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OFFICE OF THE GENERAL COUNSEL  
DEPARTMENT OF FISH AND GAME

CALIFORNIA DEPARTMENT OF FISH AND GAME

TESTIMONY OF DAVE ROSE

I, Dave Rose, provide the following written testimony under penalty of perjury in relation to the State Water Resources Control Board's Hearing to Determine whether to Adopt Draft Cease and Desist Order No. 262.31-XX and whether to Impose Administrative Civil Liability as Proposed in Administrative Civil Liability Complaint No. 262.5-46 against the North San Joaquin Water Conservation District.

**Q1: Please state your name and your history of employment with the California Department of Fish and Game.**

1. I started working for the California Department of Fish and Game (CDFG) in 1976. I officially retired from the CDFG on December 30, 2006. I am now working for the CDFG as a retired annuitant, for the purpose of the upcoming Lake Davis Project. From 1976 until December 2006 I was and employee and than the supervisor of the CDFG Screen Shop based first in Elk Grove and then in Davis. That screen shop covered the area now described as CDFG's Region 2 or its North Central Region.

**Q2: Is the Mokelumne River in the CDFG North Central Region?**

2. Yes.

**Q3: Are you a fishery biologist?**

3. No.

**Q4: Please describe the duties of the employees at the DFG Screen Shop.**

- 4 The CDFG Screen Shop is a construction shop. It is not staffed by fishery biologists. The people working at the screen shop do not make decisions about if a screen is necessary. Screen shop staff construct screens that other CDFG staff request. Staff at the Screen Shop I managed were occasionally called upon to do metal fabrication and equipment operation.

**Q5: Do you recall going to the diversion site for the North San Joaquin Water Conservation District in 1993 to investigate the installation of a temporary fish screen?**

5. I looked back though my log book for the Screen Shop in 1992 and 1993 and found an entry for May 13, 1993 that indicates that I did a dive on that day on the Moke River. That log book entry refreshes my memory so that I vaguely remember snorkeling and investigating how to install a temporary screen in the Mokelumne River and ultimately installing the temporary fish screen

panels. I recall that the screen panels were installed on one side of the river and not the other side. Also, the screen panels were installed in the Mokelumne River itself, and not a diversion canal or slough.

**Q6: Is Exhibit CDFG-2 a correct copy of that entry page from your Screen Shop Log Book?**

6. Yes.

**Q7: Do you recall if the temporary fish screen was intended to be a permanent fish screen?**

7. That fish screen was not intended to be permanent. We loaned the North San Joaquin Water Conservation District the fish screen panels. We did not give it to them.

**Q8: Do you recall ever telling the North San Joaquin Water Conservation District that they did not need to install a permanent fish screen at the location of the temporary fish screen?**


8. I have never told the North San Joaquin Water District that a permanent fish screen for their diversions on the Mokelumne River is not necessary. As stated above, the folks at the Screen Shop are not biologists. We do not make biological decisions.

**Q9: Do you know of anyone else at CDFG that has told the North San Joaquin Water Conservation District that a permanent fish screen is not necessary at their diversion points on the Mokelumne River?**

9. No.

I, Dave Rose, declare under penalty of perjury under the laws of the State of California that I have read the foregoing "Testimony of Dave Rose" and know its contents. The matters stated in are true of my own knowledge except as to those matters which are stated based on information and belief, and as to those matters, I believe them to be true.

Executed on May 16 2007 in Sacramento County, California.

  
Dave Rose