BEFORE THE STATE WATER RESOURCES CONTROL BOARD OF THE STATE OF CALIFORNIA ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone no.): FOR STATE WATER BOARD USE ONLY Ryan Bezerra, Alan Lilly, Jennifer Buckman, Andrew Ramos Bartkiewicz, Kronick & Shanahan 1011 22nd Street, Sacramento, CA 95816 (916) 446-4254 REPRESENTING: City of Folsom et al. TITLE OF THE PROCEEDING: California WaterFix Change Petition Hearing SUBPOENA RE HEARING SUBPOENA DUCES TECUM RE DEPOSITION THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): California Department of Water Resources YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3: Time: 12:00 p.m. Date: April 16, 2018  $^{\mbox{\scriptsize Address:}}$  Via electronic submission to the SWRCB FTP hearing site AND YOU ARE: a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).) b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6(a).) Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).) IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR: b. Telephone number: (916) 446-4254Name: Ryan Bezerra (Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.) 4. WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et seq.; Code Civ. Proc., §§ 1986.5, 2065.) If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached. In response to your motion, the hearing officer may make an

order quashing the subpoena entirely, modifying it, or directing compliance with it, or may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30.) (Send motions to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW (Wat. Code, §§ 1090-1097; Gdv. Code, §§ 11450.20(b), 11455.10-11455.20.)

April 6, 2018 Dated: \_\_\_



Unless issued by an attorney pursuant to Code of Civil Procedure, Section 1985, subdivision (c), the original subpoena is embossed with this seal. (signature)

Name: Ryan/ Bezerra

Attorney Title:

(See reverse for Endorsement on Subpoena, if used, and Proof of Service)

**PROOF OF SERVICE OF SUBPOENA**(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and sup	porting affidavit by: See attached Statement of Service.		
personally delivering a copy to the person served as follows	:		
a. Person served (name):	b. Date of delivery:		
c. Address where served:	d. Time of delivery:		
e. Witness fees and mileage both ways (check one):	f. Fees for service.		
(1) were paid. Amount: \$	as required by		
delivering true copies thereof by certified mail, return receip delivering true copies thereof enclosed in a sealed envelope shown below.	t requested, to the address as shown below. to a messenger for immediate personal delivery to the address as		
Address where served:			
I certify that I received thissubpoenasubpoena duces	tecum for service on		
2. I certify that I received thissubpoena duces	Date		
I declare under penalty of perjury under the laws of the State of California to Date	nat the foregoing is true and correct and that this declaration is executed on:    Signature		
	, California		
(For California sheriff, marshal, or constable use only) I certify that the foregoing is true and correct and that this certificate is executed place.	uted on:   Signature   California		
NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST. PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)			
ENDORSEMENT ON SUBPOENA IN A PROCEEDING OTHER THAN AN ADJUDICATIVE PROCEEDING			
Pursuant to Water Code §1086 and upon affidavit of ordered by the subpoena to appear is material and necessary to this proceed	(copy attached) showing that the testimony of the witness eding, it is required that said witness attend this proceeding.		
Dated:	(signature)		
	Name:		
	Title:State Water Resources Control Board		
NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)			

7/00

1	ALAN B. LILLY, State Bar No. 107409 JENNIFER T. BUCKMAN, State Bar No. 179143 ANDREW J. RAMOS, State Bar No. 267313 BARTKIEWICZ, KRONICK & SHANAHAN A PROFESSIONAL CORPORATION 1011 Twenty-Second Street Sacramento, California 95816-4907 Telephone: (916) 446-4254 Facsimile: (916) 446-4018		
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6			
7	Attorneys for Protestants		
8	City of Folsom, City of Roseville, Sacramento Suburban Water District and San Juan Water District		
9			
10	BEFORE		
11	CALIFORNIA STATE WATER RESOURCES CONTROL BOARD		
12			
13	CALIFORNIA WATER FIX HEARING AFFIDAVIT OF RYAN S. BEZERRA IN		
14	Hearing in the Matter of California Department of Water Resources' and United  SUPPORT OF SUBPOENA DUCES TECUM OF SACRAMENTO VALLEY WATER		
15	States Bureau of Reclamation's Petition for Change in Points of Diversion for the Central Valley Project and the State Water Project  OF SACKAMENTO VALLET WATER USERS TO CALIFORNIA DEPARTMENT OF WATER RESOURCES		
16			
17	I, Ryan S. Bezerra, declare as follows:		
18	1. I am an attorney of record for the Cities of Folsom and Roseville, Sacramento		
19	Suburban Water District and San Juan Water District in this proceeding. These agencies are		
20	members of the Sacramento Valley Water Users group of protestants in this proceeding. I have		
21	personal knowledge of the facts stated in this Affidavit and, if called as a witness, would testify		
22	to those facts.		
23	2. Petitioner Department of Water Resources' ("DWR") Part 2 testimony relies on		
24	CalSim II modeling performed for what numerous DWR witnesses have identified as the		
25	"adopted project," namely "CWF H3+." (See Exhibits DWR-1011, p. 2:17 (A. Miller); DWR-		
26	1014, p. 2:19-20 (C. Earle); DWR-1016, pp. 2:12-13, 8:4-12:24 (E. Reyes).) DWR's modeling		
27	compares a "no action alternative" (NAA) scenario with the "proposed action" CWF H3+		
28	scenario. (See Exhibit DWR-1016, pp. 3-4 (E. Reyes).) DWR's biologists relied on this		
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modeling in presenting their opinions in their case-in-chief testimony. (See Exhibits DWR-1012, p. 6:4-12 (M. Greenwood); DWR-1013-signed, pp. 2:6-3:8, 6:4-15 (R. Wilder).)

- 3. DWR's case-in-chief testimony presents only small portions of the results from its CalSim II modeling for CWF H3+ in comparison with the NAA. For example, DWR's model-results exhibit, Exhibit DWR-1069, presents only exceedance plots of end-of-month storage for Folsom Reservoir for May and September and does not include either results for the other 10 months of each modeled water year or more detailed comparisons of end-of-month storage. (See Exhibit DWR-1069, Figures 37 and 41; see also Exhibit DWR-1016, pp. 3:15-21, 12:12-24 (E. Reyes).) On cross-examination, DWR's witnesses have denied any familiarity with other results derived from DWR's own model exhibit, Exhibit DWR-1077. (See archived video of March 2, 2018 hearing session, 6:24:00-6:26:00.)
- 4. This subpoena duces tecum requires DWR's production, in Microsoft Excel or PDF format, of numerical results from Exhibit DWR-1077 for the NAA and CWF H3+ scenarios, as well as comparisons of those scenarios' monthly results, for the following parameters:
  - a. Trinity Reservoir Storage, in thousand acre-feet (TAF)
  - b. Shasta Lake Storage, in TAF
  - c. Oroville Reservoir Storage, in TAF
  - d. Folsom Lake Storage, in TAF
  - e. Central Valley Project (CVP) San Luis Reservoir Storage, in TAF
  - f. State Water Project (SWP) San Luis Reservoir Storage, in TAF
  - g. Keswick Releases, in cubic feet per second (cfs)
  - h. Nimbus Releases, in cfs
  - i. Feather River Flow at Thermalito, in cfs
  - j. Sacramento River Flow immediately upstream of proposed North Delta Diversion, in cfs
  - k. Sacramento River Flow immediately downstream of proposed North Delta Diversion, in cfs

1	1.	Sacramento River Flow at Rio Vista, in cfs
2	m.	Net Delta Outflow, in cfs
3	n.	Combined CVP/SWP diversions at proposed North Delta Diversion, in TAF
4	О.	Combined CVP/SWP diversions at existing Jones and Banks pumping plants, in
5		TAF
6	p.	Combined CVP/SWP Delta Exports, in TAF
7	q.	CVP Deliveries to Settlement Contractors, in TAF
8	r.	CVP Deliveries to Sacramento Valley Agricultural Water Service Contractors,
9		in TAF
10	S.	CVP Deliveries to Sacramento Valley Municipal & Industrial Water Service
11		Contractors, in TAF
12	t.	CVP Deliveries to North of Delta Refuges, in TAF
13	u.	CVP Deliveries to Exchange Contractors, in TAF
14	v.	CVP Deliveries to South of Delta Agricultural Water Service Contractors, in
15		TAF
16	w.	CVP Deliveries to South of Delta Municipal and Industrial Water Service
17		Contractors, in TAF
18	X.	CVP Deliveries to South of Delta Refuges (Level 2 Demand), in TAF
19	y.	SWP South of Delta Deliveries under Table A of SWP Contracts, in TAF
20	z.	SWP South of Delta Deliveries under Article 21 of SWP Contracts, in TAF
21	aa.	SWP South of Delta Deliveries under Article 56 of SWP Contracts, in TAF
22	bb.	SWP Deliveries to Feather River Service Area Contractors, in TAF
23	cc.	SWP Deliveries to North of Delta Contractors outside of Feather River Service
24		Area, in TAF.
25	5.	Parameters a through d, l through m, p through u, x, and bb through cc above are
26	parameters i	dentified in DWR's Exhibit DWR-1069 for which DWR produced partial results in
27	that exhibit.	Parameters v through w and y through aa above appear to be components of a
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parameter in Exhibit DWR-1069 that DWR labeled "Simulated Combined SWP and CVP South of Delta Water Service Contractor Deliveries."

- 6. Good cause exists for the production of documents described in paragraph 4. Petitioners rely heavily on DWR's CWF H3+ modeling as the basis for their fundamental Part 2 assertion that approving their change petition would not cause unreasonable effects to fish and wildlife and would be in the public interest. An unreasonable effect to fish and wildlife as a result of the change petition's approval could occur in any month, however, not just in the months whose modeling results DWR has chosen to disclose. (See Exhibit ARWA-703, pp. 3-4 (injury to American River steelhead in August).) In addition, disclosure of more extensive CWF H3+ modeling results that DWR possesses, but has not disclosed, at this time would make the rebuttal portion of Part 2 more efficient by enabling all parties to work from common modeling results.
- 7. I am informed and believe that the documents requested in this subpoena are within DWR's possession or control, or could be generated by DWR from its Exhibit DWR-1077 by applying standard post-processing software to Exhibit DWR-1077. For example, Appendix 5A, Section C, of the 2016 California WaterFix Final Environmental Impact Report/Environmental Impact Statement contains modeling results, by month, for 39 different modeling parameters. That Appendix is contained in Exhibit SWRCB-102. Of the 39 parameters, it appears that 32 of them are CalSim II outputs, while the other seven are salinity outputs.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 6, 2018 at Sacramento, California.

By:

Ryan S. Bezerra