be excluded from the record.
11

12 **V. SAN JOAQUIN RIVER EXCHANGE CONTRACTORS (GROUP 17)**

13 **A. Exhibits Submitted but not Utilized**

14 San Joaquin Exchange Contractors submitted two exhibits, SJRECWA-1 and SJRECWA-2,
15 neither of which was used in any direct testimony (none submitted) nor on cross examination.
16 (See Vol. 4, pp. 137:2-143:19.) Because these two exhibits lack foundation or any demonstrated
17 relevance to the proceeding, they should be excluded from the evidentiary record.
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19 **VI. LOCAL AGENCIES OF THE NORTH DELTA, ISLANDS INC. ET AL. ("LAND et
20 al.") (GROUPS 19 AND 20)**

21 **A. Exhibits Submitted but not Utilized**

22 Having reviewed the hearing transcripts concerning exhibits, DWR renews its objections to
23 exhibits submitted as evidence that were not referenced in direct written testimony or utilized
24 during the course of cross examination. Based on this review, DWR objects to exhibits LAND-5,
25 LAND-6, LAND-50 through LAND-55, LAND-66, II-4, and II-33. Such exhibits lack adequate
26 foundation and demonstrated relevance to the proceeding. Attorneys for LAND et al. did refer to
27 and attempted to authenticate some of these exhibits during presentation of its case-in-chief, but
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1 such testimony by its witnesses was beyond the scope of LAND et al.'s direct testimony and is
2 objectionable on that grounds, as noted in objections made during the course of the proceeding.

3 **B. Exhibits That Lack Foundation**

4 DWR objects to the admission of II-26 and II-27 into the record. Exhibits II-26 and II-27
5 are both reports by Contra Costa Water District dated 2009 and 2010, respectively. During the
6 hearing, the use of such reports was objected to by both DWR and the State Water Contractors as
7 lacking adequate foundation (See Vol. 26, pp. 200:20-205:22), though the testimony misidentifies
8 the exhibit numbers. As stated in Mr. Berliner's objection on the record, Contra Costa Water
9 District has withdrawn from the hearing and these documents lack adequate authentication as to
10 whether they are true and correct copies, or represent the current opinions of Contra Costa Water
11 District. (Ibid.) The Hearing Officer's Ruling on November 4, 2016 encompassed the objections
12 to the Contra Costa Reports (See Vol. 27, pp. 4:8-5:6.) leaving it up to LAND et al.'s attorneys
13 whether they would submit the exhibits and the Hearing Officers' would rule on their
14 admissibility or whether they would submit them on rebuttal with proper authentication. As
15 LAND et al. has decided to submit II-26 and II-27 for admission into the record now, DWR
16 renews its objections to such exhibits made during the hearing on November 3, 2016, and
17 requests that they be excluded from the record.
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20 DWR also objects to the admission of LAND-58 and LAND-59 into the record. In its
21 September 21, 2016 objections, DWR objected that the testimony of expert witness Mr. Tootle
22 lacked adequate foundation because it was based mainly on conjecture and speculation. In his
23 direct testimony, Mr. Tootle provides opinions regarding potential impacts to groundwater wells
24 due to the construction of the WaterFix project, relying on LAND-58 and LAND-59 for the
25 purported locations of such wells. (See DWR Objections, pp. 14-15; LAND-35.) However,
26 during his oral testimony, Mr. Tootle acknowledged that not all of the well locations identified on
27 LAND-58 and LAND-59 were verified well locations as opposed to assumed well locations such
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1 as parcels assumed but not verified to be using groundwater wells and parcels on which the exact
2 location of the well was unknown. (See Vol. 28, pp. 79:25-81:12.) Mr. Tootle also stated that he
3 did not prepare LAND-59 or verify the location of any wells identified in LAND-58 or LAND-
4 59. (Vol. 28, pp. 133:2-138:6.)

5 LAND-58 and LAND-59 were not created by Mr. Tootle, and he did not verify their
6 accuracy. As noted above, Mr. Tootle acknowledged on cross examination that both exhibits may
7 not be accurate as to the existence of wells at particular locations or as to the exact location of
8 wells in the vicinity of the proposed WaterFix project. Both LAND-58 and LAND-59 lack
9 adequate evidentiary support and are not the sort of evidence on which responsible persons are
10 accustomed to rely. On these grounds, both exhibits should be excluded from the record.

12 **VII. COUNTY OF SAN JOAQUIN ET AL. (GROUP 24)**

13 **A. Exhibits Irrelevant to the Proceeding**

14 Ms. Turkatte's testimony for County of San Joaquin (SJC-2 errata) and the exhibits she
15 relied on, SJC-16 through SJC-39, solely concern current conditions in the Delta regarding algal
16 blooms and microcystis. The exhibits provide no information regarding impacts of the WaterFix
17 project on such conditions. Because they have no bearing on the impacts of the WaterFix project,
18 exhibits SJC-16 through SJC-39 are irrelevant to the WaterFix proceeding and provide no
19 information useful to the trier of fact regarding potential injuries to legal users of water. For this
20 reason, DWR requests that exhibits SJC-16 through SJC-39 be excluded from the record.

22 **VIII. CENTRAL DELTA WATER AGENCY ET AL. ("CENTRAL DELTA") (GROUP 23 21)**

24 **A. Submission of Withdrawn Exhibits and Testimony**

25 As stated by Central Delta's counsel during the hearing, Central Delta voluntarily withdrew
26 the testimony Linda Turkatte (SDWA -41) and Erik Ringelberg (SDWA-73) and related exhibits.
27 (See Vol 27, pp. 7:12-8:19.) As a result, neither Ms. Turkatte nor Mr. Ringelberg were presented
28

1 as witnesses during Central Delta's case-in-chief.² Despite having withdrawn their testimony and
2 associated exhibits, Central Delta's submission of its evidence list on December 15, 2016
3 contains the withdrawn evidence. On the grounds that Central Delta withdrew the testimony and
4 associated exhibits, DWR requests that the following exhibits be excluded from the record: (1)
5 the testimony of Linda Turkatte, SDWA-41 and the associated exhibits, SDWA-42 through
6 SDWA-66, referenced in her testimony; and (2) the testimony of Erik Ringelberg, SDWA-73, and
7 the associated exhibits, SDWA-72, SDWA-74 and SDWA-221 through 242, referenced in his
8 testimony.

9
10 **B. Submission of Exhibit Struck from the Record**

11 In response to the Hearing Officer's rulings on October 7, 2016 and on November 4, 2016
12 during the hearing (Vol. 27, pp: 2:25-3:20), the testimony of Central Delta witness Dante
13 Nomellini was revised twice to strike testimony outside the scope of Part 1. In striking Mr.
14 Nomellini's testimony and associated exhibits, Central Delta neglected to strike exhibit SDWA-
15 153, cited in the struck portion of Mr. Nomellini's testimony (SDWA-151-FR, p. 3), from its
16 submitted exhibit list. Because this exhibit now lacks foundation and demonstrated relevance,
17 with no supporting testimony, DWR requests that it be excluded from the record.

18
19 On the same grounds, DWR also requests that topics of testimony struck from Mr.
20 Nomellini's testimony also be removed from slides/pages 20 and 21 of his accompanying
21 "Nomellini Powerpoint" exhibit, SDWA-152-R. During the hearing, there was a discussion
22 between counsel and the Hearing Officers in which it was decided that the charts depicting
23 fisheries information on portions of slides/pages 20 and 21 be removed from the submitted
24 exhibit. (See Vol. 30, pp. 164:15-168:16.)

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27 ² Both Ms. Turkatte and Mr. Ringelberg were also witnesses for protestants San Joaquin County et
28 al. and the testimony originally submitted by SDWA was an exact copy of the testimony
submitted by San Joaquin County.

1 DWR also requests that Central Delta amend its final submitted witness list to properly
2 refer to Mr. Nomellini's revised testimony as SDWA-151-FR and Mr. Nomellini's PowerPoint
3 presentation as SDWA-152R, as reflected on the Board's exhibit webpage and the exhibits
4 themselves. Both revised exhibits were submitted on November 9, 2016 and appear to be the
5 most recent versions.

6 **C. Exhibits Submitted but not Utilized**

7 Central Delta also submitted as evidence a number of exhibits not cited in direct testimony
8 or utilized during cross examination. These are exhibits: SDWA-1, SDWA-17, SDWA-19,
9 SDWA-20, SDWA-26, SDWA-30, SDWA-32 through SDWA-34, SDWA-187, SDWA-198 and
10 SDWA-199. Because these exhibits were never utilized, they lack foundation and demonstrated
11 relevance to Part 1 of this proceeding.
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13 **IX. CITY OF STOCKTON (GROUP 22)**

14 **A. Exhibits Submitted but not Utilized**

15 City of Stockton also submitted a number of exhibits on its final exhibit list that were not
16 referenced in direct testimony or utilized during cross examination. These are exhibits SKTN-5,
17 SKTN-6, SKTN-7, STKN-8, STKN-9 and STKN-21. Because these exhibits were never used,
18 they lack foundation and demonstrated relevance to Part 1 of this proceeding.
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20 **B. Exhibits That Lack Foundation and Relevance to the Proceeding**

21 The City of Stockton submitted as an exhibit its comments on the BDCP NOP (STKN-2),
22 the BDCP DEIR/EIS (STKN-3) and the WaterFix RDEIR/SDEIS (STKN-4). These comments
23 were cited by witness Robert Granberg in his testimony merely to show that Stockton had
24 submitted comments raising its concerns with the DWR. (See STKN-10, p. 10:3-11.) Challenges
25 to the environmental review process are outside the scope of Part 1 of this proceeding. Mr.
26 Granberg does not provide testimony establishing that the inclusion of extensive comments from
27 the CEQA/NEPA process are relevant to Part 1 of this proceeding or that the entirety of the
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1 exhibit has foundation. On these grounds, DWR requests that exhibits STKN-2, 3 and 4Sa be
2 excluded from the record.

3 **X. CITY OF ANTIOCH (GROUP 27)**

4 **A. Inclusion of Duplicative and Cumulative Exhibits**

5 Ten of the City of Antioch's exhibits are merely DWR testimony and exhibits simply
6 relabeled as City of Antioch exhibits, without other alteration. These are Antioch-204 (DWR-5)
7 Antioch-206 (DWR-66, Testimony of Nader-Tehrani), Antioch-207 (DWR-513), Antioch-213
8 (DWR-53, Testimony of Sergent), Antioch 214 (DWR-301), Antioch 220 (DWR-51, Testimony
9 of Pierre), Antioch-221 (DWR-71, Testimony of Munevar), Antioch-223 (DWR-61, Testimony
10 of Leahigh), Antioch-229 (DWR-509) and Antioch-230 (DWR-512). In addition, Antioch
11 submits as an exhibit, Antioch-203, the Board's own Notice of Petition and Notice of Public
12 Hearing and Pre-Hearing Conference in this proceeding. These ten exhibits are duplicative and
13 cumulative of the exhibits submitted by the DWR and the Hearing Notice posted by the Board in
14 this proceeding adding hundreds of unnecessary pages to the record for no purpose. Such
15 exhibits should be excluded from the record as unnecessary, duplicative and cumulative.
16

17 **B. Exhibits That Lack Foundation and Relevance to the Proceeding**

18 The City of Antioch submitted as an exhibit its comments on the WaterFix RDEIR/SDEIS,
19 Antioch-219, which Dr. Paulsen merely references as a source of additional information on model
20 runs detailed in her testimony (Antioch-202, p. 20). Challenges to the environmental review
21 process are outside the scope of Part 1 of this proceeding. Dr. Paulsen does not provide testimony
22 establishing that the inclusion of extensive comments from the CEQA/NEPA process are relevant
23 to Part 1 of this proceeding or that the entirety of the exhibit has foundation. On these grounds,
24 DWR requests that exhibit Antioch-219 be excluded from the record.
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26 **XI. SAVE THE CALIFORNIA DELTA ALLIANCE ET AL. ("SCDA") (GROUP 30)**

27 **A. Improper Submission of Exhibits After Close of Case-in-Chief**
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1 SCDA added two exhibits, SCDA-63 and SCDA-64, after the close of its case-in-chief, on
2 the grounds that these were documents referenced in SCDA's cross of DWR Jennifer Pierre on
3 July 29, 2016, but which SCDA failed to mark as an exhibit during the course of its cross
4 examination. SCDA-63 is a May 16, 2016 letter from DWR to the Hearing Officers that already
5 is a document in the proceeding being part of the official docket. It is cumulative and
6 unnecessary to mark the letter as a separate exhibit in the hearing.

7
8 SCDA-64 is a 330-page declaration by Mr. Brodsky filed in support of a motion made in
9 this proceeding that primarily attaches three documents, one of which is the January 2016 draft
10 Biological Assessment. During his cross examination of DWR witness Jennifer Pierre, Mr.
11 Brodsky merely referenced two pages (pages 3-75 and 3-80) of the draft Biological Assessment
12 included as Attachment A to the declaration. It is unnecessary and improper to submit into
13 evidence Mr. Brodsky's entire declaration that includes additional unreferenced documents. For
14 these reasons, DWR requests that these two late-added exhibits be excluded from evidence.

15
16 **B. Failure to Revise Testimony in Accordance with Rulings**

17 In addition, Mr. Brodsky, as a witness for SCDA, submitted revised testimony on October
18 17, 2016 in response to the Hearing Officers' October 7, 2016 ruling and then again on December
19 8, 2016 after the close of SCDA's case-in-chief on November 30, 2016. (See SCDA-60 errata.)
20 In a ruling dated November 16, 2016, the Hearing Officers ruled that the numerous footnotes
21 added to Mr. Brodsky's testimony describing or authenticating exhibits were stricken as untimely
22 additions of testimony. The stated purpose of the December 8, 2016 errata was to correct the
23 numbering of the exhibits; however, the revised testimony still contains the testimony stricken by
24 the Hearing Officers on November 16, 2016.

25
26 **C. Exhibits Submitted but not Utilized**

27 SCDA's final exhibit list contains three exhibits ,SCDA-20, SCDA-63, SCDA-64, that
28 appear to have not been utilized in direct testimony or on cross examination. Such exhibits

1 wholly lack foundation and demonstrated relevance to the proceeding, and should be excluded
2 from the record on these grounds at this point.

3 **D. Exhibits That Lack Foundation**

4 SCDA submits, as exhibits SCDA-3 and SCDA-5, two handmade figures drawn by Mr.
5 Brodksy and used in the cross examination of John Leahigh on August 18, 2016. As shown by
6 the cross examination transcript, such figures assume facts not in evidence regarding the factors
7 that weigh into project operations and D-1641 compliance, lack foundation, and are not the sort of
8 evidence on which a responsible person would rely on in the conduct of serious affairs. (See Vol.
9 11, pp. 145:5-146:1, 147:9-150:18.) These two figures provide no relevant information to the
10 Hearing Officers in this proceeding to aid in a determination of the issues and should be excluded
11 on those grounds.
12

13 **E. Opening Statement Improperly Marked as Exhibit**

14 SCDA marked its opening statement as an exhibit, SCDA-38. In their June 10, 2016 ruling
15 (p. 5), the Hearing Officers stated that opening statements are not evidence and should not be
16 labeled as exhibits or included in exhibit identification indexes. DWR respectfully submits that
17 SCDA-38 is improperly marked as an exhibit and should be excluded.
18

19 **F. Exhibits That Lack Foundation and Relevance to the Proceeding**

20 SCDA submits as exhibits its comments to the BDCP DEIR/EIS (SCDA-41) and the
21 WaterFix RDEIR/EIS (SCDA-40). Challenges to the environmental review process are outside
22 the scope of Part 1 of this proceeding. Mr. Brodsky cites these comments as evidence for
23 assertions made in his testimony. (See SCDA-60-Errata) However, Mr. Brodsky does not
24 provide testimony establishing that the inclusion of extensive comments from the CEQA/NEPA
25 process are relevant to Part 1 of this proceeding or that the entirety of the exhibit has foundation.
26 On these grounds, DWR requests that exhibits SCDA-40 and SCDA-41 be excluded from the
27 record.
28

1 **XII. CALIFORNIA SPORTFISHING PROTECTION ALLIANCE, CALIFORNIA**
2 **WATER IMPACT NETWORK AND AQUALLIANCE (“CSPA”) (GROUP 31)**

3 **A. Exhibits Submitted but not Utilized**

4 CSPA submits two exhibits that were neither referenced in direct testimony nor utilized
5 during cross examination of other parties’ witnesses. These are exhibits AQUA-70 and AQUA-
6 71, which are referenced in the testimony of witness James Brobeck that was struck by the
7 Hearing Officers for being outside the scope of Part 1. These exhibits lack foundation in the form
8 of a supporting witness and demonstrated relevance to the proceeding and should be excluded on
9 those grounds.³

10 **B. Failure to Revise Testimony in Accordance with Rulings**

11 On October 7, 2016, the Hearing Officers ruled that portions of the testimony of Bill
12 Jennings, CSPA-2, was outside the scope of Part 1. Subsequently, CSPA submitted revised
13 testimony of Bill Jennings, CSPA-2-Revised. In its ruling of November 23, 2016, the Hearing
14 Officers struck additional testimony from Mr. Jennings as outside the scope of Part 1. On
15 December 8, 2016, CSPA submitted a third revised testimony for Mr. Jennings, CSPA-2-
16 Revised-2 that fails to conform to the Hearing Officers’ November 23 ruling. Specifically, Mr.
17 Jennings’ testimony fails to strike, as instructed, “all of Section VII, beginning on page 19, except
18 the first three paragraphs and the last two paragraphs.” In addition, on page 25, CPSA leaves in
19 the citation to “(CSPA-26, § 85023)” which supports the second sentence of the first paragraph
20 struck by the Hearing Officers’ November 23 ruling.
21

22 **C. Revisions to Testimony and Exhibits After the Close of the Case-in-Chief**

23 CSPA submitted its final exhibit list for entry into evidence on December 8, 2016, after the
24 close of its case-in-chief. At the same time, it submitted revised exhibits CPSA-2 Revised2,
25

26 ³ DWR would like to note that Ms. Vlamis’ testimony for CSPA, AQUA-1-revised2 contains
27 specific citations to exhibits submitted for the record in many places but fails in its extensive
28 footnotes to provide citations to submitted exhibits requiring DWR to spend time and resources
matching up cited documents with submitted exhibits in order to present accurate objections.

1 AQUA-1-Revised2, AQUA3-Revised2, CWIN-3-Revised2 and CWIN-6-Revised. While the first
2 three cited exhibits appear to be an attempt to conform (partially) to recent rulings, the latter two
3 exhibits, CWIN-3-Revised2 and CWIN-6-Revised, appear to be revisions made by witnesses after
4 the close of the case-in-chief on their own initiative.

5 In CWIN-3-Revised2, page 1, Mr. Sjovold has changed wording concerning water year
6 indices. In CWIN-6-Revised, Dr. Whitelaw, on page 9, has struck a couple of sentences from his
7 first paragraph and added a new paragraph providing a more lengthy explanation of his original
8 point. Revisions to exhibits and testimony that are not simple errata or at the behest of the
9 Hearing Officers are in violation of hearing procedures as late-submitted testimony. Revisions
10 after the close of a parties case-in-chief, and thus after an opportunity for cross examination, are a
11 more serious violation of hearing procedures and constitute improper surprise testimony contrary
12 to established Board policy (see Cal. Code Regs., tit. 23, § 648, subd. (b).) For these reasons,
13 CWIN-3-Revised2 and CWIN-6-Revised should be excluded from the record.

14
15 **D. Exhibits Irrelevant to the Proceeding**

16 The testimony of AquAlliance witnesses Vlamis, Custis and Brobeck, and associated
17 exhibits, concern purported impacts from groundwater substitution and crop-idling transfers in
18 the future following the construction of the WaterFix project, even though the WaterFix project
19 does not include any water transfers as part of its project description. Any potential future water
20 transfers, which would be separate from the WaterFix project, would be subject to regulatory
21 approvals and/or the NEPA or CEQA process. All testimony regarding future groundwater
22 transfers and the cumulative impacts of those transfers on groundwater aquifers on the Northern
23 Sacramento Valley is speculative and irrelevant to the current proceeding. Moreover, Mr. Custis,
24 throughout his testimony, appears to conflate the 10-Year Bureau of Reclamation-San Luis Delta
25 Mendota Water Authority Transfer Program with the California WaterFix. (See AquAlliance 5;
26 Vol. 32, pp. 120:6-121:8.). For this reason, DWR requests that the Hearing Officers exclude the
27
28

1 following exhibits concerning the impacts of increased water transfers: AQUA-8 through AQUA-
2 68 and AQUA-70 through AQUA-72.

3 **E. Exhibits That Lack Foundation and Relevance to the Proceeding**

4 DWR requests that the following exhibits be excluded on the grounds that the exhibits lack
5 demonstrated adequate foundation and relevance to the proceeding.

6 A number of CSPA witnesses (Jennings, Lee and Vlamis) cite to comments submitted to
7 BDCP and/or WaterFix environmental review documents, which CSPA submits as exhibits.
8 Such comments cannot constitute evidence in this proceeding without an adequate showing that
9 the comments are supported by adequate evidentiary support and that the comments are relevant
10 to the proceeding. Without such a showing, such comments, which are often voluminous and
11 cover many topics pertinent (at most) to the CEQA/NEPA process, should be excluded. (See
12 October 30, 2015 Hearing Notice, at p. 2; and February 11, 2016 Ruling, at pp. 1-10.) On the
13 grounds that an adequate foundation and relevance have not been demonstrated, DWR requests
14 that the following exhibits be excluded from the record: CSPA-19, CSPA-58, CSPA-59, AQUA-
15 33, and AQUA-41.

16
17
18 In his testimony, Mr. Custis cites to comments he prepared on water transfer projects that
19 are not part of the WaterFix project, which are submitted as AQUA-29 through AQUA-33. (See
20 AQUA-5.) Mr. Custis speculates that those comment letters are relevant because the projects are
21 ongoing and will likely utilize the WaterFix tunnels. Mr. Custis provides no testimony
22 establishing that comments on those proposed projects are supported by an adequate evidentiary
23 basis and are relevant to the current proceeding, which does not include these or any other water
24 transfers. (AQUA-5.) On these grounds, DWR requests that exhibits AQUA-29 through AQUA-
25 33 be excluded from the evidentiary record.
26

27 Similarly, Ms. Vlamis also cites to comments prepared by AquAlliance on other water
28 transfer programs that have no connection to the petitions at issue in this proceeding: AQUA-37

1 through AQUA-40, AQUA-42 and AQUA-44. Other than baldly stating that such comments
2 contain information regarding the impacts to Sacramento Valley groundwater from water
3 transfers, Ms. Vlamis provides no testimony that such comments are supported by an adequate
4 evidentiary basis or any explanation regarding how the impacts of these water transfer programs
5 are relevant to the proposed WaterFix, which does not include water transfers. On these grounds,
6 DWR requests that AQUA-37 through AQUA-40, AQUA-42 and AQUA-44 be excluded from
7 the record.

8 **XIII. RESTORE THE DELTA (GROUP 32)**

9 **A. Exhibits Submitted but not Utilized**

10 While Restore the Delta amended its testimony and exhibit list to reflect rulings by the
11 Hearing Officers regarding testimony pertinent to Part 1 of the proceeding, it included ten
12 exhibits on its final submitted exhibit list dated December 12, 2016 that were not referenced
13 either in direct written testimony or used during cross examination. These are exhibits RTD-105,
14 RTD-106, RTD-107, RTD-108, RTD-110, RTD-111, RTD-112, RTD-113, RTD-233, and RTD-
15 234. Such exhibits wholly lack foundation and demonstrated relevance to the proceeding, and
16 should be excluded from the record on these grounds at this point.
17

18 **B. Exhibits That Lack Foundation and are Duplicative and Cumulative**

19 In this proceeding, Restore the Delta submits, as exhibits, comments to the environmental
20 review documents for the BDCP and California WaterFix prepared and submitted by
21 organizations other than Restore the Delta. These comments are submitted as exhibits RTD-142
22 (North State Water Alliance), RTD-143 (East Bay Municipal Utility District), RTD-153 (Contra
23 Costa Water District), RTD-154 (Contra Costa Water District), RTD-221 (City of Stockton), and
24 RTD-222 (City of Stockton). Restore the Delta also submits as exhibits protests filed by two
25 other parties in this proceeding, RTD-144 (East Bay Municipal Utility District) and RTD-223
26 (City of Stockton).
27
28

1 Such exhibits are cited to and relied on in the testimony of Tim Stroshane (RTD-10-rev2), a
2 disclosed expert witness on behalf of Restore the Delta. In particular, Mr. Stroshane reiterates,
3 without independent analysis or corroboration, the opinions of MBK Engineers, which were
4 prepared on behalf of East Bay Municipal Utility District, Contra Costa Water District, the City
5 of Stockton, and water users north of the Delta (the North State Water Alliance).

6 Such documents lack foundation, and thus should be excluded from the administrative
7 record. Restore the Delta provided no witness able to establish the foundation of such documents
8 including who prepared them, the sources of information relied on in the preparation of the
9 documents or the analyses conducted in support of the documents. Because the documents were
10 not created by Restore the Delta, there was no witness presented for cross examination regarding
11 the documents and the opinions expressed in the documents. Further, there was no evidence
12 presented establishing that the comments submitted as exhibits constitute the originating parties'
13 current analysis or opinions regarding the potential impacts of the WaterFix project. For
14 example, Contra Costa Water District is no longer even a party to the proceeding. These
15 documents, RTD-142, RTD-143, RTD-153, RTD-154, RTD-221, RTD-222, RTD-144 and RTD-
16 223, should be excluded from the record for lack of foundation.

17 Such documents, which are relied on by Restore the Delta's witnesses for the truth of the
18 matters asserted within are also hearsay, and DWR timely submits an objection to these
19 documents as such. (See RTD-10rev2 (Stroshane Testimony).) While hearsay may be admitted
20 for the purpose of supplementing or explaining other evidence, over timely objection, the hearsay
21 evidence shall not be sufficient in itself to support a finding unless it would also be admissible
22 over objection in a civil action. (Govt. Code § 11513(d).)

23 Finally, in the case of the protests submitted in this proceeding by East Bay Utilities District
24 and the City of Stockton and the opinions expressed by these parties in their comments to the
25

1 environmental review documents for the BDCP/WaterFix, the submitted comments are
2 cumulative and duplicative. Both East Bay Utilities District and the City of Stockton are parties
3 to this action and have not only themselves filed the referenced protests but have also submitted
4 testimony in support of their filed protests.

5 For the above reasons, exhibits RTD-142, RTD-143, RTD-153, RTD-154, RTD-221, RTD-
6 222, RTD-144, and RTD-223 should be excluded from the record.

7 **C. Testimony without Production of Witnesses**

8 DWR objects to admission of the following exhibits that lack foundation because no
9 witness was presented in support of the submitted testimony, which Restore the Delta labels as
10 declarations: RTD-401, RTD-402, RTD-403, RTD-404, and RTD-405. The hearing procedures
11 provided with the October 7, 2016 notice of hearing, Enclosure D, p. 35, clearly states that all
12 witnesses presenting testimony shall appear at the hearing to swear or affirm that the written or
13 oral testimony they present is true and correct, and to be subject to cross examination. Because no
14 witness was presented in support of this testimony, exhibits RTD-401, RTD-402, RTD-403,
15 RTD-404, and RTD-405 should be excluded from the record.

16
17
18 **XIV. PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS AND
INSTITUTE FOR FISHERIES RESEARCH ("PCFFA") (GROUP 38)**

19 **A. Exhibits Submitted but not Utilized**

20 PCFFA's submitted Part1B evidence on December 20, 2016. PCFFA's submitted case-in-
21 chief contains numerous exhibits never actually utilized by PCFFA in either its case-in-chief or
22 used during cross examination. These are exhibits PCFFA-7, PCFFA-13, PCFFA-15, PCFFA-19
23 and PCFFA-23 through PCFFA-61. These exhibits lack foundation and demonstrated relevance
24 to the proceeding and should be excluded on these grounds.

25
26 In particular, the testimony of Patricia Schifferle merely purports to authenticate exhibits
27 PCFFA-23 through PCFFA-61, but provides no actual testimony regarding the preparation of the
28

1 documents or their relevance to the proceeding. Her testimony is merely an exhibit list.

2 PCFFA's sole "testifying" witness, Deidre Des Jardins, confirmed on cross examination that she
3 does not cite to any of the exhibits authenticated by Ms. Schifferle. (Vol. 34, pp. 68:16-69:11.)

4 When asked on cross examination what the purpose of these documents was, Ms. Schifferle
5 stated that the documents were provided for the various public agencies and NGOs to use. (Vol.
6 34, p. 67:11-16.) To DWR's knowledge, no other party has sought to introduce any exhibits
7 authenticated by Ms. Schifferle.

8
9 For the above reasons, DWR respectfully requests that exhibits PCFFA-7, PCFFA-13,
10 PCFFA-15, PCFFA-19 and PCFFA-23 through PCFFA-61, which lack foundation and
11 demonstrated relevance, be excluded from the record.

12 **B. Opening Statement Improperly Marked as Exhibit**

13 PCFFA marked its opening statement as an exhibit, PCFFA-83. As the Hearing Officers
14 ruled on June 10, 2016 (p. 5), opening statements are not evidence and should not be marked as
15 exhibits. For this reason, PCFFA-83 should be excluded from the record.

16 **C. Exhibits Irrelevant to the Proceeding**

17 Exhibits PCFFA-12, PCFFA-18 and PCFFA-21 were all utilized solely on cross-
18 examination, which failed to demonstrate the relevance of these exhibits to the proceeding.
19 PCFFA-12 is a screen shot of the Board's TUCP index highlighting application requests by the
20 U.S. Bureau of Reclamation or the DWR for the time period from 2003 to 2016. On cross-
21 examination, PCFFA's attorney sought to question Mr. Leahigh and Mr. Milligan regarding the
22 number of TUCP requests, but the witnesses were unable to answer questions with any
23 specificity, because there was no information provided regarding the specific reasons for the
24 TUCP requests on the list and their relevance to the WaterFix. (See Vol. 12, pp. 65:13-67:9.)
25 The screen shot at PCFFA-12 on its own is irrelevant to the WaterFix proceeding and should be
26 excluded.
27
28

1 Similarly, PCFFA-18 is a copy of the Ninth Circuit's unpublished decision in *Pacific Coast*
2 *Federation of Fishermen's Associations v. United States Department of the Interior* concerning
3 CVP interim renewal contracts and NEPA review. On cross examination, Mr. Eichenberg sought
4 to question Mr. Leahigh and Mr. Milligan regarding this decision but was unable to demonstrate
5 how the decision had any bearing on the or the submitted testimony or the broader WaterFix
6 proceeding. (See Vol. 12, pp. 40:17-44:13.) PCFFA-18 is irrelevant to the proceeding and
7 should be excluded on these grounds.

8
9 As noted above, DWR renews its pending written objections to exhibit PCFFA-21, a multi-
10 tabbed Excel spreadsheet. On cross examination, Mr. Reyes stated that he was familiar with this
11 type of spreadsheet, but did not recognize this particular spreadsheet. (See Vol. 16, pp. 109:16-
12 113:17.) In particular, Mr. Reyes was not able to say whether this spreadsheet had any particular
13 relevance to the WaterFix proceeding. (Ibid.) For this reason, PCFFA has failed to demonstrate
14 that this particular spreadsheet pertains to or has any relevance to the proceeding.

15 **D. Testimony without Production of Witnesses**

16 PCFFA submitted a declaration of Stephen Volker authenticating documents as an exhibit
17 (PCFFA-84), but did not present Mr. Volker for cross examination as a witness. The hearing
18 procedures provided with the October 7, 2016 notice of hearing, enclosure D, p. 35, clearly states
19 that all witnesses presenting testimony shall appear at the hearing to swear or affirm that the
20 written or oral testimony they present is true and correct, and be subject to cross examination.
21 Because no witness was presented in support of this testimony/exhibit, exhibit PCFFA-84 should
22 be excluded from the record.
23

24 **XV. DEIDRE DES JARDINS (GROUP 37)**

25 **A. Exhibits Submitted but not Utilized**

26 Ms. Des Jardins submitted her final exhibit index on December 20, 2016. To the best of
27 DWR's ability to review the hearing transcripts of Ms. Des Jardins' cross examination, it appears
28

1 that the exhibit list contains numerous exhibits that were never actually utilized by Ms. Des
2 Jardins either in conducting cross examination or as part of her case-in-chief. Such exhibits lack
3 foundation and demonstrated relevance to the proceeding. The effort to review Ms. Des Jardins
4 evidence was difficult due to unclear references to exhibits during cross examination and what
5 appears to be references to incorrect exhibit numbers. DWR believes that the following exhibits
6 were not utilized and, therefore, should be excluded: DDJ-7, DDJ-11, DDJ-13, DDJ-20, DDJ-21,
7 DDJ-30 through DDJ-36, DDJ-44, DDJ-46 through DDJ-50, DDJ-55, DDJ-57, DDJ-59 through
8 DDJ-64, DDJ-89, DDJ-121, DDJ-122, DDJ-125 and DDJ-138.

9
10 **B. Exhibits that Lack Foundation**

11 On December 14, 2016, during her cross examination of Dr. Paulsen, Ms. Des Jardins
12 utilized exhibit DDJ-58. Dr. Paulsen testified that she was unfamiliar with the document, which
13 ended the line of questioning. (See December 14, 2016 uncertified rough transcript, pp. 234:2-
14 235:20.⁴) DDJ-58 is a document by the BDCP Steering Committee dated August 12, 2010
15 clearly marked as a “Preliminary Draft – Not for Distribution.” Ms. Des Jardins has not provided
16 an adequate foundation for the document demonstrating that the document and the information it
17 contains remain an accurate reflection of the steering committee’s analysis or whether a final
18 version of the document was later released. A preliminary draft without adequate foundation is
19 not the sort of evidence on which responsible persons are accustomed to rely in the conduct of
20 serious affairs such as this proceeding. For this reason, DDJ-58 should be excluded from the
21 evidentiary record.
22

23 **XVI. NORTH DELTA C.A.R.E.S./BARBARA DALY (“NDC”) (GROUP 39)**

24 **A. Exhibits Submitted but not Utilized**

25
26
27 ⁴ The final certified transcript for December 14, 2016 was not available by the deadline for the
28 filing of these objections.

1 Even after withdrawing exhibits and the testimony of 3 witnesses, NDC's submitted case-
2 in-chief contains numerous exhibits that were not referenced in either oral or written testimony.
3 These exhibits are NDC-12, NDC-13, NDC-14, NDC-25 and NDC-29. These exhibits lack
4 foundation and demonstrated relevance to the proceeding and should be excluded on these
5 grounds.

6 **B. Exhibits Submitted After Close of Case-in-Chief**

7 On December 20, 2016, NDC submitted its exhibit list for its case-in-chief and proffers for
8 the first time exhibits NDC-30, NDC-31, NDC-32, NDC-33, NDC-34, NDC-35, NDC-36, NDC-
9 37, which purportedly consist solely of excerpts of staff exhibit SWRCB-3, Appendix A of the
10 RDEIR/SDEIS, but were not uploaded to the FTP site so that they could be reviewed.
11 Submission of new exhibits following the case-in-chief violates established hearing procedures as
12 new evidence that Petitioners are unable to review.
13

14 Moreover, to the extent that NDC's attorney is merely seeking to supplement the direct oral
15 testimony, in which such exhibits were referenced for the very first time, submission of the
16 excerpts as exhibits (without actually submitting the excerpts) is unnecessary as DWR does not
17 challenge the admission of SWRCB-3 as a whole and the transcripts include citations. Moreover,
18 both Ms. Daly and Mr. Pruner testified that they relied on their review of Petitioners' draft
19 environmental review documents and not on the specific excerpts referenced by their counsel in
20 the conduct of the direction examination. (See Vol. 34, pp. 210:5-211:3, 211:18-212:8.) For these
21 reasons, DWR respectfully requests that the Board exclude NDC's late-proffered exhibits noted
22 above.
23

24 **XVII. PATRICK PORGANS (Group 40)**

25 On December 13, 2016, Mr. Porgans submitted to the Board a list of exhibits for
26 submission into evidence.
27

28 **A. Designation of Exhibits Not Made Available**

1 Mr. Porgans' list of exhibits submitted December 13, 2016 does not match the exhibits
2 uploaded to the Board's exhibit page for Mr. Porgans. Many of the exhibits on Mr. Porgans' new
3 list are not uploaded to the Board's webpage (new PORGANS-7, PORGANS -8, PORGANS-
4 100, PORGANS-102, PORGANS-105, and PORGANS-106 through PORGANS-120). Further,
5 comparing the online list to the newly-submitted list, there are documents that now have new
6 exhibit numbers including new PORGANS-101 (formerly PORGANS-100M) and PORGANS-
7 103 (formerly PORGANS-102). Finally, it appears that Mr. Porgans has now dropped former
8 PORGANS-7 (with a new exhibit using this number), PORGANS-121 and PORGANS-122.
9

10 DWR objects to the admission of any exhibit not uploaded and available for its review,
11 which apparently includes new PORGANS-7, PORGANS -8, PORGANS-100, PORGANS-102,
12 PORGANS-105, and PORGANS-106 through PORGANS-120.

13 **B. Exhibits Submitted but not Utilized**

14 Further, to the best of our ability, we believe that Mr. Porgans, in conducting his cross
15 examination, has only ever utilized former PORGANS-2, PORGANS-3, PORGANS-6,
16 PORGANS-7 (now dropped), PORGANS-100M (now PORGANS-101), PORGANS-104 (now
17 PORGANS-104B), PORGANS-105, PORGANS-121 (now dropped) and PORGANS-122 (now
18 dropped). Accordingly, DWR also objects to the admission of any exhibit other than
19 PORGANS-2, PORGANS-3, PORGANS-6, PORGANS-100M (now PORGANS-101),
20 PORGANS-104 (now PORGANS-104B), and PORGANS-105.
21

22 To summarize, based on Mr. Porgans' exhibit list submitted on December 13, 2016, DWR
23 objects to the admission of PORGANS-1, PORGANS-4, PORGANS-5, PORGANS-7,
24 PORGANS-8, PORGANS-100, PORGANS-104, PORGANS-104A and PORGANS-106 through
25 PORGANS-120.
26

27 **XVIII. SNUG HARBOR RESORTS, LLC (GROUP 41)**
28

1 **A. Improper Surprise Testimony that Lacks Foundation and Relevance to the**
2 **Proceeding**

3 While Ms. Suard makes a passing, one-sentence reference, without citation, to arsenic as a
4 constituent of concern in her written testimony (See SHR-108, p. 3:3-5), she provided
5 considerable oral testimony on direct examination regarding purported impacts of the WaterFix
6 project to arsenic levels in both groundwater and surface water, as noted by the Hearing Officers.
7 (See Vol. 33, pp. 187:19-196:17.) Such testimony constitutes impermissible surprise testimony
8 contrary to established Board policy (Cal. Code Regs., tit. 23, § 648, subd. (b)) and the hearing
9 procedures set for this proceeding. The testimony also wholly lacks foundation or demonstrated
10 relevance, because Snug Harbor fails to provide any evidence that current conditions regarding
11 arsenic are related in any fashion to the proposed California WaterFix project. For these reasons,
12 Ms. Suard’s testimony on purported arsenic impacts, which largely consists of testimony
13 concerning existing conditions, presented for the first time at the hearing, and the accompanying
14 exhibits, SHR-21 and SHR-77, referenced for the first time at the hearing, should be excluded
15 from the record.

16
17 **B. Exhibits Submitted but not Utilized**

18 As acknowledged upon cross examination, Ms. Suard’s testimony lacks citations to
19 evidence. (Vol. 33, p. 202:6-8; SHR-108.) Snug Harbor, however, submitted ninety-nine
20 exhibits for admission into the record (Snug Harbors’ exhibit list dated 12-15-16), only twelve of
21 which were even referenced on cross examination of other parties’ witnesses or by Ms. Suard in
22 her oral, but not written, direct testimony. The twelve exhibits “referenced” by Snug Harbor are
23 SHR-9, SHR-21, SHR-24, SHR-39wf, SHR-77, SHR-102, SHR-103, SHR-104, SHR-108
24 (testimony), SHR-204, SHR-350 and SHR-389. The remaining eighty-seven exhibits, which
25 were submitted but not “utilized,” lack foundation and demonstrated relevance to the proceeding,
26 and should be excluded on these grounds.
27
28

C. Exhibits that Lack Foundation and Relevance to the Proceeding

1 During the hearings, Ms. Suard, on behalf of Snug Harbor, referenced twelve exhibits, none
2 of which were referenced in Ms. Suard's direct testimony. Of the twelve "referenced" exhibits,
3 DWR objects to SHR-9, SHR-21, SHR-77, SHR-102, SHR-103, SHR-104, SHR-204, and SHR-
4 389 on the following grounds.

5
6 Exhibit SHR-9 is a report by the Contra Costa Water District referenced for the first time in
7 Ms. Suard's oral direct testimony. (See Vol. 33, p. 199:6-14; SHR-108.) In her oral direct
8 testimony, Ms. Suard alleges for the first time that this report provides support for her assertion
9 that expected fresh drinking water in the Delta should be 1 PPT, presumably salinity. (Ibid.)
10 This testimony and the use of SHR-9 constitute improper surprise testimony. Because she only
11 really references SHR-9 in her oral testimony brief, Ms. Suard also failed to establish a proper
12 foundation for SHR-9 and its relevance to the WaterFix project.
13

14 Further, SHR-9 constitutes hearsay and should be excluded on that basis. While hearsay
15 may be admitted for the purpose of supplementing or explaining other evidence, over timely
16 objection, the hearsay evidence shall not be sufficient in itself to support a finding unless it would
17 also be admissible over objection in a civil action. (Govt. Code § 11513(d).) For these reasons,
18 SHR-9 should be excluded.
19

20 Exhibits SHR-21 and SHR-77, as noted in the previous section, both pertain to Ms. Suard's
21 surprise oral testimony on potential impacts of arsenic, and both exhibits lack foundation and
22 established relevance and should be excluded for these reasons. In addition, SHR-77 is
23 comprised of purported information from the Geotracker website that has been annotated leaving
24 it unclear what has been modified from the initial data.
25

26 Exhibits SHR-102, SHR-103 and SHR-104 are all lengthy Power Point presentations
27 comprised of 64, 63 and 42 slides respectively. None of these slides were referenced in Ms.
28 Suard's direct testimony. A careful examination of the record indicates that only a couple slides

1 of each exhibit were utilized in cross examination of other parties or in Ms. Suard's oral
2 testimony as follows:

- 3 • SHR-102: slide 27 (12/08);
- 4 • SHR-103: slides 3,4, 8, 16, 22, 24, 38 and 40 (8/27, 12/08); and
- 5 • SHR-104: slides 4, 5, 26, and 27 (8/26, 9/27, 12/08)

6 Regarding SHR-104, on August 26, 2016, Ms. Suard stated that the exhibit was only submitted
7 for "conversations, not anything else really, at this point." (Vol. 16, pp. 166:24-167:1.) At
8 minimum, DWR objects to the admission of slides in these three exhibits not referenced in any
9 testimony, written or oral, because these slides lack foundation and established relevance to the
10 proceeding. These Power Points presentations further lack relevance as the slides are mainly
11 excerpts of other documents or testimony onto which Ms. Suard has added unanswered questions,
12 which themselves do not constitute evidence and are not helpful to the trier of fact in this
13 proceeding.
14

15 Exhibit SHR-204 is a video used by Ms. Suard solely as part of her opening statement,
16 which does not constitute evidence in this proceeding. For this reason, SHR-204 should be
17 excluded.
18

19 Exhibit SHR-389 is a series of six slides, three of which were used by Ms. Suard in her
20 cross examination of DWR witness Maureen Sergent on September 27, 2016. The remaining
21 slides were not utilized, were apparently created by Snug Harbor and wholly lack foundation and
22 demonstrated relevance. For example, the final slide is merely a series of questions. For this
23 reason, DWR objects to the admission of slides 4, 5 and 6 of SHR-389.
24

25 **D. Documents Improperly Marked as Exhibits**

26 On its final list of submitted exhibits dated December 15, 2016, Snug Harbor marked as
27 exhibits its opening statement, a copy of its already-filed protest (SHR-110), a statement of
28

1 verification of documents uploaded (SHR-500) and its now-outdated exhibit list dated September
2 1, 2016 (SHR-501). In particular, the Hearing Officers' June 10, 2016 ruling (p. 5) stated that
3 opening statements are not evidence and should not be labeled as exhibits or included in exhibit
4 identification indexes. DWR respectfully submits that none of these documents are properly
5 marked as exhibits in an evidentiary proceeding and should not be admitted into the record as
6 evidence.

7 **XIX. CLIFTON COURT L.P. (GROUP 43)**

8 The exhibits of Clifton Court L.P. submitted to support arguments of purported past injuries
9 to Clifton Court L.P.'s property are not relevant to the issues of potential impacts of the proposed
10 additional points of diversion before the Board in Part 1 of this proceeding. At minimum, this
11 includes exhibits CCLP-1 through CCLP-10 and CCLP-15 through CCLP-20, whose sole
12 purpose is to support allegations of past injuries, including squirrel damage, and not alleged
13 injuries due to the proposed WaterFix project, the subject of this proceeding.
14

15
16 **CONCLUSION**

17 In an effort to combine objections and clarify DWR's position, the above objections are
18 organized by parties. DWR continues to agree and has acted consistently with regards to the
19 rulings in this hearing to present concise, non-duplicative, non-cumulative objections to assist the
20 hearing team with reviewing testimony and exhibits in relation to relevant issues before it.
21 Therefore DWR requests that the written objections filed September 21, 2016, those oral
22 objections made at hearing and those specifically covered herein be sustained.
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Dated: December 30, 2016

CALIFORNIA DEPARTMENT OF WATER
RESOURCES

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James (Tripp) Mizell
Office of the Chief Counsel

TABLE OF ADDITIONAL OBJECTIONS TO EXHIBITS FOLLOWING CLOSE OF PART 1B CASES-IN-CHIEF

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
SACRAMENTO VALLEY WATER USERS AND AMERICAN RIVER WATER USERS (GROUP 7)			
City of Sacramento	CITYSAC-17	Operating Contract dated June 28, 1957 between Bureau of Reclamation and the City of Sacramento	Lack of Foundation Relevance
City of Sacramento	CITYSAC-22	Carollo Report entitled <i>Evaluation of Pump Intakes for Drought Conditions</i> , dated January 2016	Lack of Foundation Relevance
City of Sacramento	CITYSAC-23	CBEC Memorandum entitled <i>Sacramento River Low Flow Modeling at SRWTP Intake</i> , dated February 12, 2016	Lack of Foundation Relevance
City of Sacramento	CITYSAC-24	CBEC Memorandum entitled <i>American River Low Flow Modeling at EAFWTP Intake</i> , dated February 15, 2016	Lack of Foundation Relevance
City of Sacramento	CITYSAC-33	City of Sacramento Comments on BDCP and Draft EIR/EIS, July 22, 2014	Lack of Foundation Relevance
City of Sacramento	CITYSAC-34	City of Sacramento Comments on California WaterFix and RDEIR/SDEIS, October 29, 2015	Lack of Foundation Relevance
Sacramento Valley Water Users	SVWU-001	Draft January 2016 Biological Assessment for the California WaterFix	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-002	Monthly Probability of Exceedance - Storage at Shasta Reservoir	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-100	Testimony of. Walter Bourez	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-102	MBK Report on Review of Bay Delta Conservation Program Modeling, June 20, 2014	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-103	MBK Technical Comments on the Bay Delta Conservation Plan/California Water Fix Partially Recirculated Draft EIR/Supplemental Draft EIS, October 28, 2015	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-104	MBK Technical Comments on Coordinated Long-Term Operation of the Central Valley Project and State Water Project Draft Environmental Impact Statement, September 29, 2015	Duplicative and Cumulative Exhibits by Members of Group 7.

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Sacramento Valley Water Users	SVWU-105	Testimony of Dan Easton	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-107	MBK California WaterFix Modeling Review, August 30, 2016	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-108	MBK Technical Memorandum with example 2-year injury	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-109	MBK Technical Memorandum regarding 81, H3, and H4 scenarios	Duplicative and Cumulative Exhibits by Members of Group 7.
Sacramento Valley Water Users	SVWU-110	Walter Bourez PowerPoint Presentation	Duplicative and Cumulative Exhibits by Members of Group 7.
City of Roseville	Roseville-03	City of Roseville's Water Deliveries, 2005-2015	Lack of Foundation Relevance
Anderson Cottonwood Irrigation District	MLF-01	State Water Board Order WR 2015-0043 (excerpts)	Lacks Foundation Relevance
Anderson Cottonwood Irrigation District	MLF-02	DWR-53 (with highlights)	Lacks Foundation Relevance
Anderson Cottonwood Irrigation District	MLF-03	DWR-329 (with highlights)	Lacks Foundation Relevance
Anderson Cottonwood Irrigation District	MLF-04	Water Transfer White Paper, December 2015 (excerpts)	Lacks Foundation Relevance
Anderson Cottonwood Irrigation District	MLF-05	Letter to DWR re Sergeant Testimony July 15, 2016	Lacks Foundation Relevance
Sacramento County Water Agency	SCWA-1	SCWA Depiction of Third Street Well and Hood Franklin Road Well	Lacks Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
NORTH DELTA WATER AGENCY AND MEMBER DISTRICTS (GROUP 9)			
North Delta Water Agency	NDWA-035	NDWA Comment Letter for 2014 BDCP DEIR/DEIS	Lack of Foundation Relevance
North Delta Water Agency	NDWA-036	NDWA Comment Letter for 2015 BDCP RDEIR/SDEIS	Lack of Foundation Relevance
North Delta Water Agency	NDWA-037	CVFCA Comment Letter for 2014 BDCP DEIR/DEIS	Relevance
North Delta Water Agency	NDWA-038	CVFCA Comment Letter for 2015 BDCP RDEIR/SDEIS	Relevance
North Delta Water Agency	NDWA-041	Map of Reclamation District 999's Siphons and Intakes	Lack of Foundation Relevance
North Delta Water Agency	NDWA-042	Photograph of Headquarter Siphon 1	Lack of Foundation Relevance
North Delta Water Agency	NDWA-043	Photograph of Headquarter Siphon 2	Lack of Foundation Relevance
DELTA FLOOD CONTROL GROUP (GROUP 10)			
Delta Flood Control Group	DFCG-08	Photograph: Grand Island Levee Cracks Near Toe	Relevance
Delta Flood Control Group	DFCG-09	Photograph: Grand island Levee Crown Cracks	Relevance
Delta Flood Control Group	DFCG-10	Photograph: Grand Island Levee Slope Cracks	Relevance
Delta Flood Control Group	DFCG-11	Cross Section of a Cracked Levee	Relevance
EAST BAY MUNICIPAL WATER DISTRICT (GROUP 15)			
East Bay Municipal Utility District	EBMUD-176	EBMUD Comments on BDCP EIR / EIS (2014 and 2015)	Relevance Duplicative and Cumulative
East Bay Municipal Utility District	EBMUD-X1	May 26, 2009 Meeting Minutes from Modeling of BDCP Impacts on FRWA's and EBMUD's Operations	Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
East Bay Municipal Utility District	EBMUD-X2	June 18, 2010 Meeting Minutes from BDCP Modeling For Modelers Meeting EBMUD-X3 DSM2 Screenshot	Relevance
East Bay Municipal Utility District	EBMUD-X3	DSM2 Screenshot	Relevance
SAN JOAQUIN RIVER EXCHANGE CONTRACTORS (GROUP 17)			
San Joaquin River Exchange Contractors Water Authority	SJRECWA-1	DWR Exhibit 515, page 2, assumption in Boundary 1 and Boundary 2 model runs of 3,000 cfs cross-Delta flow capacity to pumps	Lack of Foundation; Relevance
San Joaquin River Exchange Contractors Water Authority	SJRECWA-2	DWR Executive Summary for the Delta Risk Management Study ("DRMS") Phase 2 Report: portions of Section Eight entitled "Building Block 1.6: Armored 'Pathway' (Through-Delta Conveyance)" at pages 8-i through 8-13, Tables T-1 through T-4 & Figure 8-1; Section Nineteen entitled "Results and Observations" at pages 19-1 through 19-13.	Lack of Foundation; Relevance
LOCAL AGENCIES OF THE NORTH DELTA (LAND), ISLANDS INC. ET AL. (GROUPS 19 AND 20)			
Local Agencies of the North Delta	LAND-05	Map - Bogle Water Rights Injuries from CWF Tunnels	Lack of Foundation Relevance
Local Agencies of the North Delta	LAND-06	Map - LangeTwins Water Rights Injuries from CWF Tunnels	Lack of Foundation Relevance
Local Agencies of the North Delta	LAND-50	Russell Van Loben Sels Water Rights associated with S021406	Lack of Foundation Relevance
Local Agencies of the North Delta	LAND-51	Warren Bogle water rights as described in the protest filed on January 5, 2016	Lack of Foundation Relevance
Local Agencies of the North Delta	LAND-52	Daniel Wilson water rights as described in the protest filed on January 5, 2016	Lack of Foundation Relevance
Local Agencies of the North Delta	LAND-53	Richard Elliot water rights as described in the protest filed on January 5, 2016	Lack of Foundation Relevance
Local Agencies of the North Delta	LAND-54	Diablo Vineyards water rights as described in the protest filed on January 5, 2016	Lack of Foundation Relevance
Local Agencies of the North Delta	LAND-55	LAND member agency property owners' water rights as described in the protest filed on January 5, 2016	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Local Agencies of the North Delta	LAND-58	Map - Sacramento County Wells in Vicinity of Tunnels	Lack of Foundation
Local Agencies of the North Delta	LAND-59	Map - San Joaquin County Wells in Vicinity of Tunnels	Lack of Foundation;
Local Agencies of the North Delta	LAND-66	2002, CCF DWR Correspondences	Lack of Foundation Relevance
Islands, Inc.	II-04	2014-7-28 SWRCB Ltr re; Water Quality Response Plan	Lack of Foundation Relevance
Islands, Inc.	II-26	Historical Freshwater & Salinity Conditions Report Highlights, Contra Costa County Water District 2009 (NOT RE-UPLOADED)	Lack of Foundation
Islands, Inc.	II-27	Historical Fresh Water and Salinity Conditions, Contra Costa Water District, 2010 (NOT RE-UPLOADED)	Lack of Foundation
Islands, Inc.	II-33	Bulletin_76-Appendix-Salinity__1962 Mod	Lack of Foundation Relevance
COUNTY OF SAN JOAQUIN ET AL. (GROUP 24)			
County of San Joaquin et al.	SJC-16	June 6, 2016 Email from CVWB	Relevance
County of San Joaquin et al.	SJC-17	SWAMP Freshwater CyanoHABs Program	Relevance
County of San Joaquin et al.	SJC-18	CA Dept of Public Health Blue-Green Algae	Relevance
County of San Joaquin et al.	SJC-19	June 6, 2016 Email from CVWB	Relevance
County of San Joaquin et al.	SJC-20	June 6, 2016 Email from Environmental Health Dept	Relevance
County of San Joaquin et al.	SJC-21	June 6, 2016 Email from CVWB to EHD	Relevance
County of San Joaquin et al.	SJC-22	June 7, 2016 Email from CVWB to Lisa Medina	Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
County of San Joaquin et al.	SJC-23	June 7, 2016 Email from CVWB	Relevance
County of San Joaquin et al.	SJC-24	June 8, 2016 Email from EHD to CVWB Press Release	Relevance
County of San Joaquin et al.	SJC-25	June 8, 2016 Email from CVWB to EHD re Dog Deaths	Relevance
County of San Joaquin et al.	SJC-26	June 17, 2016 Email from SVWB to EHD re Additional Info	Relevance
County of San Joaquin et al.	SJC-27	June 22, 2016 Email from CVWB to EHD re CDC Website	Relevance
County of San Joaquin et al.	SJC-28	July 6, 2016 Email from CVWB to EHD	Relevance
County of San Joaquin et al.	SJC-29	July 8, 2016 Email from CVWB to EHD	Relevance
County of San Joaquin et al.	SJC-30	July 28, 2016 Email from CVWB to EHD re Microcystis Update	Relevance
County of San Joaquin et al.	SJC-31	July 28, 2016 Email from EHD to CVWB	Relevance
County of San Joaquin et al.	SJC-32	August 3, 2016 Email from CVWB, with attachments	Relevance
County of San Joaquin et al.	SJC-33	August 4, 2016 Email from CVWB	Relevance
County of San Joaquin et al.	SJC-34	August 11, 2016 CA Water Quality Monitoring Council Email to EHD	Relevance
County of San Joaquin et al.	SJC-35	August 16, 2016 CA Water Quality Monitoring Council Web Portal	Relevance
County of San Joaquin et al.	SJC-36	August 17, 2016 Email from CVWB to EHD	Relevance
County of San Joaquin et al.	SJC-37	August 22, 2016 Email from CVWB to EHD	Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
County of San Joaquin et al.	SJC-38	August 24, 2016 CAHAN Health Notification	Relevance
County of San Joaquin et al.	SJC-39	August 29, 2016 Email from CVWB to EHD	Relevance
CENTRAL DELTA WATER AGENCY ET AL. (GROUP 21)			
Central Delta Water Agency et al.	SDWA 001	Southern Delta Map	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 017	Report of Potential Exceedance 7-14-16	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 019	Delta Water Quality Conditions South Delta Stations	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 020	E-mail re transfers	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 026	Delta Flows with and without Cross Channel Flow	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 030	DSM2 Model Output 1974-1981 Chan OR1 and ORTB	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 032	Revision of Representative Delta Island Return Flow Quality for DSM2 and DICU Model Runs by Marvin Jung and Associates, Inc. December 2000	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 033	Highlighted pages from Draft January 2015 Biological Assessment	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 034	Excerpts from the Bay Delta Conservation Plan / California WaterFix - RDEIR/ SEIS	Lacks Foundation Relevance.
Central Delta Water Agency et al.	SDWA 041	Linda Turkatte Statement of Qualifications	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 042	Linda Turkatte Written Summary of Testimony	Previously Withdrawn

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Central Delta Water Agency et al.	SDWA 043	California CyanoHAB Network webpage: http://www.mywaterquality.ca.gov/monitoringcouncil/cyano habnetwork/index.html	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 044	State Water Board's Surface Water Ambient Monitoring Program (SWAMP) Freshwater CyanoHABs Program (Blue-Green Algae): http://www.waterboards.ca.gov/water issues/programs/swamp/freshwatercyanobacteria.shtml	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 045	California Department of Public Health Blue-Green Algae (Cyanobacteria) Blooms webpage: https://www.cdph.ca.gov/HealthInfo/environhealth/water/Pages/Bluegreenalgae.aspx	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 046	June 6, 2016 E-Mail from Christine Joab re: California Cyanobacteria and Harmful Algal Bloom (CCHAB) Network and its goals	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 047	June 6, 2016 E-Mail from EHD to Joab requesting identification of specific areas where blue-green algae was observed and water sampling analysis	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 048	June 6, 2016 E-Mail from CVWB to EHD with blue-green algae monitoring information conducted by DWR	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 049	June 7, 2016 E-Mail from CVWB to Medina providing information re: cyanobacteria from blue-green algae caution signs	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 050	June 7, 2016 E-Mail from CVWB providing follow-up information with EHD's sign request.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 051	EHD'S joint news release with the San Joaquin County Public Health Department regarding cyanobacteria from blue-green algae forwarded to CVWB on June 8, 2016 requesting questions and comments.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 052	June 8, 2016 E-Mail from CVWB to EHD re: materials on dog deaths related to Cyanotoxin poisoning	Previously Withdrawn

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Central Delta Water Agency et al.	SDWA 053	June 17, 2016 E-Mail from CVWB to EHD with additional information and updates on cyanobacteria from blue-green algae	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 054	June 22, 2016 E-Mail from CVWB to EHD re: informing EHD of the new website launched by the Center for Disease Control regarding reporting of harmful algal blooms.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 055	July 6, 2016 E-Mail from CVWB to EHD's stating "Department of Water Resources does not conduct any cyanobacteria monitoring in Smith Canal. Most of the research on cyanobacteria that DWR is conducting is in the Central Delta."	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 056	July 8, 2016 E-Mail from CVWB to EHD with latest update on Mycrosystis conditions in the Stockton Deep Water Channel.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 057	July 28, 2016 E-Mail from CVWB to EHD with the latest update on Mycrosystis conditions in the Stockton Deep Water Channel and notifying EHD that CVWB had been contacted by Connie Cochran, the City of Stockton's Public Information Officer, inquiring about cyanobacteria in the Deep Water Channel (McLeod Lake and Weber Point).	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 058	July 28, 2016 E-Mail from EHD to CVWB's re: CVWB status updates on the cyanobacteria and Mycrosystis conditions in San Joaquin County are critical to keeping EHD informed on the issue.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 059	August 3, 2016 E-Mail from CVWB to EHD with the lasts visual bloom observations from the Department of Water Resources	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 060	August 4, 2016 E-Mail from CVWB carbon copying EHD in an email regarding a Stockton resident's complaint	Previously Withdrawn

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Central Delta Water Agency et al.	SDWA 061	August 11, 2016 Email from California Water Quality Monitoring Council to EHD with upcoming webinars and new videos, including a program on "Bacteria Monitoring for Safe & Healthy Waters."	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 062	August 16, 2016 the California Water Quality Monitoring Council released a new web portal devoted to the question: "Are harmful algal blooms affecting our waters?"	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 063	August 17, 2016 emails between CVWB and EHD re: other regional monitoring and observation of cyanobacteria.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 064	August 22, 2016 E-Mail from CVWB to EHD re: current cyanobacteria bloom density condition in the San Joaquin River	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 065	August 24, 2016 E-Mail from California Department of Public Health and California Health Alert Network (CAHAN) to EHD re: a CAHAN Health Notification regarding "Caution Related to Seasonal Blue-Green Algae Blooms" that "urges recreational water users to avoid close contact with water bodies containing blue-green algae."	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 066	August 29, 2016 E-Mail from CVWB to EHD re: an alert stating that East Bay Regional Park has microcystin toxin levels above 50 ppb	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 072	Erik Ringelberg Statement of Qualifications	Previously Withdrawn)
Central Delta Water Agency et al.	SDWA 073	Testimony of Erik Ringelberg	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 074	Ringelberg PowerPoint	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 152-R	Nomellini Powerpoint	Previously Stricken (Slides/Pages 20 & 21)
Central Delta Water Agency et al.	SDWA 153	January 27, 2009 Letter to Dante John Nomellini, Sr. from Karen Scarborough of BDCP Steering Committee	Previously Stricken

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Central Delta Water Agency et al.	SDWA 187	Section 12202, 12203, 12204	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 198	Period Average Change in EC Levels for Alternative 4A-H3 ELT Relative To Existing Conditions and the No Action Alternative ELT.	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 199	Unit Consumptive Use of Water in Sacramento-San Joaquin Delta	Lacks Foundation Relevance
Central Delta Water Agency et al.	SDWA 221	Kurobe et al.-Identification of harmful cyanobacteria etc.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 222	Durand-Sacramento-San Joaquin Delta Regional Ecosystem Restoration Implementation Plan	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 223	Microcystis forecast provided by Peter Tango	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 224	Gilbert, et al.-Journal of Experimental Marine Biology and Ecology	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 225	April 18, 2016 Memorandum, ICF International	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 226	Alameda County-Errata, <i>In the Matter of SRCSD's Petition for Review</i>	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 227	Tomitani, et al.-The evolutionary diversification of cyanobacteria	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 228	Berg and Sutula: Factors affecting Growth of Cyanobacteria	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 229	Excerpt from Kimball's Biology Pages	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 230	Brunell, Litton and Borglin: An Analysis of Grazing and Phytoplankton Communities	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 231	Muller-Solger, Jassby and Muller-Navarra: Nutritional Quality of Food Resources	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 232	Visser-Artificial mixing to control cyanobacterial blooms: a review	Previously Withdrawn

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Central Delta Water Agency et al.	SDWA 233	Brutemark-Growth, toxicity and oxidative stress of a cultured cyanobacterium	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 234	Lehman, 2005- <i>Microcystis</i> biomass and toxicity	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 235	Office of Environmental Health Hazard Assessment. 2009	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 236	EPA-Drinking Water Health Advisory	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 237	WHO: IARC Monographs on Evaluation of Carcinogenic Risks to Humans (Cogliano)	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 238	USGS 2016. Innovation in Monitoring: The U.S. Geological Survey Sacramento-San Joaquin River Delta, California, Flow-Station Network	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 239	Cloern-Figure 3. Projected 2010-2099 changes in nine environmental indicators, etc.	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 240	Reichwaldt, Song and Ghadouani: Effects of the Distribution of a Toxic <i>Microcystis</i> Bloom on the Small Scale Patchiness of Zooplankton	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 241	Pal, Singh and Azam: Evaluation of Relationship between Light Intensity (Lux) and Growth of <i>Chaetoceros muelleri</i>	Previously Withdrawn
Central Delta Water Agency et al.	SDWA 242	Kassim, et al.-Sustainable Technique for Selected Live Feed Culture	Previously Withdrawn
CITY OF STOCKTON (GROUP 22)			
City of Stockton	STKN-002	Comments on the Notice of Preparation for BDCP EIR, May 30, 2008	Lack of Foundation Relevance Hearsay
City of Stockton	STKN-003	City of Stockton Comments on BDCP Draft EIR/EIS, July 2014	Lack of Foundation Relevance Hearsay
City of Stockton	STKN-004	City of Stockton Comments on CalWaterFix RDEIR/DSEIS, October 29, 2015	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
City of Stockton	STKN-005	Map of D-1641 Compliance Locations with Stockton Intake and Discharge Added	Lack of Foundation Relevance
City of Stockton	STKN-006	Print Screen of the State Water Resources Control Board Posting of the Availability of Modeling Information, March 29, 2016 through June 9, 2016	Lack of Foundation Relevance
City of Stockton	STKN-007	Print Screen of the CalSim and DSM2 Modeling Provided by DWR via the Website ftp.waterboards.ca.gov	Lack of Foundation Relevance
City of Stockton	STKN-008	Print Screen of the Modeling Folders Available on the State Water Resources Website and Provided by the Department of Water Resources	Lack of Foundation; Relevance
City of Stockton	STKN-009	Print Screen of the Modeling Folders Available on the State Water Resources Control Board Website and Provided by the Department of Water Resources	Lack of Foundation; Relevance
City of Stockton	STKN-021	City of Stockton Regional Wastewater Control Facility (NPDES Permit Order No. R5-2014-0070), Salinity Pollution Prevention Plan Annual Progress Report, May 6, 2016	Lack of Foundation; Relevance
CITY OF ANTIOCH (GROUP 27)			
City of Antioch	Antioch-203	SWRCB 2015 (Notice of Petition)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-204	California WaterFix Modeling Presentation (Exhibit DWR-5)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-206	Written Testimony - Parviz Nader-Tehrani (Exhibit DWR-66)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-207	DSM2 Modeling Results (DWR 513)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-213	Written Testimony - Maureen Sergent (DWR-53)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-214	Delta Atlas (DWR-301)	Duplicative and Cumulative Exhibits

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
City of Antioch	Antioch-219	City of Antioch & Exponent comments on RDEIR/SDEIS	Lack of Foundation; Relevance Hearsay
City of Antioch	Antioch-220	Written Testimony- Jennifer Pierre (Exhibit DWR-51)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-221	Written Testimony-Armin Munévar (Exhibit DWR-71)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-223	Written Testimony- John Leahigh (Exhibit DWR-61)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-229	CCWD 1997 (EC/CI/Br conversion) (DWR- 509)	Duplicative and Cumulative Exhibits
City of Antioch	Antioch-230	Parviz Nader-Tehrani Memo re: CCWD Agreement Study (DWR-512)	Duplicative and Cumulative Exhibits
SAVE THE CALIFORNIA DELTA ALLIANCE ET AL. (GROUP 30)			
Save the California Delta Alliance et al	SCDA-3	handmade graph	Lack of Foundation
Save the California Delta Alliance et al	SCDA-5	handmade graph	Lack of Foundation
Save the California Delta Alliance et al.	SCDA_19	Delta Stewardship Council Cases Decision	Lack of Foundation
Save the California Delta Alliance et al	SCDA_20	Delta Stewardship Council Cases Minute Order	Lack of Foundation Relevance
Save the California Delta Alliance et al	SCDA_38	Opening Statement	Opening Statement Marked as Exhibit;
Save the California Delta Alliance et al	SCDA_40	Delta Alliance October 30, 2015, BDCP comments	Lack of Foundation Relevance Hearsay
Save the California Delta Alliance et al	SCDA_41	Delta Alliance July, 29, 2014, BDCP comments	Lack of Foundation Relevance Hearsay

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Save the California Delta Alliance et al	SCDA_60 errata	Testimony of Michael Brodsky--Revised 10/17/2016 Errata	Failure to Revise in Accordance with Ruling
Save the California Delta Alliance et al	SCDA_63	May 16, 2016 Status Report Letter from DWR to SWRCB	Late-Filed Exhibit Lack of Foundation Relevance
Save the California Delta Alliance et al	SCDA_64	July 19, 2016 Declaration of Michael Brodsky and Exhibits A (Chapter 3, January 2016 Draft BA); B (DWR March 11, 2016, Response to SWRCB requirement to address information requests); C (Simstead, et al., Aquatic Science Peer Review).	Late-Filed Exhibit Lack of Foundation Relevance
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE, CALIFORNIA WATER IMPACT NETWORK AND AQUALLIANCE (GROUP 31)			
California Sportfishing Protection Alliance	CSPA-002-Revised2	Bill Jennings Testimony 2nd Revised	Failure to Revise in Accordance with Rulings
California Sportfishing Protection Alliance	CSPA-019	CSPA Comment Letter No.2 on BDCP EIR/EIS 28 July 2014 cspa_19.pdf	Lack of Foundation Relevance
California Sportfishing Protection Alliance	CSPA-058	Lee Comments BDCP	Lack of Foundation Relevance
California Sportfishing Protection Alliance	CSPA-059	Lee Comments to DWR	Lack of Foundation Relevance
California Water Impact Alliance	CWIN-3-Revised2	Appendix B Santa Barbara Report (SWP & CVP Operation, Indices that Govern)	Late-Filed Exhibit
California Water Impact Alliance	CWIN-6-Revised	ECONorthwest Report on Change in Point of Diversion and No Injury Rule	Late-Filed Exhibit
AquAlliance	AQUA-08	Sacramento Valley CASGEM Priority Areas	Relevance
AquAlliance	AQUA-09	Changes in Groundwater Levels in Sacramento Valley (2004 to 2015)	Relevance
AquAlliance	AQUA-10	Northern Sacramento Valley Change in Shallow Groundwater Elevation Map 2004 to 2014	Relevance
AquAlliance	AQUA-11	Northern Sacramento Valley Change in Intermediate Groundwater Elevation Map 2004 to 2014	Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
AquAlliance	AQUA-12	Northern Sacramento Valley Change in Deep Groundwater Elevation Map 2004 to 2014	Relevance
AquAlliance	AQUA-13	Average annual Central Valley Basin Flows from C2VSim model for Water Years 1922-2009	Relevance
AquAlliance	AQUA-14	Average annual Central Valley Basin Flows from C2VSim model for Water Years 2000-2009	Relevance
AquAlliance	AQUA-15	Summary of Sacramento Valley Historical Water Balance	Relevance
AquAlliance	AQUA-16	Estimated Annual Diversions, Sacramento Valley	Relevance
AquAlliance	AQUA-17	Estimated Annual Pumping, Sacramento Valley	Relevance
AquAlliance	AQUA-18	Comparison Groundwater Pumping and Accretion, Sac Valley	Relevance
AquAlliance	AQUA-19	Composite Map Domestic Wells, Sacramento Valley	Relevance
AquAlliance	AQUA-20	Sacramento Valley Wells Groundwater Elevation 2004-2014	Relevance
AquAlliance	AQUA-21	Stream Impacts from Groundwater Substitution	Relevance
AquAlliance	AQUA-22	Ideal Response Curves for Depletion Rates	Relevance
AquAlliance	AQUA-23	Stream Depletion Caused by Wells	Relevance
AquAlliance	AQUA-24	GCID Well Impact and Depth Summary	Relevance
AquAlliance	AQUA-25	Calculation of Stream Depletion as Percentage of Pumping	Relevance
AquAlliance	AQUA-26	Map-Simulated average annual subsurface flows between sub regions, 1960-1969	Relevance
AquAlliance	AQUA-27	Map-Simulated average annual subsurface flows between sub regions, 2000-2009	Relevance
AquAlliance	AQUA-28	Map-Spring 2016 Groundwater Contours Sacramento, San Joaquin and Yolo Countries	Relevance
AquAlliance	AQUA-29	Custis comments, 10 Year Transfer DEIS/R	Relevance Lack of Foundation
AquAlliance	AQUA-30	Custis comments, 10 Year Transfer FEIS/R	Relevance Lack of Foundation
AquAlliance	AQUA-31	Custis comments, GCID DEIR	Relevance Lack of Foundation

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
AquAlliance	AQUA-32	Custis additional comments, GCID DEIR	Relevance Lack of Foundation
AquAlliance	AQUA-33	Custis comments, WaterFix	Relevance Lack of Foundation
AquAlliance	AQUA-34	Report: SYSTEM-WIDE CONJUNCTIVE WATER MANAGEMENT	Relevance
AquAlliance	AQUA-35	Third Party Effects and Asymmetric Externalities in Groundwater Extraction, Siwa Msangi	Relevance
AquAlliance	AQUA-36	Memo: VWPA Substantiation of Damages, Gilbert & Dunn	Relevance
AquAlliance	AQUA-37	AquAlliance comments on the <i>2010-2011 Water Transfer Program</i>	Relevance Lack of Foundation
AquAlliance	AQUA-38	AquAlliance comments on the <i>2013 Water Transfer Program</i>	Relevance Lack of Foundation
AquAlliance	AQUA-39	AquAlliance comments on the <i>2014 Water Transfer Program</i>	Relevance Lack of Foundation
AquAlliance	AQUA-40	AquAlliance comments on the <i>2015 Long -Term Water Transfers</i>	Relevance Lack of Foundation
AquAlliance	AQUA-41	AquAlliance's comments on the Bay Delta Conservation Plan's DEIS/EIR	Relevance Lack of Foundation
AquAlliance	AQUA-42	AquAlliance comments. Bureau of Reclamation's Coordinated Long- Term Operation of the Central Valley Project and State Water Project Draft EIS	Relevance Lack of Foundation
AquAlliance	AQUA-43	Mish, Kyran D., Comments BDCP DEIS/EIR	Relevance
AquAlliance	AQUA-44	Mish, Kyran D., 2014. Comments for AquAlliance on Long-Term Water Transfers Draft EIR/EIS	Relevance Lack of Foundation
AquAlliance	AQUA-45	USGS Surface Water Records	Relevance
AquAlliance	AQUA-46	BDCP EIS/R, Environmental Consequences	Relevance
AquAlliance	AQUA-47	Draft LTO, EIS, Chapter 5	Relevance
AquAlliance	AQUA-48	N. Sac Valley IRWMP, Minutes	Relevance
AquAlliance	AQUA-49	Cal GAMA Monitoring, Sac Valley	Relevance
AquAlliance	AQUA-50	Letter re Aquifer Performance Testing, Karen Hoover	Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
AquAlliance	AQUA-51	GAMA, Domestic Well Project, Tehama	Relevance
AquAlliance	AQUA-52	BASE OF FRESH GROUNDWATER IN THE SACRAMENTO VALLEY, CALIFORNIA	Relevance
AquAlliance	AQUA-53	Email re Summary of Assurances-Water Funds	Relevance
AquAlliance	AQUA-54	2009 Drought Water Bank FONSI	Relevance
AquAlliance	AQUA-55	EWA EIS/R	Relevance
AquAlliance	AQUA-56	Draft LTO, EIS, Chapter 7	Relevance
AquAlliance	AQUA-57	68 Federal Register 150	Relevance
AquAlliance	AQUA-58	SLDMWA Agenda and Resolution	Relevance
AquAlliance	AQUA-59	Prop 13 Groundwater Loans and Grants	Relevance
AquAlliance	AQUA-60	ACID IRWMP EA/IS	Relevance
AquAlliance	AQUA-61	Cal Water Service, 2010 Urban Water Management Plan	Relevance
AquAlliance	AQUA-62	Comparison Groundwater Pumping and Accretion, Sac Valley	Relevance
AquAlliance	AQUA-63	Report: Renewed Rapid Subsidence in the San Joaquin Valley	Relevance
AquAlliance	AQUA-64	Groundwater Substitution Transfer Impact Analysis, CH2M Hill	Relevance
AquAlliance	AQUA-65	Peer Review of Sacramento Valley Finite Element Groundwater Model	Relevance
AquAlliance	AQUA-66	Long-Term Water Transfer EIS/R Section 3.3	Relevance
AquAlliance	AQUA-67	2008 DWR/USBR Sacramento Valley	Relevance
AquAlliance	AQUA-68	DRW Letter re GPS	Relevance
AquAlliance	AQUA-70	Chico's Heritage Tree Program	Lack of Foundation Relevance
AquAlliance	AQUA-71	Intermittent Streams as Rearing Habitat for Chinook	Lack of Foundation Relevance
AquAlliance	AQUA-72	Sacramento Valley Water Resource Monitoring, Data Collection and Evaluation Framework	Relevance
RESTORE THE DELTA (GROUP 32)			

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Restore the Delta	RTD-105	Eric A. Stene, Bureau of Reclamation, [History of] Trinity Division, Central Valley Project, 1996.	Lack of Foundation Relevance
Restore the Delta	RTD-106	Eric A. Stene, Bureau of Reclamation, [History of] Shasta Division, Central Valley Project, 1996.	Lack of Foundation Relevance
Restore the Delta	RTD-107	Eric A. Stene, Bureau of Reclamation, [History of] Sacramento River Division, Central Valley Project, 1994.	Lack of Foundation Relevance
Restore the Delta	RTD-108	William Joe Simonds, Bureau of Reclamation, [History of] The American River Division, Folsom and Sly Park Units, Auburn-Folsom South Unit, Central Valley Project, 1994.	Lack of Foundation Relevance
Restore the Delta	RTD-110	William Joe Simonds, Bureau of Reclamation, [History of] New Melones Unit, Central Valley Project, 1994.	Lack of Foundation Relevance
Restore the Delta	RTD-111	Robert Autobee, Bureau of Reclamation, [History of] San Luis Unit, West San Joaquin Division, Central Valley Project, n.d.	Lack of Foundation Relevance
Restore the Delta	RTD-112	Wyndham E. Whynot and William Joe Simonds, Bureau of Reclamation, [History of] San Felipe Division, Central Valley Project, 1994.	Lack of Foundation Relevance
Restore the Delta	RTD-113	Robert Autobee, Bureau of Reclamation, [History of] Friant Division, Central Valley Project, 1994.	Lack of Foundation Relevance
Restore the Delta	RTD-142	North State Water Alliance, Comments on the Bay Delta Conservation Plan and its Impacts on Regional Sustainability in the North State, July 28, 2014, plus exhibits and attachments.	Lack of Foundation Hearsay
Restore the Delta	RTD-143	East Bay MUD, Comments on the Bay Delta Conservation Plan Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, October 28, 2015.	Lack of Foundation Hearsay
Restore the Delta	RTD-144	East Bay MUD, Protest and Notice of Intent to Appear, January 4, 2016	Duplicative and Cumulative Lack of Foundation Hearsay

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Restore the Delta	RTD-153	Contra Costa Water District, Comments on Bay Delta Conservation Plan and Draft EIR/EIS, July 25, 2014, including attachments.	Lack of Foundation Hearsay
Restore the Delta	RTD-154	Contra Costa Water District, Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Bay Delta Conservation Plan/WaterFix, October 30, 2015, including attachments.	Lack of Foundation Hearsay
Restore the Delta	RTD-221	City of Stockton, 2014 Bay Delta Conservation Plan comments.	Lack of Foundation Hearsay
Restore the Delta	RTD-222	City of Stockton, 2015 California WaterFix RDEIR comments.	Lack of Foundation Hearsay
Restore the Delta	RTD-223	City of Stockton, Protest of California WaterFix Change Petition, January 5, 2016.	Lack of Foundation Duplicative and Cumulative Hearsay
Restore the Delta	RTD-233	F. Shilling, 2003. Background Information for a Central Valley Fish Consumption Study	Lack of Foundation Relevance
Restore the Delta	RTD-234	California Department of Fish and Game, Automated License Data System, Catalog Item Activity by Customer Geographical Area - Data Point (License Data by County) - 11/15/2013 to 12/31/2014.	Lack of Foundation Relevance
Restore the Delta	RTD-401	Declaration of Don Aguillard, Central Valley Neighborhood Harvest	Testimony without Production of Witness (Lack of Foundation)
Restore the Delta	RTD-402	Declaration of Eric Firpo, In Season	Testimony without Production of Witness (Lack of Foundation)
Restore the Delta	RTD-403	Declaration of Paul Marsh, Mile Wine Company	Testimony without Production of Witness (Lack of Foundation)

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Restore the Delta	RTD-404	Declaration of Subash Sil, TAPS Bar & Grill, Stockton	Testimony without Production of Witness (Lack of Foundation)
Restore the Delta	RTD-405	Declaration of Wes Rhea, Visit Stockton	Testimony without Production of Witness (Lack of Foundation)
PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS AND INSTITUTE FOR FISHERIES RESEARCH (GROUP 38)			
Pacific Coast Federation of Fishermen's Associations	PCFFA-07	Highlighted pages from Department of Water Resources exhibit DWR-57, p.8	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-12	SWRCB TUCP Index	Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-13	Department of Water Resources Notice to State Water Project Contractors (Dec. 21, 2012) re: 2013 State Water Project Allocation Increase to 40 Percent	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-15	Highlighted pages from DWR-212, p.48-49	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-18	<i>Pacific Coast Federation of Fishermen's Associations v. United States Department of the Interior</i> , 9th Cir., Case Number 14-15514 (Filed July 25, 2016).	Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Pacific Coast Federation of Fishermen's Associations	PCFFA-19	Analytical Tools for Evaluating the Water Supply, Hydrodynamic, and Hydropower Effects of the Bay	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-21	Trend_Report_110411_BDCP_NAA_VI	Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-23	CRB Issue Summary -- Financing the State Water Project, June 1994	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-24	FWS Memo, August 20, 2007, Re: San Luis Unit Interim CVP Water Service Contract Renewal for the Period January 1, 2008 through February 29, 2011	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-25	Email from Chotkowski, March 26, 2012, Re: updated draft red flag comments on Feb 27 BDCP effects analysis and other issues. Attachment: March red-flag issues list 2012 03 26 v1.7 no status.docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-26	Email from Chotkowski, April 2, 2012, Re: NMFS March red flags document. Attachment: NMFS draft List of Unresolved Issues MT Final 3-28-12.docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-27	Email from Chotkowski, April 2, 2012, Re: Re: FW: end-of-month red flags document from FWS. Attachment: FWS March 2012 BDCP Effects Red Flags 2012 03 31 updated.pdf	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Pacific Coast Federation of Fishermen's Associations	PCFFA-28	Email from Chotkowski, April 5, 2012, Re: Fw: DFG Red Flag Issues_Comprehensive. Attachment: DFG Red-Flag Issues_Comp_4.4.12.pdf Chad Dibble.vcf	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-29	Email from Chotkowski, April 9, 2012, Re: red flags documents. Attachments: DFG Red-Flag Issues_Comp_4.4.12.pdf, EPA_BDCP_HCP_RedFlags.docx, NMFS draft List of Unresolved Issues MT Final 4-2-12.docx, FWS March 2012 BDCP Effects Red Flags 2012 03 31 updated.pdf	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-30	Email from Barajas, May 17, 2012, Re: Fw: Slides from Armin. Attachment: BDCP_FishAg_Scenarios_051712_v3.pptx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-31	Email from Chotkowski, June 26, 2012, Re: updates	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-32	Email from Chotkowski, June 27, 2012, Re: habitat objectives for the smelts. Attachments: Longfin_Smelt_Habitat_Objective_6-27-2012 carl wilcox + mc edits.doc, 2012 06 19 1040 Delta smelt habitat objective.docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-33	Email from Chotkowski, July 3, 2012, Re: Fw: X2/south Delta	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-34	Email from Chotkowski, July 3, 2012, Re: draft effects analysis brief. Attachment: effects analysis brief DRAFT 2012 07 03.docx	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Pacific Coast Federation of Fishermen's Associations	PCFFA-35	Email from Chotkowski, July 5, 2012, Re: Fw: BDCP Principals June Workshop - Decisions and Agreed Actions. Attachment: 20120703 BDCP June Workshop Decisions and Agreed Actions v3.docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-36	Email from Chotkowski, July 9, 2012, Re: Re: Fwd: Four Decision-tree assignments	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-37	Email from Chotkowski, July 11, 2012, Re: population growth objective	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-38	Email from Chotkowski, July 11, 2012, Re: effects analysis white paper. Attachment: effects analysis brief DRAFT 2012 07 11.docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-39	Email from Chotkowski, July 11, 2012, Re: effects analysis 1-page white paper. Attachment: effects analysis brief DRAFT 2012 07 09.docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-40	Email from Chotkowski, July 12, 2012, Re: BDCP - Longfin Smelt BGO	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-41	Email from Chotkowski, July 13, 2012, Re: Modeling List	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Pacific Coast Federation of Fishermen's Associations	PCFFA-42	Email from Milligan, August 22, 2012, Re: FW: CS5 follow-up discussion re: CVP system	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-43	Email from Rea, December 19, 2012, Re: Fwd: red-flag issue progress summary. Attachment: NMFS List of Red-Flag Issues with updates 12-10-12.docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-44	January 31, 2013 ARCHITECTURAL & ENGINEERING CONTRACTS TASK ORDER NO. HG-002	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-45	Email from Culberson, March 7, 2013, Re: Draft Chapter 5 review issues statements	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-46	NMFS, April 4, 2013, Evaluation of Flow Effects on Survival in Vicinity of Proposed North Delta Diversions, BDCP Admin Draft Dec 2012	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-47	Comment from the California Natural Resources Agency, April 11, 2013	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-48	April 3, 2013 U.S. Fish and Wildlife Service Staff BDCP Progress Assessment	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Pacific Coast Federation of Fishermen's Associations	PCFFA-49	Email from Wulff, October 23, 2013, Re: Updated Federal BDCP tracker and Checklist. Attachments: Public Draft Issues to be Resolved List_UPDATED_v.17_10.23.13.docx, BDCP CHECKLIST for Public Draft Release_REVISED for December 13_v.11_10.23.13.docx, BDCP_Remaining_Federal_Issues_Public_Draft_102113.pdf	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-50	Email from Chotkowski, November 14, 2013, Re: tracker etc. issues. Attachments: Federal Issues Tracker_UPDATED_v.19_11.13.13.docx, List of Commitments - Between Draft and Final (1).docx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-51	Email from Nobriga, January 14, 2014, Re: BDCP and EIS Assessment	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-52	Letter from Kern County Water Agency to DWR (Cook), December 9, 2014	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-53	Email from Banonis, December 22, 2014, Re: Re: Proceeding with NOI	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-54	DWR Fund Center Revision, Requested Amount \$2,519,350.00 2014/15, May 18, 2015	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-55	Email from Banonis, March 13, 2015, Re: BDCP Section 7 Schedule for Discussion on Monday, March 16. Attachment: DRAFT Revised BDCP Section 7 BA- BO Schedule 3-13-15.pdf	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Pacific Coast Federation of Fishermen's Associations	PCFFA-56	Email from Bryan Re: "Bridge" Tables. Attachments: image001.png, DFT Table 1. Bridge from DA to Effect Mechanisms.docx, DFT Table 2.Bridge to Effects Analysis.V1.docx, DFT Table 2.Bridge to Effects Analysis.V2.docx, Attachment 1 - Deconstruction Flowcharts-6-29-15.pptx	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-57	Letter from California Legislature to DWR and Bureau of Reclamation, September 10, 2015, Re: Pre-decisional activities in pursuit of the Delta tunnels	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-60	Letter from Environmental Groups to Secretary Jewell et al., August 18, 2016, Re: URGENT Request for Reclamation and DWR to Issue a New California Water Fix Draft EIR/EIS to Finally Disclose and Analyze Adverse Environmental Impacts and to Develop and Consider a Reasonable Range of Alternatives Increasing Delta Flows	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-61	Summary of USACE Response to Comments, July 2, 2013, prepared by Emily Setzer, Senior Associate ICF - obtained from Mike Hoover, FWS Bay Delta Office as document "FWS-2014-00367-March 24, 2014"	Lack of Foundation Relevance
Pacific Coast Federation of Fishermen's Associations	PCFFA-83	Part 1 Opening Statement (and Imbedded Requests for Official Notice) of Protestants Pacific Coast Federation of Fishermen's Associations and Institute for Fisheries Resources	Opening Statement Improperly Marked as Exhibit
Pacific Coast Federation of Fishermen's Associations	PCFFA-84	Authenticating Declaration of Stephan C. Volker	Testimony without Production of Witness (Lack of Foundation)
DEIDRE DES JARDINS (GROUP 37)			
Deirdre Des Jardins	DDJ-007	Dec 1 2013 Sacramento River Water Year Forecast	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Deirdre Des Jardins	DDJ-011	Riebsame, W.E. 1988 ADJUSTING WATER RESOURCES MANAGEMENT TO CLIMATE CHANGE Climatic Change 13: 69- 97 p. 81-86 highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-013	2004 Methodology for Flow and Salinity Annual Report Ch 8	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-020	Anderson 2009 Future Droughts p. 15-17 Paleodroughts highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-021	CDEC Water Supply Index History Jan 19 2016	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-030	DWR Bulletin 192-82 Delta Levees Investigation from Internet Archive, contributed by University of California	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-031	Reference to seismic hazard evaluation for Clifton Court Forebay on p. 48 of Bulletin 192-82 highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-032	DWR-212 pp. 46-49 seismic analysis highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-033	DWR-212 pp. 147-150 Tunnel Safety highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-034	DWR-212 pp. 142-143 Tunnel joints highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-035	DWR-212 p. 60 Clifton Court Forebay highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-036	DWR-212 pp. 105-108 CCF pumps highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-044	Draper and Bourez 2003 CWEMF presentation	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-046	Draper and Bourez p. 32 DWR recognizes problems	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-047	CalSim2Updates Nancy Parker CWEMF 2014	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-048	CalSim2Updates p. 3 CalSim base versions	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Deirdre Des Jardins	DDJ-049	CalSim2Updates p. 10-13 Sac Valley corrections	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-050	BDCP Draft EIR-EIS technical appendix p. A12-A13 Sac Valley highlighted	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-055	2003 peer review p. 3 not technical	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-057	CalSim A generalized model for reservoir system analysis Journal article	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-058	8.12.10 SC Presentation SJR Inflow Sensitivity	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-060	BDCP_ClimateChangeScenarios_Munevar	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-061	BDCP Climate Change Scenarios p. 9-11, 16-17, 21	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-062	<u>Flato, Gleckler, et. al.</u> Evaluation of Climate models Chapter09	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-063	<u>Flato, Gleckler, et. al.</u> Chapter 9 p. 811 precipitation closeup WNA	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-064	10_22_09_SC_HO_Climate_Change_Methodology_Presentation.sflb	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-089	Howard request 1995 WQ plan modelling	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-121	CalSim Strategic review excerpt p. 31 validation	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-122	xc-gates CalSim NAA wresl code	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-125	Clifton Court Ops	Lack of Foundation Relevance
Deirdre Des Jardins	DDJ-138	USGS sensor 11336600, Delta Cross Channel, tidally filtered flow	Lack of Foundation Relevance
NORTH DELTA C.A.R.E.S./BARBARA DALY (GROUP 39)			

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
North Delta Cares	NDC-12	Simulation of BDCP Impact on Delta Communities During Construction	Lack of Foundation Relevance
North Delta Cares	NDC-13	RDEIR/SDEIS Pg. 3-1, 3.1.1., L 17-22 Preferred Alternative Under CEQA	Lack of Foundation Relevance
North Delta Cares	NDC-14	RDEIR/SDEIS Pg. 1-6, 1.1.3, L 30-42, Identification of a Preferred Alternative	Lack of Foundation Relevance
North Delta Cares	NDC-25	Map - Delta Water Wells	Lack of Foundation Relevance
North Delta Cares	NDC-29	Map - Delta Agriculture	Lack of Foundation Relevance
North Delta Cares	NDC-30	SWRCB-3, Appendix A, Figure 7-27	Late-Filed Exhibit
North Delta Cares	NDC-31	SWRCB-3, Appendix A, pages 7-9-7-12	Late-Filed Exhibit
North Delta Cares	NDC-32	SWRCB-3, Appendix A, page 7-4	Late-Filed Exhibit
North Delta Cares	NDC-33	SWRCB-3, Appendix A, page 16-31-16-32	Late-Filed Exhibit
North Delta Cares	NDC-34	SWRCB-3, Appendix A, Mapbooks, Figure M3-4, Sheet 1 of 15	Late-Filed Exhibit
North Delta Cares	NDC-35	SWRCB-3, Appendix A, page 20-8	Late-Filed Exhibit
North Delta Cares	NDC-36	SWRCB-3, Appendix A, page 20-9	Late-Filed Exhibit
North Delta Cares	NDC-37	SWRCB-3, Appendix A, Mapbooks, Figure M15-4, Sheet 1 of 8	Late-Filed Exhibit
PATRICK PORGANS (GROUP 40)			
Patrick Porgans	Porgans-1	Excerpt from Mark Cowin, Director of California Department of Water Resources' July 29, 2016 Policy Statement	Lacks Foundation Relevance
Patrick Porgans	Porgans-4	DWR, Jerry Cox Memo, N. Delta Water Agency Contract Outflow	Lacks Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Patrick Porgans	Porgans-5	DWR: State Water Project Deliveries, 1967 thru 2015	Lacks Foundation Relevance
Patrick Porgans	Porgans-7	DWR: SWP Water Delivery Reliability – California’s Continuing Drought	Not Uploaded
Patrick Porgans	Porgans-8	SWP DWR-Delivery Reliability Report, 2007, p. 11.	Not Uploaded
Patrick Porgans	Porgans-100	BDCP/CWF Draft EIR/Supp/Draft eIS, Executive Summary, p. 1.	Not Uploaded
Patrick Porgans	Porgans-102	Models Human Factor Limitations, Mark Lehto	Not Uploaded
Patrick Porgans	Porgans-104	DWR, Sacramento River Unimpaired Runoff, 1906-2015	Lacks Foundation Relevance
Patrick Porgans	POrgans -104A	Drought Cycles in three sixteen-year periods	Lacks Foundation Relevance
Patrick Porgans	Porgans-105	SWRCB-DWR USBR, Bay-Delta Violations	Not Uploaded
Patrick Porgans	Porgans-106	CWC Section 1294 (D), Delta Master Levees	Not Uploaded
Patrick Porgans	Porgans-107	DWR2SWB RELAX DELTA Standards DWR Bulletin 132-77, p. 1	Not Uploaded
Patrick Porgans	Porgans-108	CALFED CRISIS AND CONFLICT SET STAGE FOR “WATER WARS”	Not Uploaded
Patrick Porgans	Porgans-109	CALFED CRISIS AND CONFLICT SET STAGE AFTER 1987-1992 DROUGHT YEARS	Not Uploaded
Patrick Porgans	Porgans-110	SWB PUBLIC HEARING DWR AND USBR COMPLIANCE WITH DELTA STANDARDS	Not Uploaded
Patrick Porgans	Porgans-111	Senator Milton Marks et al. letter to SWB Chair John Caffrey regarding Board’s failure to enforce Delta standards	Not Uploaded
Patrick Porgans	Porgans-112	SWB ENFORCEMENT OPTIONS	Not Uploaded
Patrick Porgans	Porgans-113	SWB Letter to DWR Director Kennedy No Enforcement Action	Not Uploaded
Patrick Porgans	Porgans-114	SWB Letter to Porgans It will take no action Against the SWP/CVP Operators	Not Uploaded

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Patrick Porgans	Porgans-115	Email Contact With SWB Staff SWB TUCP DWR USBR Water Saved 3.2 MAF- Market Value of more than \$3 Billion – need disposition of this saved water.	Not Uploaded
Patrick Porgans	Porgans-116	CALSIM II planning purposes – Bay Delta Demise0 Not Peer Review	Not Uploaded
Patrick Porgans	Porgans-117	SWB 2006 Cease and Desist Order Against DWR and USBR Violating Standards	Not Uploaded
Patrick Porgans	Porgans-118	Delta Levees Neglected Master Levees Never Built	Not Uploaded
Patrick Porgans	Porgans-119	Porgans has the hundreds of violations by DWR and USBR Vernalis and Emmaton	Not Uploaded
Patrick Porgans	Porgans-120	Porgans Predicted Looming CA Water Crisis Back in Dec. 1984	Not Uploaded
SNUG HARBOR RESORTS, LLC (GROUP 41)			
Snug Harbor Resorts, LLC	SHR-002	SHR History and photo summary & "Best Small Park 2001", and	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-005	1960 DWR Water Bulletin No. 76 "Delta Water Facilities"	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-006	1908 description of flows on SS and Sac in dry year- highlighted	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-006-1	1908 Survey showing lower Steamboat Slough	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-006-2	1908 Survey showing lower Steamboat Slough	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-006-3	1908 Survey showing upper section of Steamboat Slough	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-006f	1908 Full Description to accompany Survey of the Sacramento River submitted to US House of Representatives: Letter from the Secretary of War. Plus maps	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-007	2013 Water Portfolio Inflow Outflow Delta (screen print) larger size	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Snug Harbor Resorts, LLC	SHR-007large	SHR-7 detail includes pie charts showing graphically the unaccounted	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-007poster	for flow data	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-009	2010 Historical Fresh Water and Salinity Conditions in the Western Sacramento-San Joaquin Delta and Suisun Bay	Surprise Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-010	1935 Soils Map of the Sacramento San Joaquin Delta Area, Henry G. Knight, Chief, U.S. Dept. of Agriculture, Bureau of Chemistry and Soils	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-011	Data gaps: study on CDEC missing data by N. Suard 4-8-2014	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-016	Resolution No 68-16 SWRCB Statement of Policy with Resprct to Maintaining High Quality of Waters in California	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-017	Map of Delta area water rights (screenprint from Waterboards site)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-018	1911 Map of Drinking Water wells in the upper Central Valley	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-018	USGS survey of Water Supply, Plate 5	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-020	Slide set of water quality issues in the North Delta with photos by NSS	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-021	Slides for arsenic in groundwater questions-modeling	Surprise Testimony Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-022	Drinking water and salinity	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-023	Chart of minimum flows with Tunnels operating: Information not provided by DWR	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-023b	Information on flow data gaps for march 2014, sent to USACE	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Snug Harbor Resorts, LLC	SHR-025	2004 Public Health Goals for Chemicals in Drinking Water: Arsenic	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-026	USGS Analysis on the Occurrence of Arsenic in Groudwater 2000	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-027	SWRCB, Division of Water Quality Gama program: Arsenic	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-028	2005 Delta Region Drinking Water Quality Management Plan	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-029	Anti-degredation policy	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-029h	Anti-degredation policy, highlighted text	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-031	Screen print, current SWRCB flow requirements-SWRCB Resolution No. 2010-0039	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-031f	SWRCB full document, pages 2, 38-map, 112, 113	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-032	Over-allocation of flows from the Sacramento River-screen print	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-034	2005 USGS Study of Arsenic in drinking water in the Central Valley, P 27	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-034f	Full 2005 USGS Study	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-035	2011 USGS Study of Arsenic in drinking water in the Central Valle, P 38	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-035f	Full 2011 USGS Study	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-039e	DSM2 hydrology and bathymetry data timeline and with addition of missing subsurface flow diversion structures	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-039wf2	WF map of DSM2 with elevation and bathymetry updated 2016	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Snug Harbor Resorts, LLC	SHR-040	Bathymetry development presentation slides by Aron Blake, USGS	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-042	Map of Bench Studies on Steamboat Slough under BDCP/CalFed	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-043	2016 DSM2 Bathymetry update slide	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-063	USBR 2008 Delta Passage Model Map	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-064	Appendix 9J-Full document Delta Passage Model	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-066	Yolo Bypass Salmonid Habitat Restoration Implementation Plan 1,21,45	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-075	Timeline and history of uses of property at Snug Harbor	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-076	Statement of Permits and water rights & use	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-077	Graph of drinking water quality decline-SHR example	Surprise Testimony Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-078	Steamboat Slough History	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-080	CALFED timeline & Water Exports	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-081	Location in NorCal-map	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-082	Well and water quality data for SHR (example of incorrect SWRCB data)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-083	Screen print of GeoTrackerGama map of Public Water Systems in Bay and Delta area	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-084	Bottleneck on Steamboat Slough and channel bench impacts	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Snug Harbor Resorts, LLC	SHR-101	Powerpoint used in Part 1 hearing: Overview of Waterfix	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-102	Powerpoint used in Part 1 hearing: Tunnel/Engineering	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-103	Powerpoint used in Part 1 hearing: Operations-Impacts	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-104	Powerpoint used in Part 1 hearing: Modeling	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-105	Policy statement on behalf of Snug Harbor Resorts, LLC	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-106	Powerpoint of SHR and North Delta photos	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-107	Opening statement for Case in Chief	Improperly Marked as Exhibit
Snug Harbor Resorts, LLC	SHR-110	Copy of Protest form filed	Improperly Marked as Exhibit
Snug Harbor Resorts, LLC	SHR-1313large	Data gaps: study on CDEC accuracy poster format and flow chart from CDEC screen prints	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-200	1908 Survey of the Sacramento River (Including Steamboat Slough) Hogsback Shoals section	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-204	Travel to Sacramento via Delta Waterways: Steamboat Slough focus Video: http://snugharbor.net/old_sacramento_river-video.html	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-205	Hall irrigation map of the Delta	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-206a	1982 Geologic Maps of the Sacramento-San Joaquin Delta by Brian F Atwater "Courtland" (Upper Steamboat, Sutter Slough)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-206b	1982 Geologic Maps of the Sacramento-San Joaquin Delta by Brian F. Atwater "Isleton" (Steamboat Slough by Snug Harbor) Notations added	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Snug Harbor Resorts, LLC	SHR-206c	1982 Geologic Maps of the Sacramento-San Joaquin Delta by Brian F. Atwater "Rio Vista" (Steamboat Slough and Sacramento River Confluence)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-209	1873 Board of Commissioners on Irrigation, Map of the San Joaquin, Sacramento and Tulare Valleys	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-210	1895 Steamboat Slough map showing Hogsback and "Chraleston" Island (portion of map, locates shipwreck of the Charleston)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-211	1945 Central Valley Basin Water Resources Development-USBR	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-212	Excerpts: 1862 view of Steamboat Slough and Sacramento River by	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-212a	James M. Hutchings, and enlargement of one graphic from the book	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-213	Excerpts regarding travel on Steamboat Slough in the 1850s to 1900 by Jerry MacMullen, "1935 Paddle Wheel Days in California" highlighted	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-214	1848 to 1900 Shipwrecks on Steamboat Slough of the Sacramento Delta Region: Summary from 1986 State Lands Commission study of historic shipwrecks in the North Delta Region	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-217	The Settlement Geography of the Sacramento-San Joaquin Delta by John Thompson, December 1957	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-220	1923 Steamboat Captain's map of the Sacramento River Delta landings(section of 60" long map)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-221	1850 map by Commander Ringgold showing navigation on Sacramento River and its forks-note the names used in 1850	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-222	Excerpts from James M. Hutchings 1862 book " <i>Scenes of Wonder and Curiosity</i> ", reference quantity of salmon on the Sacramento River	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Snug Harbor Resorts, LLC	SHR-223	1975 Bulliten No 192 "Plan for Improvement of Delta Levees" (excerpt of)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-252	Map of Stimulated Wells, FrackTracker	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-253	2014 low tide photos of impacts	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-254	MWD So. California's Integrated Water Resources Plan 1996, P 1,15	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-255	Surplus Water Graphic	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-256	2007 BDCP Conservation Strategy (notation for Steamboat Slough)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-319	Timeline of Actions Affecting Water Quality	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-351	NSS statement of receipt of DWR chart	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-352	DWR chart provided via email on 8-26-16	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-381	Critical Year comparison	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-385	A&E requirement and screen print	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-386	Water Code Part 1.5 re: 5-year reporting requirement: Delta outflows	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-388	A&E Delta Outflow from 8-29-16	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-389	Steamboat slough data gap 2016	Lack of Foundation; Lack of Relevance (Slides 4, 5 and 6)
Snug Harbor Resorts, LLC	SHR-390	Study of water missing flows: "Where did the water go? By N. Suard	Lack of Foundation Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Snug Harbor Resorts, LLC	SHR-391	Mapped New Intakes affecting Delta flows (poster format) by N. Saurd	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-392	2007 Delta Water Quality study-CALFED Bay-Delta program	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-393	2005 Delta Water Quality plan-Solano (duplicate)	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-394	Historical diversions to 2005-screen print	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-398	USBR-Increase in exports 2010	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-400	2013 California Water Plan Update, screen prints review	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-402	2014-2015 treatment study-not uploaded?	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-404	Yolo Bypass restoration map	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-405	2007 Bathymetry map-DWR	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-406	Dayflow 2014 data	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-40f	"Garbage in, garbage out" 2007	Lack of Foundation Relevance
Snug Harbor Resorts, LLC	SHR-500	Statement of Verification of Documents uploaded by N. Suard	Improperly Marked Exhibit Relevance
Snug Harbor Resorts, LLC	SHR-501	SHR list of Exhibits	Improperly Marked Exhibit Relevance
Snug Harbor Resorts, LLC	video	permits. Delta Recreation maps	
CLIFTON COURT L.P. (GROUP 43)			
Clifton Court, L.P.	CCLP-01	2002 Temp. Barriers Install	Relevance
Clifton Court, L.P.	CCLP-02	3-23-02 written request help	Relevance

Party	Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	DWR Objections
Clifton Court, L.P.	CCLP-03	5-21-02 DWR response	Relevance
Clifton Court, L.P.	CCLP-05	9-3-02 DWR dredging	Relevance
Clifton Court, L.P.	CCLP-08	IMG-1257	Relevance
Clifton Court, L.P.	CCLP-09	IMG-1258	Relevance
Clifton Court, L.P.	CCLP-10	IMG-1266	Relevance
Clifton Court, L.P.	CCLP-15	Checks	Lack of Relevance;
Clifton Court, L.P.	CCLP-16	Change in diversions	Lack of Relevance;
Clifton Court, L.P.	CCLP-17	Pump repair and replacement bills	Relevance
Clifton Court, L.P.	CCLP-18	Third diversion	Relevance
Clifton Court, L.P.	CCLP-19	Squirrel damage	Relevance
Clifton Court, L.P.	CCLP-20	Government complaint	Relevance