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7
8 **BEFORE THE**
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

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

DWR OBJECTION TO SNUG
HARBOR RESORT'S SUBMISSION
OF EXHIBITS INTO EVIDENCE
DATED AUGUST 30, 2018 AND
SEPTEMBER 4, 2018

15 The California Department of Water Resources (“DWR”) objects to the entry into
16 evidence of specific exhibits offered by Snug Harbor Resort in its August 30, 2018 and
17 September 4, 2018 letters. Additionally, DWR objects to the procedural mechanism by
18 which Snug Harbor Resort is belatedly offering exhibits from Part 1 and Part 2 that are
19 unconnected to Part 2 rebuttal. Many of the exhibits now offered for “admission” by
20 Snug Harbor Resorts were the subject of evidentiary rulings excluding such exhibits
21 from the record. The burden is on Ms. Suard and her attorneys of record to be familiar
22 with prior Hearing Officers’ rulings admitting or excluding exhibits from evidence.¹

23
24 ¹ Snug Harbor Resort has improperly sought to belatedly admit evidence before in this proceeding.
25 In their May 31, 2017 ruling during the Part 1 rebuttal phase, the Hearing Officers noted that Snug
26 Harbor had submitted a revised exhibit list for exhibits submitted during its case-in-chief seeking
27 confirmation that certain exhibits had been admitted into evidence. The Hearing Officers reminded
28 Snug Harbor that “[t]he disposition of the exhibits submitted by Snug Harbor during its case-in-chief
is set forth at page 50 of our February 27, 2017 ruling and admonished Snug Harbor that it was too
late to resubmit exhibits that were excluded during that phase of the hearing.

1 DWR's specific exhibit objections are as follows:

- 2 • DWR objects that the following Part 1 exhibits were expressly excluded from
3 the record by the Hearing Officers extensive and detailed ruling dated
4 February 21, 2017 (pp. 49-50): SHR-6-2, SHR-6-5, SHR-6-7, SHR-7 SHR-
5 7largeposter, SHR-10, SHR-11, SHR-13, SHR-13large, SHR-16, SHR-20,
6 SHR-22, SHR-23, SHR-23b, SHR-31, SHR-31f, SHR-32, SHR-34, SHR-35,
7 SHR-40, SHR-42, SHR-43, SHR-50, SHR-66, SHR-75, SHR-76, SHR-
8 SHR-80, SHR-81, SHR-82, SHR-83, SHR-84, SHR-101, SHR-105, SHR-
9 106, SHR-107, SHR-212, SHR-212a, SHR-213, SHR-214, SHR-217, SHR-
10 220, SHR-221, SHR-222, SHR-223, SHR-252, SHR-253, SHR-255, SHR-
11 256, SHR-319, SHR-351, SHR-352, SHR-381, SHR-386, SHR-388, SHR-
12 389, SHR-390, SHR-392, SHR-394, SHR-398, SHR-400, SHR-404, SHR-
13 406 and SHR-500.
- 14 • DWR further objects to the entry of SHR-389 as it was replaced by SHR-
15 389-errata in a ruling on February 21, 2017.
- 16 • DWR objects that SHR-50 was struck, and thus withdrawn, on the final Part
17 1 exhibit list submitted by Snug Harbor Resorts on December 15, 2016 and
18 revised December 30, 2016 (and on exhibits lists submitted thereafter).
- 19 • DWR objects that the following Part 1 Rebuttal Exhibits were expressly
20 excluded from the record by the Hearings Officers' Ruling dated May 31,
21 2017: SHR-359, SHR-360, SHR-362, SHR-363, SHR-364, SHR-365, SHR-
22 367, SHR-368, SHR-369, SHR-370, SHR-407, SHR-502 Staff Revised.
- 23 • DWR further objects to the entry of SHR-360 as it was replaced by SHR-
24 360-errata, a surrebuttal exhibit, in a ruling dated August 10, 2017.
- 25 • DWR further objects to the entry of SHR-363 as it was withdrawn by letter
26 dated May 4, 2018 and superseded by SHR-363-errata, a surrebuttal
27 exhibits.
- 28 • DWR objects that the following Part 2 case-in-chief Exhibits were not

1 included on, or struck off, the final April 25, 2018 exhibit list submitted by
2 Snug Harbor Resort for admission into evidence: SHR-2-105, SHR-213,
3 SHR-2-242, SHR-2-245 and 2-257.

- 4 • DWR objects that it was DWR's understanding that SHR-26 and SHR-104
5 were withdrawn or struck because proper copies of the documents were
6 never uploaded as exhibits and the hyperlinks on the hearing website were
7 non-functional.
- 8 • DWR objects that based on Ms. Suard's revised Part 2 case-in-chief
9 testimony (SHR-2-11 errata 2), it was DWR's understanding from Ms.
10 Meserve, Snug Harbor' Resort's attorney, that SHR-2-17 was withdrawn.
11 DWR does note that SHR-2-17 is on Snug Harbor Resort's April 25, 2018
12 exhibit list.
- 13 • DWR objects to the entry of SHR-707 as it was replaced by SHR-707-errata
14 in a ruling dated August 27, 2018.
- 15 • DWR objects to the entry of SHR-2-24 as it was withdrawn on April 16,
16 2018.

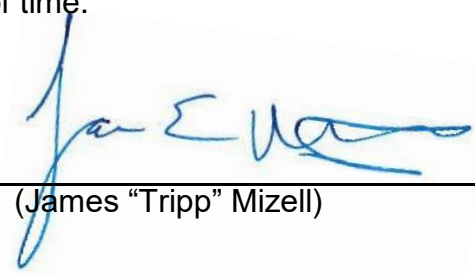
17 DWR assumes that in seeking the entry of SHR-2-219-s Snug Harbor Resort
18 intended to reference SHR-2-219-2. If this assumption is incorrect, DWR reserves the
19 right to review the actual exhibit as corrected by Snug Harbor Resort and file objections at
20 a later date.

21 DWR assumes that in seeking the entry of SHR-2-2-21F Snug Harbor Resort
22 intended to reference SHR-2-21F. If this assumption is incorrect, DWR reserves the right
23 to review the actual exhibit as corrected by Snug Harbor Resort and file objections at a
24 later date.

25 Snug Harbor Resort offers into evidence exhibits that are unconnected to Part 2
26 rebuttal. The Hearing Officers have not requested that parties to this hearing supplement
27 the exhibits submitted into evidence from prior portions of the hearing. In fact, the proper
28 time to submit exhibits into evidence for Part 1 and Part 2 case-in-chief have passed.

1 Snug Harbor Resort's late request is unduly burdensome on other parties. DWR
2 reasserts any objections previously unrulred upon or upheld to Snug Harbor Resort's
3 exhibits from Part 1 and Part 2 cases-in-chief. Should the Hearing Officers permit the late
4 request to submit exhibits into the evidence, Snug Harbor Resort's laundry list of exhibits
5 should be reviewed closely by Hearing staff and compared against the numerous
6 objections and revisions that were discussed at length during Part 1 and Part 2 cases-in-
7 chief. As noted in some of the specific objections above, Snug Harbor Resort has
8 disregarded objections and revisions in this current submission and it is unclear if
9 additional context has been lost due to the passage of time.

10
11 Submitted September 6, 2018.

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13 _____
14 (James "Tripp" Mizell)