Mr. Bourez incorrectly assumes that this is due to the WaterFix, and fails to mention that the reservoir dead pool conditions under the petitioners' H3+ and No Action Alternative modeling are a result of the climate change and sea level rise effects. As shown in Ms. Parker's testimony (DOI-33), when the petitioners' models are run with the same hydrological inputs as the MBK's model, i.e. without climate change and sea level rise, the upstream storage results are similar to MBK's results, and more importantly H3+ results are similar or slightly better than the No Action Alternative.

I. III.1. Use of Unreasonable Foresight in the Allocation Logic

The MBK modelers modified certain aspects of the petitioner's model to develop their own model. These changes are summarized in [Exhibit SVWU-107, pg 41.] Many of the modifications included changes to discretionary decisions in the model. As described by MBK, "discretionary operational logic coded into CalSim II controls how DWR and Reclamation would operate the CVP/SWP system under circumstances for which there are no regulatory or otherwise definitive rules, e.g. when to move water from storage in CVP and SWP reservoirs upstream of the Delta to CVP and SWP reservoirs downstream of the Delta. … these discretionary operational criteria significantly influence model results." [SVWU-107 page 6: paragraph 6 to page 7: paragraph 1].

Mr. Bourez agreed in cross examination that their changes to discretionary operational logic including changes to the allocation logic, San Luis rule curve and use of JPOD, resulted in the biggest differences between the Petitioners modeling and his modeling. [October 20, 2016 Vol. 20, 204:19-205:9.]

Mr. Bourez testified regarding discretionary actions: "The ~~discretionary~~ project operators do have some flexibility in operations regarding the balance of stored water, whether they store more water in San Luis or keep that upstream, the balance between Shasta/Folsom, the balance between Trinity and Shasta, the balance between Oroville and State San Luis. All of these have regulatory constraints which are nondiscretionary, like RPA levels and so on. But there are the discretionary actions on how much water to allocate and what the