

September 28, 2016

Via Email To:

CWFhearing@waterboards.ca.gov

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

Re: Submission of Exhibit List for Entry of Exhibits into Evidence

Dear Hearing Chair Doduc and Hearing Officer Marcus:

The California Department of Water Resources (DWR) submits to you its exhibit index of all exhibits requested for entry into evidence in this Part 1A of the water rights hearing for the CA WaterFix.

As to questions raised as to the permissibility of submitting and accepting into evidence the modeling files submitted by Petitioners on May 25, 2016, the Hearing Officers have many reasons to enter these files into evidence, not the least of which is that the results of the files were frequently the subject of the cross-examination of Petitioners' witnesses, and as such represent appropriate evidence in response to that cross-examination.

- 1) The modeling is information that was the subject of cross-examination by many parties across many panels of witnesses presented by Petitioners.
- 2) The modeling is informative to the State Water Board and their decision making.
- 3) The modeling was submitted on May 25, 2016, by request of the State Water Board, and made available to all parties through the State Water Board website and ftp site at that time, and is thus not surprise testimony.
- 4) The modeling was announced on May 16, 2016 and made available to all parties at that time, and is thus not surprise testimony.
- 5) The modeling was the subject of direct requests for information by parties now opposed to its submission.
- 6) The information is publicly available on a State website and is therefore judicially noticeable.

For purposes of organization and identification, DWR has included the modeling information on the exhibit list as DWR-500.

DWR respectfully requests accepting into evidence the exhibits listed on the attached exhibit list for purposes of DWR's case-in-chief. Thank you for your consideration.

Sincerely,

1 a EVE

Tripp Mizell Senior Attorney Office of the Chief Counsel CA Department of Water Resources

cc: Electronic Service Tom Howard, Executive Officer, State Water Resources Control Board Michael Lauffer, Chief Counsel, State Water Resources Control Board Electronic service list

Personal Service via U.S. Postal Service Suzanne Womack and Sheldon Moore Clifton Court, L.P. 3619 Land Park Drive Sacramento, CA 95818

## DWR EXHIBIT LIST SUBMITTED FOR ENTERY INTO EVIDENCE

Identification Number	Exhibit Description	File Name	Status of Evidence (for Hearing Team Use Only)		
			lucture also and		By Official
DWR-1	Project Overview PowerPoint	dwr_1.pdf	Introduced	Accepted	Notice
DWR-2	Engineering PowerPoint	dwr_1.pdf			
DWR-2A	Video: Intake Construction Animation	dwr_2a.mp4			
DWR-2B	Video: Tunnel Boring Machine Animation	dwr 2b.wmv			
DWR-2C	Video: Tunnel Segment Installation Animation	dwr_2c.wmv			
DWR-3	Water Rights PowerPoint	 dwr_3.pdf			
DWR-4	Operations PowerPoint	dwr_4.pdf			
DWR-5	Modeling PowerPoint	dwr_5.pdf			
DWR-11	Statement of Qualifications- Jennifer Pierre	dwr_11.pdf			
DWR-12	Statement of Qualifications- Steve Centerwall	dwr_12.pdf			
DWR-14	Statement of Qualifications- Shanmugam Pirabarooban	dwr_14.pdf			
DWR-17	Statement of Qualifications-John Bednarski	dwr_17.pdf			
DWR-18	Statement of Qualifications- Sergio Valles	dwr_18.pdf			
DWR-19	Statement of Qualifications- Maureen Sergent	dwr_19.pdf			
DWR-20	Statement of Qualifications - Robert Cooke	dwr_20.pdf			
DWR-21	Statement of Qualifications- John Leahigh	dwr_21.pdf			
DWR-22	Statement of Qualifications- Mark Holderman	dwr_22.pdf			
DWR-24 DWR-26	Statement of Qualifications- Michael Anderson	dwr_24.pdf			+
DWR-26 DWR-27	Statement of Qualifications- Parviz Nader-Tehrani	dwr_26.pdf			
DWR-27 DWR-28	Statement of Qualifications- Erik Reyes Statement of Qualifications- Tara Smith	dwr_27.pdf		1	
DWR-28 DWR-29	Statement of Qualifications- Tara Smith	dwr_28.pdf dwr_29.pdf		1	
DWR-29 DWR-30	Statement of Qualifications- Jamie Anderson	dwr_29.pdf		1	
DWR-30 DWR-32	Statement of Qualifications- Gwen Buchholz	dwr_30.pdf			1
DWR-33	Statement of Qualifications- Wich Buchnolz	dwr_33.pdf		-	
DWR-51	Written Testimony- Jennifer Pierre	dwr_51.pdf			
DWR-52	Written Testimony- Steve Centerwall	dwr_52.pdf			
DWR-53	Written Testimony - Maureen Sergent	dwr_53.pdf			
DWR-54	Written Testimony- Shanmugam Pirabarooban	dwr_54.pdf			1
DWR-57	Written Testimony- John Bednarski	dwr_57.pdf			
DWR-58	Written Testimony- Sergio Valles	dwr_58.pdf			
DWR-60	Written Testimony - Robert Cooke	dwr_60.pdf			
DWR-61	Written Testimony- John Leahigh	dwr_61.pdf			
DWR-62	Written Testimony- Mark Holderman	dwr_62.pdf			
DWR-64	Written Testimony- Michael Anderson	dwr_64.pdf			
DWR-66	Written Testimony - Parviz Nader-Tehrani	dwr_66.pdf			
DWR-67	Written Testimony - Erik Reyes	dwr_67.pdf			
DWR-69	Written Testimony- Jamie Anderson	dwr_69.pdf			
DWR-70	Written Testimony- Tara Smith	dwr_70.pdf			
DWR-71	Written Testimony- Armin Munévar	dwr_71.pdf			
DWR-72	Written Testimony- Gwen Buchholz	dwr_72.pdf			
DWR-73	Written Testimony- Michael Bryan	dwr_73.pdf			
DWR-103	California Fish and Game Code section 2080.1 Consistency Determination (Delta Smelt) California Fish and Game Code section 2080.1 Consistency Determination	dwr_103.pdf			
DWR-104	(Salmon)	dwr_104.pdf			
DWR-104	Blue Ribbon Task Force Delta Vision	dwr_104.pdf			
DWR-107	CALFED ROD	dwr_100.pdf			1
DWR-108	Sacramento-San Joaquin Delta Reform Act of 2009	dwr_108.pdf			
DWR-109	2014 California Water Action Plan	dwr_109.pdf			
DWR-110	Map of South Delta Facilities	dwr_110.pdf			
DWR-113	April 19, 2011 letter to Gerald Meral from SWRCB	dwr_113.pdf		İ	1
DWR-114	Alternatives Comparison	dwr_114.pdf	1		
DWR-115	Map of Channel Margin Habitat	dwr_115.pdf	1		
DWR-116	Table of Operating Criteria	dwr_116.pdf			
DWR-117	Adaptive Management Framework	dwr_117.pdf			
DWR-201	5-Agency Technical Recommendations for the Location of BDCP Intakes 1-7 Leslie Gallagher, Request for the California WaterFix Project Levee Intake	dwr_201.pdf			
DWR-203	Project	dwr_203.pdf			
DWR-205	CCR 23 Section 120 Levees	dwr_205.pdf			-
DWR-207	Reusable Tunnel Material Testing Report	dwr_200.pdf			1
	Bureau of Reclamation Design Standards, Design Standards 13, Chapter 4,				
DWR-209	Static Stability Analysis	dwr_209.pdf			
	Delta Habitat Conservation & Conveyance Program - Conceptual Engineering Report, Volume 1	dwr_212.pdf			
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DWR-214         Report, Volume 1, Figure 2         dwr, 216, pdf           DVR         Delta Habitat Conservation & Conveyance Program - Conceptual Engineering         dwr, 216, pdf           DWR-216         Report, Volume 1, Figure 3         dwr, 216, pdf           DWR-216         Report, Volume 1, Figure 4         dwr, 216, pdf           DWR-217         Report, Volume 1, Figure 4         dwr, 217, pdf           DWR-218         G. Buchholz Conservation & Convegance Program - Conceptual Engineering         dwr, 217, pdf           DWR-219         Fish Facilities Team Technical Meno July 15, 2011         dwr, 217, pdf         dwr, 218, pdf           DWR-210         Califorial Water Tix Reinements         dwr, 220, pdf         dwr, 210, pdf           DWR-210         Califorial Water Diversions at the Proposed CVP Intake Sites         dwr, 301, pdf         dwr, 303, pdf           DWR-302         1964-05-04 Byron-Bethany Imgation District Settlement Agreement, 1981-01-78         dwr, 305, pdf         dwr, 304, pdf           DWR-303         Contra Costa Inrigation District Settlement Agreement, 1981-01-78         dwr, 304, pdf         d		Delta Habitat Conservation & Conveyance Program - Conceptual Engineering				
DWR-216         Report, Valume 1, Figure 3         dwr. 216, pdf           DWR-216         Defial Habital Conservation 8 Conveyance Program - Conceptual Engineering Report, Valume 1, Figure 4         dwr. 216, pdf           DWR-217         Report, Valume 1, Figure 6         dwr. 216, pdf           DWR-217         Report, Valume 1, Figure 6         dwr. 216, pdf           DWR-217         Report, Valume 1, Figure 6         dwr. 216, pdf           DWR-217         Report, Valume 1, Figure 6         dwr. 216, pdf           DWR-218         G. Buchhoiz Memo Groundwater Impart, Analysia         dwr. 216, pdf           DWR-219         California Water K, Refinemonts         dwr. 220, pdf           DWR-230         California Water K, Refinemonts         dwr. 230, pdf           DWR-330         Cortra Costs Water District Agreement, 1987-01-21         dwr. 330, pdf           DWR-330         Cortra Costs Water District Agreement, 1987-01-28         dwr. 330, pdf           DWR-330         Cortra Costs Water District Agreement, 1987-01-28         dwr. 330, pdf           DWR-330         Cortra Costs Water District Agreement, 1987-01-28         dwr. 330, pdf           DWR-330         SWPH Addit Agreement, 1987-01-28         dwr. 330, pdf           DWR-330         SWPH Addit Agreement, 1970-03-28         dwr. 331, pdf           DWR-330         SWPH A	DWR-214		dwr_214.pdf			
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DWR-2117         Report, Valume 1, Figure 5         dwr, 211; pdf           DWR-2119         Fish Facilities Team Technical Memo July 15, 2011         dwr, 214; pdf           DWR-210         Fish Facilities Team Technical Memo July 15, 2011         dwr, 214; pdf           DWR-220         California Water Reformance         dwr, 224; pdf           DWR-220         Table 1: Existing Water Devices at the Proposed CWF Inteke Sites         dwr, 224; pdf           DWR-320         Control Costs Water Device Agreement, 1967; 49:21         dwr, 303; pdf           DWR-330         Contra Costs Water Device Agreement, 1967; 49:21         dwr, 303; pdf           DWR-330         Contra Costs Water Device Agreement, 1967; 49:21         dwr, 303; pdf           DWR-330         Contra Costs Mater Agreement, 1963; 30:40         dwr, 303; pdf           DWR-330         Dirich Alware Agreement, 1963; 30:40         dwr, 303; pdf           DWR-330         Dirich Alware Agreement, 1963; 30:40         dwr, 304; pdf           DWR-330         Dirich Alware Agreement, 1963; 30:40         dwr, 312; pdf           DWR-331         Contra Antergane Agreement, 1963; 40:40         dwr, 312; pdf           DWR-331         DUry of Anten Anterdagenement, 1963; 10:40         dwr, 312; pdf           DWR-331         DUry of Anten Anterdagenement on Diversion of Water from the Feather         dwr, 312; pdf	DWR-216		awr_216.par			
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DVIR-219         Fish Facilities Team Technical Memo July 15, 2011         Our, 219, pdf           DVIR-220         Californis Water Diversions at the Proposed CWF Intake Sites         GWr, 221, pdf           DVIR-301         Dotta Atias, 1985         GWr, 301, pdf           DVIR-302         1564-66, 34 pron-Bottary Imgation District Satistment Agroement         GWr, 302, pdf           DVIR-303         Contral Casak Vaca District Agroement, 1867-04-20         GWr, 302, pdf           DVIR-306         Contral Casak Vaca District Settlement Agroement, 1867-04-20         GWr, 303, pdf           DVIR-306         Contral Casak Vaca District Settlement Agroement, 1867-04-20         GWr, 305, pdf           DVIR-305         Dragha North Distrik Water Agency Agreement, 1893         GWr, 305, pdf         GWr, 303, pdf           DVIR-306         Dragha North Distrik Water Agency Marenent, 1893         GWr, 303, pdf         GWr, 304, pdf           DVIR-301         North Distrik Water Agency Monord, 1891-01-28         GWr, 305, pdf         GWr, 304, pdf           DVIR-311         Memoraniaum from Bob Satis to Faul Hattor         GWr, 304, pdf         GWr, 314, pdf           DVIR-312         Armedment No. 1: to the Agreement on Diversion of Water from the Feather         GWr, 314, pdf           DVIR-313         Armedment No. 2: to the Agreement on Diversion of Water from the Feather         GWr, 315, pdf         GWr, 316, p						
DVR.220         California Water Tx Refinements         dwr.220.pdf           DVR.221         Table 1-Essing Water Dxerosino at the Proposed CVF Intake Side dwr.301.pdf           DVR.301         Deta Aulas, 1895         dwr.301.pdf           DVR.302         Christ Casta Water Dientic Agreement, 1867-04-21         dwr.303.pdf           DVR.303         Contral Casta Water Dientic Agreement, 1867-04-21         dwr.303.pdf           DVR.304         Contral Casta Water Dientic Agreement, 1867-04-21         dwr.305.pdf           DVR.306         Original North Delta Water Agreeny Agreement, 1891-01-20         dwr.305.pdf           DVR.306         Original North Delta Water Agreeny Agreement, 1891-01-20         dwr.305.pdf           DVR.308         North Delta Water Agreeny Memorandum of Understanding, 1998-05-26         dwr.305.pdf           DVR.308         North Delta Water Agreeny Memorandum of Understanding, 1998-05-26         dwr.305.pdf           DVR.310         Chry Anticoch Amendmanz, 2013-10-28         dwr.313.pdf           DVR.311         Amendmann No.3. To the Agreement on Diversion of Water from the Feather         dwr.314.pdf           DVR.314         Amendmann No.3. To the Agreement on Diversion of Water from the Feather         dwr.314.pdf           DVR.314         Pursues Mutua Water Company Agreement, 1971-05-28         dwr.315.pdf           DVR.314         Pursues Mutua Wate						
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DWR 302         1064-05-04 Byron-Bettnay Infgation District Settlement Agreement         0wr. 302.pdf           DWR 303         Contra Costs March Mater District Agreement. 1067-04-21         dwr. 303.pdf           DWR 306         Contra Costs Marghano District Settlement Agreement 1981-01-38         dwr. 306.pdf           DWR 306         Drighan North Delta Water Agency Agreement, 1981-01-28         dwr. 306.pdf           DWR 306         Drighan North Delta Water Agency Agreement, 1981-01-28         dwr. 306.pdf           DWR 308         North Delta Water Agency Agreement, 1983-01-28         dwr. 306.pdf           DWR 308         North Delta Water Agency Memorandum of Understanding, 1998-05-26         dwr. 308.pdf           DWR 301         DWR 301         DWR 301         dwr. 308.pdf           DWR 311         Memorandum from Box 304.b fo Pat Hutoin         dwr. 314.pdf           DWR 313         DWR Petition for Exersion of Time, 2009-12-31         dwr. 313.pdf           DWR 314         River, 1991-01-25         dwr. 314.pdf           DWR 315         River         dwr. 316.pdf           DWR 316         District Agreement on Diversion of Water from the Feather         dwr. 316.pdf           DWR 315         River         dwr. 316.pdf         dwr. 316.pdf           DWR 316         District Agreement on Diversion of Water from the Feather         dwr. 3	DWR-221	Table 1- Existing Water Diversions at the Proposed CWF Intake Sites	dwr_221.pdf			
DWR-833         Contra Costa Water District Agreement 1967-04-21         dwr, 303,pdf           DWR-834         City of Ansoch Agreement 1988-04-11         dwr, 305,pdf           DWR-836         East Contra Costa Irrigation District Settement Agreement 1981-01-07         dwr, 305,pdf           DWR-836         Dright Network Agreement 1988-01-28         dwr, 305,pdf           DWR-8316         Dright Network Agreement 1981-01-29         dwr, 305,pdf           DWR-8112         Morn Delate Water Agreen, Mernand 1987         dwr, 315,pdf           DWR-8131         DWR Pation for Extension of Time, 2009-123.31         dwr, 314,pdf           DWR-814         River, 1991-12.5         dwr, 314,pdf           DWR-814         Salinity Unit Conversion Egustons, from Kamyar Guvetchi         dwr, 314,pdf           DWR-816         Salinity Unit Conversion Egustons, from Kamyar Guvetchi         dwr, 314,pdf           DWR-816         Salinity Unit Conversion Egustons, from Kamyar Guvetchi         dwr, 314,pdf           DWR-816         Salinity Unit Conversion Egustons, from Kamyar Guvetchi         dwr, 314,pdf						
DWR-304         City of Antioch Agreement 198-04-11         dwr. 306.pdf           DWR-305         Exat Contra Costa Imrigation District Settlement 1981-01-07         dwr. 306.pdf           DWR-306         DFG-DWR Frahmer Xey Agreement, 1981-01-28         dwr. 306.pdf           DWR-307         DFG-DWR Frahmer Xey Agreement, 1981-01-28         dwr. 308.pdf           DWR-308         North Delta Water Agency Memorandum of Understanding, 1998-05-26         dwr. 308.pdf           DWR-310         City of Antioch Amendment, 2013-10-29         dwr. 310.pdf           DWR-311         Memorandum from Bob Suits Deal Hutton         dwr. 313.pdf           DWR-312         California Water Plan, Builetin No. 3, May 1957         dwr. 314.pdf           DWR-311         Memorandum for E Autission of Diversion of Water from the Feather         dwr. 314.pdf           DWR-314         California Water Plan, Builetin No. 3, May 1957         dwr. 314.pdf           DWR-314         Memorandum for E Autission of Diversion of Water from the Feather         dwr. 314.pdf           DWR-314         Riner Company Agreement, 197-05-28         dwr. 316.pdf           DWR-318         Planza         Mark 232.pdf           DWR-319         SWP Place of Use Sheet 3         dwr. 323.pdf           DWR-322         Wester Company Agreement, 1976-05.25         dwr. 323.pdf           DWR-3						
DWR-305         Exit Contra Costa Inglation District Settlement Agreement 1981-01-07         dwr. 306.pdf           DWR-306         OFiginal North Della Watar Agnery Manonadum of Understanding, 1998-05-26         dwr. 307.pdf           DWR-307         DFC-DWR Feather River Agreement, 1983.         dwr. 308.pdf           DWR-308         North Della Watar Agnery Memorandum of Understanding, 1998-05-26         dwr. 308.pdf           DWR-309         SWPAD BBID Diversion Agreement, 2003-05-28         dwr. 308.pdf           DWR-310         City of Antoich Amendman, 2013-10-29         dwr. 311.pdf           DWR-312         California Water Plan, Dillein No. 3, May 1957         dwr. 312.pdf           DWR-313         DWR Petition for Extension of Time, 2009-12.31         dwr. 313.pdf           DWR-314         Rword         Amendment No. 1 to the Agreement on Diversion of Water from the Feather           DWR-316         Rword         Amendment No. 2 to the Agreement, 1971-05-28         dwr. 316.pdf           DWR-318         Plumas Mutual Water Company Agreement, 1971-05-28         dwr. 316.pdf         dwr. 316.pdf           DWR-318         Sword Faco, 138.pdf         dwr. 316.pdf         dwr. 316.pdf         dwr. 316.pdf           DWR-328         Water Supervisor Faco, 139.pdf         dwr. 316.pdf         dwr. 316.pdf         dwr. 316.pdf           DWR-328         Water Super			-			
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DVR-307         DFG-DWR Feather River Agreement, 1983         dwr, 307,pdf           DVR-308         North Delta Water Agency Memorandum of Understanding, 1998-05-8         dwr, 308,pdf           DVR-309         SWPAO BBID Divorsion Agreement, 2003-05-28         dwr, 301,pdf           DVR-310         City of Antoch Annendment, 2013-10-29         dwr, 311,pdf           DVR-311         Memorandum from Bob Suits to Paul Hutton         dwr, 312,pdf           DVR-312         California Water Plan, Builtin No, 3, May 1957         dwr, 312,pdf           DWR-313         DWR Petition for Extension of Time, 2009-12-31         dwr, 312,pdf           DWR-314         River IND, 10 the Agreement on Diversion of Water from the Feather         dwr, 316,pdf           DWR-315         River         dwr, 316,pdf         dwr, 316,pdf           DWR-318         Plurnaa Mutual Water Company Agreement, 1971-05-28         dwr, 316,pdf         dwr, 316,pdf           DWR-318         Plurnaa Mutual Water Company Agreement, 1971-05-28         dwr, 320,pdf         dwr, 320						
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[	Department of Water Resources' (DWR) and United States Bureau of			
	Reclamation's (Reclamation) August 25, 2015 (Submitted August 26, 2015)			
SWRCB -1	Joint Change Petition for California WaterFix Program			
SWIKED -1				
	DWR and Reclamation's September 11, 2015 (Submitted September 16)			
SWRCB - 2	Joint Change Petition Addendum and Errata			
	2015 Public Draft Bay Delta Conservation Plan/California WaterFix Partially			
	Recirculated Draft Environmental Impact Report/Supplemental Draft			
SWRCB - 3	Environmental Impact Statement (RDEIR/SDEIS) and Comments			
014/505	2013 Public Draft Environmental Impact Report/Environmental Impact			
SWRCB - 4	Statement Bay Delta Conservation Plan			
SWRCB - 5	2013 Public Draft Bay Delta Conservation Plan.			
	State Water Resources Control Board (SWRCB) Water Right Permit 16478			
SWRCB - 6	(Application 5630) – DWR			
SWRCB - 7	SWRCB. Water Right Permit 16479 (Application 14443) – DWR			
SWRCB - 8	SWRCB. Water Right Permit 16481 (Application 14445A) – DWR			
SWRCB - 9	SWRCB. Water Right Permit 16482 (Application 17512) – DWR			
	SWRCB. Revised Water Right Decision 1641: In the Matter of:			
	Implementation of Water Quality Objectives for the San Francisco			
	Bay/Sacramento-San Joaquin Delta; a Petition to Change the Point of			
	Diversion of the CVP and SWP in the Southern Delta, and; a Petition to			
SWRCB - 21	Change Places of Use and Purposes of Use of the CVP, March 15, 2000			
	SWRCB. Water Right Decision 1485: In the Matter of Permit 12720			
	(Application 5625) and Other Permits of Reclamation for the CVP and of			
SWRCB - 23	DWR for the SWP, August 16, 1978			
	SWRCB. 2006 Water Quality Control Plan for the San Francisco			
	Bay/Sacramento-San Joaquin Delta Estuary. December 13, 2006. Appendix 1			
	- Plan Amendment Report; Appendix 2 - Referenced Documents; Appendix			
SWRCB - 27	3 – Response to Comments			
	SWRCB. Water Quality Control Plan for the San Francisco Bay/Sacramento-			
SWRCB - 30	San Joaquin Delta Estuary, May 1995.			
	California Department of Fish and Game (DFG) Longfin Smelt. California			
	Endangered Species Act Incidental Take Permit No. 2081-2009-001-03.			
	Department of Water Resources. California State Water Project Delta			
SWRCB - 65	Facilities and Operations. 2009.			
	NMFS. Biological and Conference Opinion on the Long-Term Operations of			
SWRCB - 83	the Central Valley Project (CVP) and State Water Project. April 7, 2011.			
	NMFS. Biological Opinion and Conference Opinion on the Long-Term			
	Operations of the Central Valley Project and State Water Project. June 4,			
SWRCB - 84	2009.			
	USFWS. Formal Endangered Species Act Consultation on the Proposed		1 1	
	Coordinated Operations of the Central Valley Project (CVP) and State Water			
SWRCB - 87	Project (SWP). December 15, 2008.			

## STATEMENT OF SERVICE

## CALIFORNIA WATERFIX PETITION HEARING Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

Entry of Exhibits for Evidence

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated <u>September 20, 2016</u>, posted by the State Water Resources Control Board at

http://www.waterboards.ca.gov/waterrights/water\_issues/programs/bay\_delta/california\_waterfix/service\_list.shtml:

Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.

## For Petitioners Only:

I caused a true and correct **hard copy** of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818:

Method of Service: U.S. Postal

I certify that the foregoing is true and correct and that this document was executed on

Date Tehery

Signature:

Name: Valentina German

Title: Legal Analyst

Party/Affiliation: DWR

Address: 1416 Ninth Street 1104

Sacramento, CA 95814