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18 Attorneys for State Water Contractors

19 **BEFORE THE**
20 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

21 ENFORCEMENT ACTION ENF01949 -
22 DRAFT CEASE AND DESIST ORDER
23 REGARDING UNAUTHORIZED OR
24 THREATENED UNAUTHORIZED
25 DIVERSIONS OF WATER FROM OLD RIVER
26 IN SAN JOAQUIN

27 DECLARATION OF STEFANIE D.
28 MORRIS IN SUPPORT OF STATE
WATER CONTRACTORS'
RESPONSE TO MOTIONS IN LIMINE
TO EXCLUDE THE TESTIMONY OF
PAUL HUTTON

29 In the Matter of ENFORCEMENT ACTION
30 ENF01951 - ADMINISTRATIVE CIVIL
31 LIABILITY COMPLAINT REGARDING
32 UNAUTHORIZED DIVERSION OF WATER
33 FROM THE INTAKE CHANNEL TO THE
34 BANKS PUMPING PLANT (FORMERLY
35 ITALIAN SLOUGH) IN CONTRA COSTA
36 COUNTY

37 I, Stefanie D. Morris, do hereby declare:

38 1. I am an attorney at law licensed to practice before the courts of the State of
California. I am general counsel for State Water Contractors ("SWC"), a party to the above-
referenced proceedings. I have personal knowledge of the matters stated herein, and if

1 called upon could competently testify thereto.

2 2. On June 16, 2015, I sent a copy of the State Water Contractors' water rights
3 complaint to Daniel Kelly of Somach, Simmons & Dunn. A true and correct of the June 16,
4 2015 email from Stefanie Morris to Daniel Kelly transmitting the State Water Contractors'
5 water rights complaint filed on June 16, 2015 with the Water Board is attached hereto as
6 EXHIBIT A.

7 3. On June 16, 2015, I sent a copy of the State Water Contractors' water rights
8 complaint to Jennifer Spaletta of Spaletta Law PC and John Herrick. A true and correct of
9 the June 16, 2015 email from Stefanie Morris to Jennifer Spaletta and John Herrick
10 transmitting the State Water Contractors' water rights complaint filed on June 16, 2015 with
11 the Water Board is attached hereto as EXHIBIT B.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 Executed on 4th day of March, 2016 in Whitefish, Montana.

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18 _____
19 Stefanie D. Morris

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EXHIBIT A

Ansley, Jolie-Anne S.

From: Stefanie Morris <SMorris@swc.org>
Sent: Tuesday, March 01, 2016 10:12 AM
To: Ansley, Jolie-Anne S.
Subject: FW: SWC Complaint
Attachments: SWC Complaint_June 16_Final.pdf

From: Stefanie Morris
Sent: Tuesday, June 16, 2015 8:22 AM
To: Dan Kelly <dkelly@somachlaw.com>; Ryan Bezerra <RSB@bkslawfirm.com>; Aladjem, David <daladjem@DowneyBrand.com>; Andrew Hitchings <ahitchings@somachlaw.com>; David Guy <DGuy@norcalwater.org>
Cc: Patterson, Roger K <RPatterson@mwdh2o.com>
Subject: SWC Complaint

Gentleman,

At your request, please find attached the SWC complaint filed today. Thanks for allowing us the opportunity to meet with you. Should you have any questions, please feel free to contact Roger or me.

Stef

EXHIBIT B

Ansley, Jolie-Anne S.

From: Stefanie Morris <SMorris@swc.org>
Sent: Tuesday, March 01, 2016 10:11 AM
To: Ansley, Jolie-Anne S.
Subject: FW: SWC Complaint
Attachments: SWC Complaint_June 16_Final.pdf

From: Stefanie Morris
Sent: Tuesday, June 16, 2015 9:03 AM
To: Jherrlaw@aol.com; Jennifer Spaletta <jennifer@spalettalaw.com>
Subject: SWC Complaint

Dante, John and Jennifer:

Per my call yesterday please see attached that was filed this morning. I hope you will take me up on my offer to walk through our work. I look forward to working through these issues with all of you.

Stef

John or Jennifer, can you please forward to Dante? I cannot find an email address for him.

1 **PROOF OF SERVICE**

2 I am a resident of the state of California, I am over the age of 18 years, and I am not
3 a party to this lawsuit. My business address is Duane Morris LLP, One Market Plaza,
4 Spear Tower, Suite 2200, San Francisco, California 94015-1127.

5 On March 4, 2016, I served the following document(s):

- 6 1. State Water Contractors' Response to Motions in Limine to Exclude the
7 Testimony of Paul Hutton
- 8 2. Declaration of Stefanie F. Morris in Support of State Water Contractors'
9 Response to Motions in Limine to Exclude the Testimony of Paul Hutton

10 on the interested party(ies) in this action in the following manner:

11 **BY E-MAIL:** On the March 4, 2016, at San Francisco, California, I caused the foregoing
12 document(s) to be served by e-mail transmission to the e-mail address(es) set forth below,
13 as last given by that person on any document which he or she has filed in the cause and
14 served on the party making the service. The document(s) was(were) transmitted by e-mail
15 from a computer in the offices of Duane Morris. The e-mail transmission(s) was(were)
16 reported as delivered to the party(ies) at the indicated e-mail address(es), and no
17 undeliverable message from the recipient's server was received by the sender of the e-
18 mail. A copy of the e-mail transmission confirmation(s) is(are) attached hereto.

19 **SEE ATTACHED SERVICE LIST**

20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct. Executed on March 4, 2016, at San Francisco, California.

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Kristin Jerome

**SERVICE LIST OF PARTICIPANTS
THE WEST SIDE IRRIGATION DISTRICT
CEASE AND DESIST ORDER HEARING**

PARTIES

<p>Division of Water Rights Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 Andrew.Tauriainen@waterboards.ca.gov</p>	<p>The West Side Irrigation District Jeanne M. Zolezzi Karna Harrigfeld Janelle Krattiger Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 jzolezzi@herumcrabtree.com kharrigfeld@herumcrabtree.com jkrattiger@herumcrabtree.com</p>
<p>Westlands Water District Daniel O'Hanlon Rebecca Akroyd Kronick Moskovitz Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 dohanlon@kmtg.com rakroyd@kmtg.com</p> <p>Philip Williams of Westlands Water District pwilliams@westlandswater.org</p>	<p>South Delta Water Agency John Herrick, Esq. Dean Ruiz 4255 Pacific Ave., Suite 2 Stockton, CA 95207 jherrlaw@aol.com dean@hprlaw.net</p>
<p>Central Delta Water Agency Jennifer Spaletta Spaletta Law PC PO Box 2660 Lodi, CA 95241 jennifer@spalettalaw.com</p> <p>Dante Nomellini and Dante Nomellini, Jr. Nomellini, Grilli & McDaniel ngmplcs@pacbell.net dantejr@pacbell.net</p>	<p>City and County of San Francisco Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org</p>
<p>San Joaquin Tributaries Authority Valerie Kincaid O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95814 vkincaid@olaughlinparis.com towater@olagghlinparis.com</p>	<p>California Department of Water Resources Robin McGinnis, Attorney PO Box 942836 Sacramento, CA 94236-0001 robin.mcginis@water.ca.gov</p>
<p>Byron Bethany Irrigation District Daniel Kelly Somach Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 dkelly@somachlaw.com</p>	

**SERVICE LIST OF PARTICIPANTS
BYRON-BETHANY IRRIGATION DISTRICT
ADMINISTRATIVE CIVIL LIABILITY HEARING**

PARTIES

<p>Division of Water Rights Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street 16th Floor Sacramento, CA 95814 andrew.tauriainen@waterboards.ca.gov</p>	<p>Byron Bethany Irrigation District Daniel Kelly Somach Simmons & Dunn 500 Capitol Mall, Suite 1000, Sacramento, CA 95814 dkelly@somachlaw.com</p>
<p>Patterson Irrigation District Banta-Carbona Irrigation District The West Side Irrigation District Jeanne M. Zolezzi Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 jzolezzi@herumcrabtree.com</p>	<p>City and County of San Francisco Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org</p> <p>Robert E. Donlan Ellison, Schneider & Harris L.L.P. 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 (916) 447-2166 red@eslawfirm.com</p>
<p>Central Delta Water Agency Jennifer Spaletta Spaletta Law PC PO Box 2660 Lodi, CA 95241 jennifer@spalettalaw.com</p> <p>Dante Nomellini and Dante Nomellini, Jr. Nomellini, Grilli & McDaniel ngmplcs@pacbell.net dantejr@pacbell.net</p>	<p>California Department of Water Resources Robin McGinnis, Attorney PO Box 942836 Sacramento, CA 94236-0001 robin.mcginis@water.ca.gov</p>
<p>Richard Morat 2821 Berkshire Way Sacramento, CA 95864 rjmorat@gmail.com</p>	<p>San Joaquin Tributaries Authority Valerie Kincaid O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95814 vkincaid@olaughlinparis.com toward@olaughlinparis.com lwood@olaughlinparis.com</p>
<p>South Delta Water Agency John Herrick, Esq. 4255 Pacific Ave., Suite 2 Stockton, CA 95207 jherrlaw@aol.com</p>	<p>South Delta Water Agency Dean Ruiz, Esq. Harris, Perisho & Ruiz, Attorneys at Law 3439 Brookside Road, Suite 210 Stockton, CA 95219 dean@hprlaw.net</p>