

DEPARTMENT OF WATER RESOURCES

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July 21, 2016

CWFhearing@waterboards.ca.gov

Hearing Chair Tam Doduc
Hearing Officer Felicia Marcus
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Re: *Addition of Counsel, Witness Availability, and Written Presentation Materials*
Errata

Dear Hearing Chair Doduc and Hearing Officer Marcus:

The California Department of Water Resources (DWR) submits for consideration of the State Water Resources Control Board (State Water Board) the following procedural updates and non-substantive errata for the May 31, 2016 written presentation materials in support of the CA WaterFix water rights change petition. The changes are made for the purpose of providing clarity during the oral testimony summarizing the written testimony and represent minor changes to the existing presentation materials. The changes are not modifications to the substance of the written testimony.

I. Addition of Counsel

Over the course of this hearing, DWR will rely upon counsel in addition to the attorney of record, James Mizell. These additions do not modify the person for service. The additional attorneys are Cathy L. Crothers, Assistant Chief Counsel at DWR, Kenneth M. Bogdan, Senior Attorney at DWR, and Tom M. Berliner, Partner at the law firm of Duane Morris, LLP.

II. Witness Availability

Based upon the structure identified by the State Water Board in its June 10, 2016 order, the testimony for Petitioners will be broken up by expertise and cross-examination will take place between these testimony groups. The exact time when any particular witness will be called upon to provide testimony is unknown. Therefore, in an abundance of caution, DWR is notifying the State Water Board that witness Shanmugam Pirabaroban, identified in the DWR witness list for the engineering testimony panel, will be unavailable prior to August 17, 2016.

III. Errata

DWR-1

- Slide 7 is moved to slide 9.
- Captions associated with graphics on slides 8 (originally slide 9) and 16 were removed as they were reflective of press material and not the written testimony.

DWR-2

- Spelling correction from "effect" to "affect" on slides 2, 19 and 20.

DWR-4

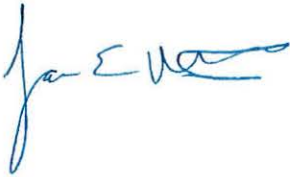
- Clarity added by including a new summary map of key western Delta compliance locations as slide 19 prior to the existing summaries of data for these locations. All subsequent slides renumbered.
- Scribner error on the dates at the top of slides 20, 21 and 22 (originally slides 19, 20 and 21). Changed to reflect the data represented in the slides of 1978 instead of 1984.
- Spelling correction from "objections" to "objectives" on slide 28 (originally slide 27).
- Clarity added to slide 15: insertion of "key" to the title ("D-1641 Bay Delta Standards").
- Slide 21 (originally slide 20) moved to slide 22 (originally slide 21).

DWR-5

- Clarity added to all slides: sequencing (page) numbers added to the bottom of each slide.
- Clarity added to slide 23, 3rd bullet point by specifying that the I/E ratio is the San Joaquin River I/E ratio. This is to better distinguish it from the Delta E/I ratio. Additionally, a reference to the specific slide that specifies the distinction between the CWF scenarios H3, H4 and Boundary 2 from Boundary 1.
- Clarity added to slide 28, last sub-bullet of scenario 4 by removing the text "to maintain"
- Scribner error slide 51: adding trailing zero to the maximum projected water supply yield.

DWR requests that the Hearing Officers accept these changes to the written presentation materials as it will assist in a clear understanding and efficient referencing of the presentation materials. Revised copies of exhibits DWR-1, DWR-2, DWR-4 and DWR-5 will be uploaded to the State Water Board's File Transfer Protocol Site, according to March 4, 2016 Hearing Officers' Ruling.

Best regards,

A handwritten signature in blue ink, appearing to read "Tripp Mizell". The signature is stylized with a large initial "T" and a long horizontal stroke.

Tripp Mizell
Sr. Attorney

CC: Electronic Service
Tom Howard, Executive Officer, State Water Resources Control Board
Michael Lauffer, Chief Counsel, State Water Resources Control Board
Electronic service list, May 13, 2016.

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