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6 Attorneys for the Prosecution Team

7 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

8 In the Matter of the Administrative Civil  
 Liability Complaint Against Byron  
 9 Bethany Irrigation District

10 In the Matter of the Draft Cease and  
 Desist Order Against the West Side  
 11 Irrigation District

**PROSECUTION TEAM'S RESPONSE  
 TO WEST SIDE IRRIGATION  
 DISTRICT'S SEPARATE STATEMENT  
 OF FACTS IN SUPPORT OF ITS  
 MOTION FOR SUMMARY JUDGMENT**

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 13 The Prosecution Team submits the following response to Westside Irrigation  
 14 District's (WSID's) Separate Statement of Facts in support of its Motion for Summary  
 15 Judgment. As noted in the table below, many of the material facts are disputed.  
 16 Therefore, WSID's motion must be denied.

WSID's Alleged Facts and Evidence	Prosecution Team's Response
18 1. The District holds water right License 19 1381 ("License"), originally issued on 20 September 29, 1933 and amended on 21 August 19, 2010. 22 Exhibit WSID0158, Declaration of Jack Alvarez at ¶ 4.	The Testimony of Jack Alvarez has been stricken on order of the Hearing Officers, therefore, the Prosecution Team cannot stipulate to any assertions by Mr. Alvarez. However, the Prosecution Team does not dispute the dates of issuance and amendment of License 1381, as those facts are supported by WR-13, WR-112, WR-113, and WR-114.
23 2. License 1381 has a priority date of April 24 17, 1916, and authorizes the direct 25 diversion of 82.5 cubic-feet per section ("cfs") from Old River in San Joaquin 26 County from (1) about April 1 to October 31 27 of each year for irrigation and (2) from April 1 to October 31 of each year for municipal, 28 domestic and industrial uses.	Undisputed, although the Prosecution Team notes that this portion of the Testimony of Jack Alvarez has been stricken from the record by the Hearing Officer's February 18, 2016, ruling. The Prosecution Team disputes any fact assertions herein which rely solely on the stricken Testimony of Jack Alvarez.

<p>1 Exhibit WSID0005, License 1381, as 2 amended; Exhibit WSID0060, Declaration 3 of Rick Martinez at ¶ 4; Exhibit WSID0158, 4 Declaration of Jack Alvarez at ¶ 5.</p>	
<p>5 3. In 1929 the Department of Public Works 6 confirmed that the water diverted by WSID 7 pursuant to its license is “largely return flow 8 from diversions farther upstream and water 9 reaching the San Joaquin Delta from 10 Sacramento River through Georgiana 11 Slough and other inter-delta channels.” 12 13 EXHIBIT WSID0158, Declaration of Jack 14 Alvarez at ¶6; EXHIBIT WSID0006, 15 Department of Public Works Bulletin No. 16 21-B at p. 157.</p>	<p>The Prosecution Team does not dispute that the 1929 report includes this quote, but the Prosecution Team disputes any implication that WSID is entitled to divert Sacramento River water. See WR-209 (Rebuttal Testimony of Kathy Mrowka), at pp. 7, 13; see also WR-236 (State Water Board Order 98-08), at p. 24. The Prosecution Team disputes any general assertion that the Sacramento River water naturally makes up a significant portion of any volume of water in the southern Delta. WR-213 (Rebuttal Testimony of Leslie Grober), at pp. 26-27.</p> <p>In addition, the Prosecution Team disputes any fact assertions herein which rely on the stricken Testimony of Jack Alvarez.</p>
<p>17 4. The License was issued in 1933 18 documenting the maximum amount of 19 water found to have been put to beneficial 20 use in the years 1930, 1931 and 1932, as 21 documented in the Sacramento San 22 Joaquin Water Surveyor’s records. 23 24 EXHIBIT WSID0158, Declaration of Jack 25 Alvarez at ¶7; EXHIBIT WSID0007, 26 October 9, 1933 letter from State of 27 California Department of Public Works; 28 EXHIBIT WSID0008, 1931 Sacramento- San Joaquin Water Supervisor’s Report, Table 39.</p>	<p>The Prosecution Team disputes any fact assertions herein which rely on the stricken Testimony of Jack Alvarez.</p> <p>The remainder of this statement is undisputed to the extent it refers to the issuance of the License in 1933, except that the water found to have been put to beneficial used in 1930, 1931 and 1932 was documented in the Sacramento San Joaquin Water <u>Supervisor’s</u> records, not Surveyor’s as stated by WSID.--</p> <p>Moreover, in the 2010 License Amendment, the maximum annual diversion limit is 27,000 af. EXHIBIT WR- 112.</p>
<p>5. Water is diverted by WSID through an intake canal about 1.5 miles long, as depicted on the map attached as EXHIBIT A.  EXHIBIT WSID0060, Declaration of Rick Martinez at ¶5.</p>	<p>Undisputed</p>

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<p>6. WSID's point of diversion under its License is located on Old River, within the legal delta.</p> <p>EXHIBIT WSID0010, DWR Delta ATLAS at p. 10; EXHIBIT BBID384 at pp. 18, 20.</p>	<p>Undisputed.</p>
<p>7. There is always water in the channels of the Delta because they are below sea level.</p> <p>EXHIBIT BBID384 at p. 23.</p>	<p>Undisputed.</p>
<p>8. At any given time, the Delta holds approximately 1.2 million acre feet of water.</p> <p>EXHIBIT BBID384 at pp. 5, 38.</p>	<p>Disputed. The Delta, including Suisun Bay, holds approximately 1.3 million acre-feet of water. EXHIBIT WR-213 (Rebuttal Testimony of Leslie Grober), at p. 19.</p>
<p>9. Water flows into the Delta with the tide from the West as well as from the east side tributary streams.</p> <p>EXHIBIT BBID384 at pp. 3-5, 20, 22.</p>	<p>Disputed to the extent that this is an oversimplification. For example, the western portions of the Delta (Suisun Bay) experience a twice-daily tidal flux of approximately 340,000 acre-feet per day. EXHIBIT WR-213, p. 18.</p>
<p>10. Inflow from the tributary streams, once having entered the Delta, will reside in the Delta for up to several months during dry periods.</p> <p>EXHIBIT BBID384 at pp. 5, 38-40.</p>	<p>Disputed to the extent that this implies that residence times provide a sufficient basis for determining water availability and water quality, and ignores the significant mixing of saline water from Suisun Bay. WR-213, at pp. 18-31. Also, disputed as to the residence times of water in the Delta during 2015, which ranged to as little as 2.5 months. (<i>Id.</i>)</p>
<p>11. Water moves slowly in WSID's flat gradient channel which is affected by tides of about 4 feet; the channel is from 4 feet to 8 feet deep depending on tides; and the quality of Old River water diverted by WSID in the intake channel is poor, running from 800 to 1000 total dissolved solids.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶6; EXHIBIT WSID0158, Declaration of Jack Alvarez at ¶9; EXHIBIT WSID0009, July 18, 1985 Inspection</p>	<p>Disputed. The Prosecution Team disputes any fact assertions herein which rely on the stricken Testimony of Jack Alvarez.</p>

1	Report.	
2	12. In 1931 the majority of the water at the	Disputed to the extent that 1931 is not a representative year sufficient to draw implications about residence times and availability of water for WSID during 2015. See, e.g., WR-213 (“in the absence of SWP and CVP diversions in southern Delta in January through June, water would be of a quality unsuitable for agriculture in the month of June, and continuing into July, August, and September in 2015.”)
3	WSID point of diversion during the irrigation season was from the Sacramento River and had entered the Delta in the prior three months.	
4	EXHIBIT BBID384 at pp. 11-13, 83-87, 91-95.	
5	13. In 2015, the majority of the water at the	Disputed. See, e.g., WR-213 (“in the absence of SWP and CVP diversions in southern Delta in January through June, water would be of a quality unsuitable for agriculture in the month of June, and continuing into July, August, and September in 2015.”)
6	WSID point of diversion during the irrigation season was from the Sacramento River and had entered the Delta in the prior three months.	
7	EXHIBIT BBID384 at pp. 15-16, 47-49.	
8	14. The State Water Project and Central Valley Project, constructed after 1931, have altered flow patterns in the Delta.	Undisputed.
9	EXHIBIT BBID384 at pp. 9, 24-26.	
10	15. By storing water in the winter and spring and releasing it through the Delta in the summer, the Projects reduce the percentage of Sacramento River water that reaches the Delta in the winter and spring months and increase the percentage of Sacramento River water that reaches the Delta in the summer and fall months.	Disputed to the extent that any implication can be drawn about the availability of 2014-2015 winter flows in the summer of 2015. See, e.g., WR-213 (“in the absence of SWP and CVP diversions in southern Delta in January through June, water would be of a quality unsuitable for agriculture in the month of June, and continuing into July, August, and September in 2015.”)
11	EXHIBIT BBID384 at pp. 14, 24-26.	
12	16. Water is always available at WSID’s diversion point during the irrigation season because of the nature of residence time and tidal influence in the Delta.	Disputed to the extent that this implies that water is always available at sufficient quality for beneficial uses, or that water of sufficient quality is for diversion at the priority of License 1381, or that water was available in sufficient quality or quantity to serve the priority of License 1381 after May 1, 2015. See, e.g., WR-7, WR-9, WR-11, WR-47, WR-48, WR-209, WR-210, WR-211, WR-213, et al. (passim).
13	EXHIBIT BBID384 at p. 4.	
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1	17. The Bethany Drain collects irrigation return water through tile drains from landowners within WSID, shallow groundwater from tile drains from landowners within WSID, and municipal drainage from lands within the City of Tracy and discharges that return water directly into WSID's intake channel.	Disputed, the record shows that Bethany Drain also collects drainage water from neighboring irrigation districts. (WR-7, WR-13.)
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6	EXHIBIT WSID0060, Declaration of Rick Martinez at ¶12.	
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8	18. The majority of the flow in the Bethany Drain is derived from tile drain discharges installed widely in the district in the late 1950's to drain lands of shallow groundwater standing less than 4 feet from the surface, to allow irrigation.	Disputed. The Prosecution Team disputes any fact assertions herein which rely on the stricken Testimony of Jack Alvarez.
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12	EXHIBIT WSID0158, Declaration of Jack Alvarez at pp. 3-4.	
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14	19. Municipal discharges into the Bethany Drain are made by various contracts with the City of Tracy and other landowners within the City.	Disputed because the evidence cited (Martinez Declaration at ¶ 13) does not support this alleged fact. Rather, in paragraph 13, Mr. Martinez discusses the WSID purportedly uses to measure water discharged from the Bethany Drain. No part of the Martinez Declaration supports this statement.
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17	EXHIBIT WSID0060, Declaration of Rick Martinez at ¶13.	
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19	20. There are no sources of water into the Bethany Drain from outside of the WSID.	Disputed. The drainage system that eventually becomes the Main Drain or Bethany Drain (both names refer to the same facility) extends into and serves a 2-square mile area of de-annexed lands that are part of the City of Tracy, and the City's water is a foreign source. Drainage from the City is conveyed into the drain pursuant to agreement between WSID and the City of Tracy.
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21	EXHIBIT WSID0060, Declaration of Rick Martinez at ¶14.	Exhibit WR-7 at pp. 10-12; Exhibit WR-192 at p. 2.4; Exhibit WR-209.
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25	21. The Bethany Drain is owned by WSID, and WSID maintains control over the Bethany Drain from its origination within the district boundaries along its entire course until it discharges into the intake canal.	Undisputed as to WSID's ownership and operation of the Bethany Drain facilities, but the Prosecution Team notes that Paragraph 10, not Paragraph 15, of the Martinez Declaration makes this statement. Moreover, the Prosecution Team disputes any implication that WSID owns all of the
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<p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶15.</p>	<p>water within Bethany Drain. WR-209.</p>
<p>22. WSID does not intend to abandon water discharge from the Bethany Drain into the intake channel; rather the intention of the discharge is to enable WSID to pump the water at its diversion pumps.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶16.</p>	<p>Disputed. Paragraph 16 of the Declaration of Rick Martinez does not support this allegation. No portion of the Declaration of Rick Martinez supports this statement.</p> <p>To the extent that the water discharged from the Bethany Drain includes irrigation return flows that originated from non-foreign Old River diversions, re-diversion of those flows counts against License 1381. Exhibit WR-7 at pp. 10-12; Exhibit WR-209.</p>
<p>23. Because the District's intake channel is open to Old River, drain water from the Bethany Drain may commingle with Old River water in the intake channel.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶17.</p>	<p>The Prosecution Team does not dispute that the District's intake channel is open to Old River, and Bethany Drain water commingles with Old River water. The Prosecution Team notes that Paragraph 12 of the Declaration of Rick Martinez makes this statement, not Paragraph 17.</p>
<p>24. Discharges of water from the Bethany Drain into the intake channel are measured by a weir which is four feet in height concrete wall installed approximately 340 feet upstream of the Bethany Drain outfall into the intake channel.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶18.</p>	<p>Disputed to the extent that it is unclear how the weir is calibrated and measured with any reasonable accuracy. WR-209.</p> <p>Also, Paragraphs 13 and 14 of the Martinez Declaration make this claim, not Paragraph 18.</p>
<p>25. At no time after May 1, 2015 did WSID's diversions from the intake channel exceed the inflow into the intake channel from the Bethany Drain.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶19.</p>	<p>Disputed, there is no Paragraph 19 of the Martinez Declaration (this statement is made in Paragraph 14). Moreover, WSID's diversions exceeded drainage from Bethany Drain on at least 22 days after May 1, 2015. WR-13, WR-216, WR-217, WR-234.</p>
<p>26. WSID staff did not observe any change in flow in Old River at any time in 2014 when diversions of City of Tracy wastewater were being made under contract.</p>	<p>Undisputed, but irrelevant to the issues raised in this matter. In addition, there is no paragraph 19 in Rick Martinez's declaration, and WSID has not proffered any evidence that Mr. Martinez or other WSID staff actually measured the amount of water in the Old River in 2014.</p>

1	EXHIBIT WSID0060, Declaration of Rick Martinez at ¶19.	
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3	27. The City of Tracy ("City") operates a wastewater treatment plant and discharges treated wastewater effluent to Old River, a water of the United States, pursuant to Order R5-2012-0115 (NPDES Permit CA0079154) issued by the Central Valley Regional Water Quality Control Board.	Undisputed, but WSID's citation to Martinez's declaration does not support this fact as there is no paragraph 23 in Martinez's declaration. (Exhibit WSID 0060.)
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7	EXHIBIT WSID0060, Declaration of Rick Martinez at ¶23.	
8	EXHIBIT WSID0019, Order R5-2012-0115 (NPDES Permit CA0079154) issued by the Central Valley Regional Water Quality Control Board.	
9	EXHIBIT WR-1, Draft Cease and Desist Order at ¶2.	
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12	28. The City discharges approximately 9 million gallons per day ("mgd"), which is equivalent to 14 cfs, on a substantially continuous basis into Old River upstream from the District's point of diversion under License 1381.	Undisputed, but WSID's citation to Martinez's declaration does not support this fact as there is no paragraph 24 in Martinez's declaration. (Exhibit WSID 0060.)
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16	EXHIBIT WSID0060, Declaration of Rick Martinez at ¶24.	
17	EXHIBIT WR-1, Draft Cease and Desist Order at ¶2.	
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19	29. The City obtains water supplies from three sources: (1) South San Joaquin Irrigation District water delivered from the Stanislaus River (typically the majority of the City's supply); (2) United States Bureau of Reclamation water delivered from the Delta-Mendota Canal; and (3) local groundwater wells (typically the smallest portion of the City's supply).	Undisputed, but WSID's citation to Martinez's declaration does not support this fact as there is no paragraph 25 in Martinez's declaration. (Exhibit WSID 0060.)
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25	EXHIBIT WSID0060, Declaration of Rick Martinez at ¶25.	
26	EXHIBIT WR-1, Draft Cease and Desist Order at ¶3.	
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28	30. The City's treated wastewater discharges are foreign in source and/or	Undisputed, but WSID's citation to Martinez's declaration does not support

<p>1 2 3 4 5</p>	<p>foreign in time to the Old River flow.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶25.</p> <p>EXHIBIT WSID0099, Declaration of Jack Alvarez at ¶22.</p> <p>EXHIBIT WR-1, Draft Cease and Desist Order at ¶3.</p>	<p>this fact as there is no paragraph 25 in Martinez’s declaration. (Exhibit WSID 0060.)</p> <p>The Prosecution Team disputes any fact assertions herein to the extent they rely on the stricken Testimony of Jack Alvarez.</p>
<p>6 7 8 9 10 11 12 13</p>	<p>31. On May 6, 2014, the City Council adopted Resolution 2014-165, authorizing the City to enter into a Wastewater Revocable License Agreement with the District (“<b>2014 Agreement</b>”) for the sale of treated wastewater from the City’s wastewater treatment plant.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶27.</p> <p>EXHIBIT WR-1, Draft Cease and Desist Order at ¶8.</p> <p>EXHIBIT WSID 0022, Resolution 2015-165.</p>	<p>Undisputed, but WSID’s citation to Martinez’s declaration does not support this fact as there is no paragraph 27 in Martinez’s declaration. (Exhibit WSID 0060.)</p>
<p>14 15 16 17 18 19 20</p>	<p>32. The 2014 Agreement provides that the District may divert all of the City’s wastewater discharges from April 1, 2014 through October 31, 2014, estimated to be approximately 14 cfs, equivalent to 27.8 acre-feet per day, on a continuous basis.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶27.</p> <p>EXHIBIT WR-1, Draft Cease and Desist Order at ¶8.</p> <p>EXHIBIT WSID0023, 2014 Agreement.</p>	<p>Undisputed, but WSID’s citation to Martinez’s declaration does not support this fact as there is no paragraph 27 in Martinez’s declaration. (Exhibit WSID 0060.)</p>
<p>21 22 23 24 25 26 27 28</p>	<p>33. On March 3, 2015, the Tracy City Council adopted Resolution 2015-033, authorizing the City to enter into a Wastewater Revocable License Agreement with the District (“<b>2015 Agreement</b>”) for the sale of treated wastewater from the City’s wastewater treatment plant.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶28.</p> <p>EXHIBIT WR-1, Draft Cease and Desist Order at ¶14.</p> <p>EXHIBIT WSID0025, 2015 Agreement.</p>	<p>Undisputed, but WSID’s citation to Martinez’s declaration does not support this fact as there is no paragraph 28 in Martinez’s declaration. (Exhibit WSID 0060.)</p>

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<p>34. The 2015 Agreement provides that the District may divert all of the City's wastewater discharges from April 1, 2015 through October 31, 2015, estimated to be approximately 14 cfs, equivalent to 27.8 acre-feet per day, on a continuous basis.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶28. EXHIBIT WR-1, Draft Cease and Desist Order at ¶14. EXHIBIT WSID0025, 2015 Agreement.</p>	<p>Undisputed, but WSID's citation to Martinez's declaration does not support this fact as there is no paragraph 28 in Martinez's declaration. (Exhibit WSID 0060.)</p>
<p>35. On May 1, 2015, the State Water Board issued a "Notice of Unavailability of Water an Immediate Curtailment for Those Diverting Water in the Sacramento River Watershed and Sacramento-San Joaquin Delta with a Post-1914 Appropriative Right" ("<b>May 21 Unavailability Notice</b>").</p> <p>EXHIBIT WR-1, Draft Cease and Desist Order at ¶17. EXHIBIT WR-34, May 1, 2015 Unavailability Notice.</p>	<p>Undisputed, but "May 21 Unavailability Notice" should instead be "May 1 Unavailability Notice."</p>
<p>36. The May 1 Unavailability Notice notified all holders of post-1914 appropriative water rights within the Sacramento River and Sacramento-San Joaquin Delta watershed of the lack of availability of water to serve their post-1914 water rights, with some minor exceptions for non-consumptive diversions.</p> <p>EXHIBIT WR-1, Draft Cease and Desist Order at ¶17. EXHIBIT WR-34, May 1, 2015 Unavailability Notice.</p>	<p>Undisputed.</p>
<p>37. The May 1 Unavailability Notice was intended to apply to License 1381.</p> <p>EXHIBIT WR-1, Draft Cease and Desist Order at ¶17. EXHIBIT WR-34, 35, May 1, 2015 Unavailability Notice.</p>	<p>Disputed to the extent that this statement implies that the May 1 Unavailability Notice might not apply to License 1381. The May 1 Unavailability Notice applies to License 1381, and informed WSID that no water was available from that date.</p> <p>Exhibit WR-13 at p. 4; Exhibits WR-35, WR-44, and WR-45.</p>

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<p>38. The May 1 Unavailability Notice was based upon a spreadsheet methodology that compared supply and demand on a watershed wide basis.</p> <p>EXHIBIT WSID0152 at p. 33 ¶¶2-4, p. 45, ¶¶1-8.</p>	<p>Disputed because “spreadsheet methodology” does not fully describe the methodology or process used to determine water availability for the May 1 Unavailability Notice.</p> <p>Exhibit WR-7 at pp. 1-4; Exhibit WR-9 at pp. 6-19; Exhibit WR-11 at pp. 1-18.</p>
<p>39. This spreadsheet methodology did not consider water available to WSID at its point of diversion, the tidal effect in the Delta, or the fact that tributary flow from prior months was still present in the Delta and available for WSID to divert due to Delta hydrodynamics and residence time.</p> <p>EXHIBIT WSID0152 at p. 32 ¶¶23-25, p. 33 ¶¶1-25, p. 34 ¶¶1-3, p. 46 ¶¶10-24, p. 91 ¶¶6-16.</p>	<p>Disputed. Water Board staff conducted an exhaustive assessment of water availability that included numerous factors.</p> <p>Exhibit WR-7 at pp. 1-4; Exhibit WR-9 at pp. 6-19; Exhibit WR-11 at pp. 1-18; WR-209, WR-210, WR-211.</p>
<p>40. The District did not provide the City with a written Commencement Notice or purchase wastewater from the City under the 2015 Agreement.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶29.</p>	<p>Undisputed, although there is no Paragraph 29 to the Declaration of Rick Martinez.</p>
<p>41. The Prosecution Team did not take any measurements of flow at the WSID point of diversion, or downstream in either direction.</p> <p>EXHIBIT WSID0152 at p. 92 ¶¶1-22, p. 93 ¶¶15-20.</p>	<p>Undisputed, but irrelevant to this matter, because the analysis Water Board staff conducted on water availability demonstrated that by May 1, 2015, there was not enough water to meet the demands of post-1914 appropriative rights’ holders throughout the Sacramento River and San Joaquin River watersheds and the Delta.</p> <p>Exhibit WR-7 at pp. 1-4; Exhibit WR-9 at pp. 3-19; Exhibit WR-11 at pp. 1-18.</p>
<p>42. Instead the Prosecution Team simply assumed that a diversion of 14 cfs by WSID resulted in a corresponding reduction in flow.</p> <p>EXHIBIT WSID0152 at p. 92 ¶¶1-22, p. 93 ¶¶15-20.</p>	<p>Disputed. By May 1, 2015, there was not enough water to meet the demands of post-1914 appropriative rights’ holders throughout the Sacramento River and San Joaquin River watersheds and the Delta, including WSID.</p> <p>Exhibit WR-7 at pp. 1-4; Exhibit WR-9 at pp. 3-19; Exhibit WR-11 at pp. 1-18;</p>

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	Exhibit WR-213.
43. By contrast, WSID's expert conducted a scientific study using scientifically accepted Delta modeling tools to determine that no measurable decrease in flow or water levels results from WSID's diversion of 8 to 14 cfs.  EXHIBIT WSID0123 at ¶12. EXHIBIT WSID0125 at p. 2.	Disputed. See Rebuttal Testimony of Les Grober, Exhibit WR-213, pp. 3-4.
44. Section (b) of Water Code Section 1211 was added to State Water Code in 2001 at the request of the State Water Board, which asserted: "Where there is no threat to instream flows or third party water-right holders, requiring [State Water Board] review is an unnecessary burden on wastewater reclamation."  EXHIBIT WSID 0027, September 6, 2001 Enrolled Bill Report at p. 557.	Disputed to the extent that this is a statement of legal interpretation. The Water Code speaks for itself, and Water Code section 1211 is unambiguous.

Date: February 22, 2016

Respectfully Submitted,



Andrew Tauriainen  
**OFFICE OF ENFORCEMENT**  
Attorney for the Prosecution Team