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7 Attorneys for California Department of Water
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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**
12 **RESOURCES AND UNITED STATES**
13 **BUREAU OF RECLAMATION REQUEST**
14 **FOR A CHANGE IN POINT OF**
DIVERSION FOR CALIFORNIA WATER
FIX

**DWR Renewed Objection to
Submission of Evidence by Snug
Harbor Resort**

15 DWR renews its objections to the exhibits listed for submission into evidence by Snug
16 Harbor in its May 28, 2017 letter as the basis for admitting this evidence misstates the
17 record.

18
19 In its letter Snug Harbor indicates that it relies upon the cross-examination of Dr. Nader-
20 Tehrani for admission of exhibits SHR-359, SHR-360, SHR-362, SHR-363, SHR-364,
21 SHR-367, and SHR-369.

22
23 It is the understanding of DWR that these exhibits are not appropriate for submission into
24 evidence. At the time of cross-examination, these exhibits were objected to as
25 containing information that is outside the scope of appropriate rebuttal and cross. (See
26 initial objection by Ms. Morris on p.115:15.) In response, Ms. Suard indicated that the
27 exhibits were for demonstrative purposes only. A review of the transcript for May 11,
28 2017 (Volume 43) where Ms. Suard cross-examined Dr. Nader-Tehrani reveals the

1 following:

2 **SHR-359** – Ms. Suard was permitted extensive opportunity to explain the connection of
3 this exhibit to the rebuttal testimony of Dr. Nader-Tehrani and ultimately the line of
4 questioning was determined to be inappropriate. This conclusion can be found on
5 p.134:23.

6 **SHR-360** – Never used in cross-examination.

7 **SHR-362** – Merely mentioned but not used in cross-examination. (p.126:19.)

8 **SHR-363** – An objection was raised and Ms. Suard indicated this exhibit was for
9 demonstrative purposes only. (p.115:15-21.)

10 **SHR-364** – Never used in cross-examination.

11 **SHR-367** – Ms. Suard indicated this exhibit was for demonstrative purposes only.
12 (p.118:6-8.)

13 **SHR-369** – Mr. Keeling indicated this exhibit was for demonstrative purposes only.
14 (p.122:11.)

15
16 Based upon our previous basis for objection on May 24, 2017, the basis raised to these
17 exhibits at the time of cross-examination, and by virtue that the May 28 letter attempts to
18 submit exhibits never used in this proceeding, DWR renews all objections to these
19 exhibits being admitted as evidence.

20
21
22 Dated: May 30, 2017

CALIFORNIA DEPARTMENT OF WATER
RESOURCES



James (Tripp) Mizell
Office of the Chief Counsel

STATEMENT OF SERVICE

**CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

DWR Objection to Suard Rebuttal Evidence

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated March 30, 2017, posted by the State Water Resources Control Board at

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.

For Petitioners Only:

I caused a true and correct hard copy of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818:

Method of Service: <u>U.S Postal</u>

I certify that the foregoing is true and correct and that this document was executed on May 30, 2017
Date

Signature: Bobbie Randhawa

Name: Bobbie Randhawa

Title: Legal Secretary

Party/Affiliation: DWR

Address: 1416 Ninth Street 1104
Sacramento, CA 95814