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**CALIFORNIA DEPARTMENT OF WATER
3 RESOURCES**

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10 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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

**CALIFORNIA DEPARTMENT OF
WATER RESOURCES' RESPONSE
TO SACRAMENTO REGIONAL
COUNTY SANITATION DISTRICT'S
OBJECTIONS TO WRITTEN
TESTIMONY AND EXHIBITS
SUBMITTED BY PETITIONERS U.S.
BUREAU OF RECLAMATION AND
CALIFORNIA DEPARTMENT OF
WATER RESOURCES IN SUPPORT
OF PART 1 CASE IN CHIEF**

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19 California Department of Water Resources ("DWR" or "Petitioner") submits this
20 response to the objections to written testimony and exhibits submitted by Sacramento
21 Regional County Sanitation District ("Sanitation District") in the matter of DWR and U.S.
22 Bureau of Reclamation's (collectively "Petitioners") Request for a Change in Point of
23 Diversion for California Water Fix. DWR incorporates its Master Response to Similar
24 Objections Made by Protestants Collectively ("DWR's Master Response") filed on July
25 20, 2016, as though set forth herein in its entirety. DWR also submits the following
26 specific arguments in response to Sanitation District's objection.
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1 **Sanitation District’s Argument Regarding Injury to Legal Users of Water is**
2 **Misplaced and Irrelevant to the Admissibility of Testimony**

3 Under the guise of “background” in a document styled an “objection to testimony,”
4 Sanitation District takes two complete pages to argue the ultimate legal issue before the
5 Board, i.e. whether Petitioner’s proposed project will harm legal users of water.
6 (Objection at 2-3.) Sanitation District does not currently re-divert treated effluent
7 downstream of its discharge, and it is our understanding that Sanitation District does not
8 yet have approval from the State Water Resources Control Board (“Board”) to do so.
9 DWR nonetheless responds to Sanitation District’s background discussion and
10 objections as follows. The entire discussion on pages 2 and 3 of the objection is
11 irrelevant to the admissibility of Petitioner’s evidence and should be disregarded by the
12 Board. The two pages attempt to argue the merits of the Sanitation District’s protest
13 using an erroneous factual basis and in a manner and at a time in conflict with the
14 Board’s prior orders. (February 11, 2016, March 4, 2016, and April 25, 2016 Board
15 Rulings.)

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17 **Sanitation District’s Request to Exclude Modelling and Opinion based**
18 **thereon for Lack of Foundation should be Denied because Adequate Foundation**
19 **for the Testimony is Before the Board**

20 In response to each contention raised in Part A of Sanitation District’s objection,
21 DWR incorporates by reference Sections D, E, and F of the Master Response as if set
22 forth in full herein.

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1 **Sanitation District's Request to Exclude Opinions Relating to Injury should**
2 **be Denied because Expert Testimony Embracing the Issue before the Board is**
3 **Permitted by the Evidence Code**

4 In response to each contention raised in Part A of Sanitation District's objection,
5 DWR incorporates by reference Sections D, E, F and H of the Master Response as if set
6 forth in full herein.

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8 **CONCLUSION**

9 For the reasons stated above and in the incorporated Master Response, Sanitation
10 District's objections are unfounded and the request to exclude testimony and exhibits as
11 to all testimony and all exhibits objected to by Sanitation District should be overruled.
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13 Dated: July 22, 2016

CALIFORNIA DEPARTMENT OF WATER
RESOURCES



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