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**CALIFORNIA DEPARTMENT OF WATER  
3 RESOURCES**

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9 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD  
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11 HEARING IN THE MATTER OF  
12 CALIFORNIA DEPARTMENT OF WATER  
RESOURCES AND UNITED STATES  
13 BUREAU OF RECLAMATION REQUEST  
FOR A CHANGE IN POINT OF  
14 DIVERSION FOR CALIFORNIA WATER  
FIX  
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**CALIFORNIA DEPARTMENT OF  
WATER RESOURCES' OBJECTIONS  
TO CARMICHAEL WATER DISTRICT  
WRITTEN TESTIMONY AND  
EXHIBITS SUBMITTED BY  
PROTESTANTS IN SUPPORT OF  
PART 1B CASE IN CHIEF AND  
RELATED JOINDERS**

16 California Department of Water Resources ("DWR") submits the following  
17 objections, motion to strike testimony and/or exclude testimony of the Carmichael Water  
18 District (CWD) which includes written testimony from one witness, Mr. Ted Nugent, who  
19 testifies to six exhibits describing two water rights licenses and a water right permit for  
20 diversion from the American River by CWD. (CWD-1, p. 2). Mr. Nugent also refers to two  
21 exhibits that are maps of the district service area and of the groundwater contamination  
22 plum from the Aerojet Superfund Site. The purpose of his testimony is to briefly describe  
23 the CWD water rights that are "subject to *potential injury* by the proposed California  
24 WaterFix Project." (Id., emphasis added.)  
25

26 Mr. Nugent's testimony and exhibits identify the CWD water rights that would be  
27 subject to injury by the proposed California WaterFix Project (Project). (Id.) His  
28

1 testimony makes a claim of injury to these water rights from the Project based on  
2 testimony by MBK Engineers, submitted on behalf of the Sacramento Valley Water  
3 Users, and his "understanding" that Petitioners DWR and Reclamation's modeling of the  
4 Project did not answer the question of whether the Project would cause injury to CWD.  
5 (CWD-1, p. 5-6.) Mr. Nugent concludes that Petitioners did not meet their burden to  
6 show that the Project would not injure CWD. (Id.) Mr. Nugent's testimony fails,  
7 however, to provide any details or foundational evidence to support this legal conclusion  
8 that Petitioners have not met their burden of no injury to other legal users of water.  
9 Legal conclusions are inappropriate within the testimony and should be excluded.

10 Mr. Nugent claims only a general understanding of Petitioner's modeling and has  
11 not identified any specific facts or information to show how WaterFix would injure CWD's  
12 rights to water from the American River. Thus, DWR objects to CWD testimony claiming  
13 injury to its water rights from the Project as unsupported conclusions that is irrelevant  
14 and should be excluded. See also DWR's concurrently submitted Master Objections  
15 related to these issues raised by multiple parties regarding testimony making legal  
16 arguments, restating policy positions, and making assertions of fact without supporting  
17 foundational evidence. (See Master Objections).

18  
19 CWD's testimony and exhibits do not provide evidence that is competent to support  
20 the conclusion reached by CWD's witness that California WaterFix (Project) will injure  
21 CWD uses of water. The testimony provides conclusory statements without supporting  
22 evidence and refers to modeling by MBK of the Project but does not specify how this  
23 modeling shows the Project injures CWD.

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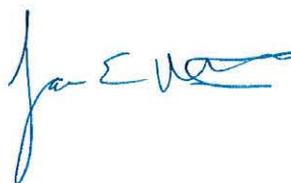
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**CONCLUSION**

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2 For the reasons stated above and in the objections raised in the Master Objection,  
3 the CWD case-in-chief (CWD-1) should be excluded from this hearing.  
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6 Dated: September 21, 2016

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RESOURCES

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