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8 BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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10 HEARING IN THE MATTER OF
11 CALIFORNIA DEPARTMENT OF WATER
RESOURCES AND UNITED STATES
12 BUREAU OF RECLAMATION REQUEST
FOR A CHANGE IN POINT OF
13 DIVERSION FOR CALIFORNIA WATER
FIX

**CALIFORNIA DEPARTMENT OF
WATER RESOURCES' OBJECTIONS
TO RESTORE THE DELTA WRITTEN
TESTIMONY AND EXHIBITS
SUBMITTED BY PROTESTANTS IN
SUPPORT OF PART 1B CASE IN
CHIEF AND RELATED JOINDERS**

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15 **I. INTRODUCTION**

16 California Department of Water Resources ("DWR") submits the following
17 objections, motion to strike testimony in whole related to issues outside the scope of this
18 hearing and/or exclude testimony to Restore the Delta's (RTD) filings which include
19 written testimony from eight witnesses (ranging from water rights testimony to recreation
20 in the Delta), five Declarations of small business owners or entrepreneurs, eight power
21 point presentations and a number of pictures and documents purported to support the
22 testimony but not directly referenced in many instances. Protestant RTD requested in its
23 original NOI to present four witnesses for both Part 1 and Part II. It has now expanded
24 the witnesses (not including five Declarants) to ten witnesses for Part I. Because much
25 of the testimony presented by the additional witnesses and Declarants are irrelevant and
26 cumulative DWR request this information be excluded until Part II of this hearing and
27 then resubmitted where it may be relevant. Those specific objections are noted in
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1 Attachment A as irrelevant to Part 1 of this Hearing. DWR does not waive specific
2 objections when it may be later introduced in Part II.

3 DWR concurrently with this Objection submits Master Objections related to issues
4 raised by multiple parties which will be referenced in this document. Those issue include
5 testimony making legal arguments, restating policy positions, requests this proceeding
6 determine real property or economic damages and rearguing processes outside the
7 scope of this hearing like the Delta Plan, EIR/EIS adequacy, Biological Assessment
8 and/or re-consultation.

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10 **II. PROFFERED TESTIMONY IN LARGE PART IS IRREVELANT TO THE ISSUES
FOR A CHANGE PETITION**

11 RTD's lead witness appears to be Tim Shroshane who provides an opinion that (1)
12 the change petition is a new water right, (2) the project is unauthorized, (3) the SWP
13 water rights permits should be licensed, (4) financing of the project must be defined, and
14 (5) challenges to the efficacy of the modeling based on outdated analysis. With regards
15 to 1 through 4 please refer to DWR's Master Objections.

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17 **A. Challenges to the Modeling:**

18 Mr. Shroshane is a policy analyst for RTD. He does not qualify as an expert to
19 render an opinion on surface water hydrodynamics nor does he have experience in this
20 area or more specifically with large water system operations or hydrodynamic modeling.
21 This lack of knowledge and experience can be seen in his description of hydrodynamics
22 in the Delta (RTD10 Testimony, page 7, paragraph 20). The basis of his analysis is over
23 simplified, misleading and inaccurate. For example, Sacramento River water does not
24 come through the Cross Channel to make it into the South Delta; tidal action is normally
25 the largest force moving water into and out of the Central/South Delta areas at the
26 junction of Old and Middle Rivers at the San Joaquin. Although the Banks and Jones
27 pumping plants can and do influence the average or net direction of flow in the
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1 South/Central Delta, there are other factors that contribute to net upstream flow
2 including the amount of San Joaquin River inflow and net channel depletions from other
3 in Delta uses.

4 Mr. Stroshane's testimony and presentation are mostly focused on compliance with
5 the Delta Reform Act, specifically the policy of reduced reliance on the Delta and similar
6 issues outside the scope of this hearing. The first twenty pages of his testimony covers
7 reduced reliance and EIR/EIS analysis, possibility of increased water transfers and how
8 the peripheral canal was already voted down in 1982. He concludes his water rights
9 testimony with a legal argument that only through Delta conveyance is legally authorized
10 by state and federal law. He also makes another legal argument that DWR has not
11 reached the license stage with its water right permits and that should be decided in
12 these proceedings. All of these contentions he classifies as "water rights." These issues
13 are not relevant and should be excluded as well as his Exhibits and presentation based
14 on these subjects.

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16 In the next few pages he goes into the lack of financing or secured funding
17 commitment/details as a basis for a new water right or basis to deny the change petition.
18 He raises the issue of bond financing and project costs leading into the separate process
19 of Long-term Water Contract Amendments; again irrelevant. Please refer to DWR's
20 Master Objection related to funding arguments made by Protestants as it relates to a
21 change petition.

22 Beginning on page 25 of his testimony, Mr. Stroshane opines on water quality
23 impacts based on modeling analysis he is not qualified to render an opinion. Without
24 waiving the objection to his qualification, his opinion is not specific as to any particular
25 alleged injury. His testimony relies on the conclusions of others related to modeling
26 results which is duplicative testimony but he continues to render opinions. On page 27,
27 he states, "Testimony from other RTD witnesses will address which legal users of water
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1 would be affected by such changes and provide descriptions of their use of and contact
2 with water in the Delta.” No such testimony provides those details. The remainder of his
3 testimony discusses the modeling results related to water quality with an attempt to tie
4 his conclusions to environmental justice issues and impacts to the City of Stockton. With
5 regards to the City of Stockton, it has filed a case in chief and issues raised duplicative in
6 nature and on that basis should be excluded.

7 **III. TESTIMONY ALLEGING INJURY TO FARMING PRACTICES, AVAILABLE**
8 **FRESH PRODUCE IN LOW INCOME COMMUNITIES AND WATER QUALITY**
9 **IMPACTS WITH NO SPECIFICITY DOES NOT SHOW INJURY**

10 RTD’s other witnesses Barbara Barrigan-Parrilla, Michael Machado, Roger
11 Mammon, XuilyLo, Gary Mulchacy, Esperanza Vielma, and Ixtzel Reynoso basically
12 provide policy statements. These witnesses are attempting to show impacts to EJ
13 communities through “possible” impacts to water quality that may impact local farmers,
14 fishermen and businesses without any actual evidence or connection to the proposed
15 project. Please refer to Table A attached for specific objections to those witnesses.

16 Testimony related to possible impacts to farm-fresh produce and changing crops,
17 even if slightly probative, entirely lacks foundation. Future concerns of crop impacts
18 without specific analysis and evidence regarding crop impacts in the Delta are not useful
19 to the trier of fact and are irrelevant to the issues in Part 1 of this proceeding.

20 The small business owners and community witnesses presented in RTD case
21 provide no actual evidence or testimony that any impacts from the proposed diversions,
22 whether to water levels or water quality, are likely to occur. Such generalized concerns
23 provide no evidence or information useful to the trier of fact on the issues of Part 1 of this
24 proceeding, which is whether there is a potential impact to human uses of water
25 including associated legal users of water, and if so, what measures should be taken to
26 avoid such injury.

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IV. RTD HAS NOT MET ITS BURDEN TO SHOW INJURY

The October 30, 2015 Hearing Notice provided that if the protest is based on injury to a legal user of water, the protest must describe specifically what injury would result if the proposed changes requested in the Petition were approved, and the party claiming injury must provide specific information describing the basis of the claim of right, the date the use began, the quantity of water used, the purpose of use and the place of use. (October 30, 2015 Hearing Notice, at p. 13.) None of the testimony or supporting documents submitted by RTD meet this burden.

In summary, Protestants’ exhibits include historical summaries about the water projects (See RTD 105-111 and 215). Although interesting there is no connection between the testimony and the need for these background documents to show an injury to any legal water user or otherwise to support claims made in its case-in-chief. RTD also submits comments letters submitted to the Lead Agencies of the EIR/EIS that are irrelevant to these proceedings and untimely since the final EIR/EIS will include written responses as to the resolution of public comments, including those submitted. Additionally comment letters to the draft environmental documents cover a wide range of issues that may result in surprise testimony not permitted in these proceedings. Exhibits attaching EIR/EIS comment letters amount to a waste of time and are misleading without the benefit of correlated responses. (See RTD 130, 134, 143, 153-4, 221-2 and 245). Also submitted are copies of Protests filed in these proceedings (RD 144 and 223). Parties should refer to copies available on the hearing webpage and avoid duplicative submittals of Exhibits.

1 RTD CONTINUES TO RAISE ISSUES ALREADY DECIDED TO BE OUTSIDE
2 THE SCOPE OF THIS PROCEEDING

3 As detailed in the Master Objections filed by DWR, issues related to the Delta
4 Reform Act, the Long-term Contract Amendment Project and ongoing WQCP updates
5 are outside the scope of this hearing, but despite multiple rulings on this issue, RTD
6 submits exhibits and testimony again on those points. (See RTD 123-127, 133, 134-
7 141.)

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9 **V. RECREATION, PUBLIC INTEREST AND FISH IMPACTS ARE IN PART II**

10 Topics reserved by the Hearing Officers for Part 2 and clearly outside the
11 appropriate scope of Part 1 include:

12 Will the changes proposed in the Petition unreasonably affect fish and wildlife or
13 recreational uses of water, or other public trust resources? (Oct. 30, 2015 Hearing Notice
14 at p.12.) This clearly includes flows for fish protection, cold water pool requirements,
15 consideration of “appropriate Delta flow criteria” under the Delta Reform Act
16 (Sacramento-San Joaquin Delta Reform Act of 2009, Wat. Code, § 85000, et seq.), and
17 all aspects of recreation such as boating and fishing.

18
19 Are the proposed changes requested in the Petition in the public interest? If so,
20 what specific conditions, if any, should be included in any approval of the Petition to
21 ensure that the changes are in the public interest? (*Ibid.*) Testimony surrounding the
22 availability and effectiveness of emergency services and historic structures, if relevant to
23 this hearing, are related to the public interest and not injury to legal users of water, and
24 should be excluded until Part 2.
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1 Should the Hearing Officers determine that it will incorporate any aspects of the
2 Delta Stewardship Council's purview, such as protection of the Delta as a place or the
3 co-equal goals, these issues would also fall outside the scope of Part 1.

4 Human uses of water associated with the health of a fishery or recreation. (Feb. 11,
5 2016 Ruling, at p. 10.) Any information or testimony submitted by Protestants on these
6 issues is appropriately excluded from the hearing and the record.

7 Here, RTD attempts to argue recreation impacts including fishing and boating
8 through testimony, pictures and Declarations. All of this information should be excluded
9 and resubmitted in Part II of these proceedings.

11 **VI. CONCLUSION**

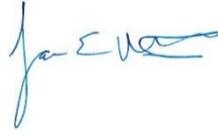
12 Overall, Protestants RTD's testimony and exhibits do not provide evidence that is
13 competent to support the conclusion reached by Protestants' witnesses that California
14 WaterFix (Project) will injure other legal users of water, as represented by RTD. The
15 testimony in large part is conclusory statements without supporting evidence and most
16 often time policy-statements and not proffered evidence to support a claim of injury.

17 DWR provides responses to Protestant's specific testimony, presentations and
18 Exhibits in a Response Table, Attachment A.

19 For the reasons stated above, those raised in DWR's Master Objections and raised
20 in Attachment A the Protestant Restore the Delta's case-in-chief includes pages of
21 irrelevant testimony and supporting documents that should be excluded from this
22 hearing.
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Dated: September 21, 2016

CALIFORNIA DEPARTMENT OF WATER
RESOURCES



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**California WaterFix hearing
California Department of Water Resources and U.S. Bureau of Reclamation**

The Public Hearing will commence on
Thursday, October 20, 2016

PARTICIPANT: Restore the Delta

Exhibit Identification Number	Exhibit Description	Summary and Objection
RTD-1	Tim Stroshane Qualifications	Mr. Stroshane does not qualify as an expert to render an opinion on surface water hydrodynamics nor does he have experience in this area or more specifically with large water system operations or hydrodynamic modeling. Additionally he is not qualified to offer legal opinions with regards to Water Rights and Water Quality analysis/impacts.
RTD-2	Barbara Barrigan-Parrilla Qualifications	<p>This witness has an education in English Literature and has been involved with community organizing/event planning. Her testimony (40 pages in length) attempts to provide an opinion (legal in nature) about the application of state and federal environmental justice laws. She states the outreach efforts for the EIR/EIS were inadequate and EJ outreach plan as well. She concludes “<i>adverse employment, disinfection byproduct, and fish contamination effects of the proposed project</i>” result in impacts to color and poor communities. She also provides an opinion without supporting evidence of water quality impacts alleging the proposed project would be responsible for a parade of horrors.</p> <p>Objection: This witness is not qualified to provide a legal opinion (see DWR’s Master Objection) and alleged impacts to populations generally without sufficient foundation or specificity.</p>
RTD-3	Michael Machado Qualifications	Mr. Machado’s education is focused on economics and experience in farming. His testimony largely focuses on alleged economic impacts to in-Delta agriculture. He relies in large part on the Delta Protection Commission Economic Sustainability report and opinions of Economist Dr. Jeffrey Michael of the University of the Pacific.

Exhibit Identification Number	Exhibit Description	Summary and Objection
		<p>Objection: with regards to the duplicative testimony such references are cumulative. This is unwarranted use of hearing time.</p>
RTD-4	Esperanza Vielma Qualifications	<p>This witness' education is in Hispanic and Chicano Studies and is the Executive Director of Café Coop and serves on EJ advisory groups. Her testimony highlights some local small businesses and their goals</p> <p><i>“Simply put, nobody wants to visit or do business in a city surrounded by stagnant, polluted water that smells. Stockton already has that problem due to inadequate fresh water flows. CA WaterFix will make these problems worse. The stories of these businesses help document and illustrate the linkages between Stockton's prime economic driver, agriculture, and future economic growth strategies, many of which will depend directly or indirectly on maintaining and improving water quality in the Delta estuary.”</i></p> <p>Objection: Relevance as to foundation in testimony and related testimony not specific to issues in Part 1. See testimony at RTD 40-41.</p>
RTD-5	Gary Mulcahy Qualifications	<p>Mr. Mulcahy is the representative of the Winnemem Wintu Tribe and has acted in that capacity for many years before various governmental agencies. His testimony provides a historical summary of views related to impacts by governmental agencies to tribal rights and how that will continue with this project. He also alleges the change petition results in a new water right.</p> <p><i>“For us, the Winnemem Wintu Tribe, this “California Waterfix” begins in the 1800’s when we signed a Treaty of Peace and Friendship on August 16, 1851 at Reading’s Ranch in Cottonwood.”</i></p> <p>Objection: Policy Statements are not evidence to support an injury, issues related to recreation and fish impacts are in Part 2. See Testimony RTD 50, note</p>

Exhibit Identification Number	Exhibit Description	Summary and Objection
		RTD51 was not submitted.
RTD-6	Ixtzel Reynoso Qualifications	<p>Mr. Reynoso has been a Clarksburg resident since he was 15. His testimony recounts interviews of those in his community and experiences growing up related to farm work and poverty.</p> <p><i>“The environmental justice community will lose its livelihood if the flows of the Delta are compromised, their education will be detrimentally impacted, their hopes and dreams will be stalled, their wells will no longer pump drinkable water, and their jobs and homes will be lost.”</i></p> <p>Objection: This testimony serves as an additional policy statement with conclusions about impacts without evidence or analysis. See testimony at RTD 60-61.</p>
RTD-7	Roger Mammon Qualifications	<p>Mr. Mammon is a resident of the City of Oakley and an avid fisherman and member of the Striped Bass Association.</p> <p><i>“As a sportsman I have watched the Delta die a slow death as its life giving blood, water, is removed from the ecosystem in astonishing amounts leaving the Delta ecosystem in a terrible mess. In conclusion, I am directly affected as a legal user of water, as the sporting activities I enjoy are being decimated by the diversion of clean water for other purposes and will be further severely injured should the petition be granted and the Twin Tunnels constructed.”</i></p> <p>Objection: relevance, conclusory, and issues related to Part 2, see testimony at RTD 70-71.</p>
RTD-8	Xuily Lo Qualifications	<p>This witness' education is in public administration and political science with a background in community education.</p> <p><i>“In conclusion, as a fisherman who has utilized the California Delta for recreational purposes for the last</i></p>

Exhibit Identification Number	Exhibit Description	Summary and Objection
		<p><i>twenty-three years, as well as bringing home food throughout the year, I don't approve of the Delta Tunnels project."</i></p> <p>Objection: relevance, conclusory, and issues related to Part 2, see testimony at RTD 80-81.</p>
RTD-9	Reserved	
RTD-10	Tim Strohane written testimony	In large part the testimony is irrelevant. Please refer to specific objections to Mr. Strohane's qualifications. Additionally, issues raised regarding compliance with the Delta Plan, Long-Term Contracts, the WQCP update, economic feasibility and funding all are outside the scope of this hearing and should be excluded.
RTD-11	Tim Strohane presentation slides	Objections as to relevance similar to RTD10 above and specific objections raised.
RTD-101	"Report on Feasibility of Feather River Project and Sacramento-San Joaquin Delta Diversion Projects Proposed as Features of the California Water Plan," May1951.	Objection – Relevance
RTD-102	"Program for Financing and Constructing the Feather River Project as the Initial Unit of the California Water Plan," February 1955.	Objection – Relevance
RTD-103	Bulletin No. 76: Report to the California State Legislature on the Delta Water Facilities as an Integral Feature of the State Water Resources Development System,	Objection – Relevance

Exhibit Identification Number	Exhibit Description	Summary and Objection
	December 1960.	
RTD-104	State Water Resources Control Board, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives, February 2012.	Objection – Relevance
RTD-105	Eric A. Stene, Bureau of Reclamation, [History of] Trinity Division, Central Valley Project, 1996.	Objection – Relevance
RTD-106	Eric A. Stene, Bureau of Reclamation, [History of] Shasta Division, Central Valley Project, 1996.	Objection – Relevance
RTD-107	Eric A. Stene, Bureau of Reclamation, [History of] Sacramento River Division, Central Valley Project, 1994.	Objection – Relevance
RTD-108	William Joe Simonds, Bureau of Reclamation, [History of] The American River Division, Folsom and Sly Park Units, Auburn-Folsom South Unit, Central Valley Project, 1994.	Objection – Relevance
RTD-109	Eric A. Stene, Bureau of Reclamation, [History of] Delta Division, Central Valley Project, 1994.	Objection – Relevance

Exhibit Identification Number	Exhibit Description	Summary and Objection
RTD-110	William Joe Simonds, Bureau of Reclamation, [History of] New Melones Unit, Central Valley Project, 1994.	Objection – Relevance
RTD-111	Robert Autobee, Bureau of Reclamation, [History of] San Luis Unit, West San Joaquin Division, Central Valley Project, n.d.	Objection – Relevance
RTD-112	Wyndham E. Whynot and William Joe Simonds, Bureau of Reclamation, [History of] San Felipe Division, Central Valley Project, 1994.	Objection – Relevance
RTD-113	Robert Autobee, Bureau of Reclamation, [History of] Friant Division, Central Valley Project, 1994.	Objection – Relevance
RTD-114 RTD-115	Summary of Central Valley Project Division Start and Completion Dates, with Exhibit Citations	Objection - Relevance
	California Department of Water Resources, California State Water Project Atlas, 1999.	Objection – Relevance
RTD-116	Summary of State Water Project Division Start and Completion Dates, with Exhibit Citations	Objection – Relevance

Exhibit Identification Number	Exhibit Description	Summary and Objection
RTD-117	California Department of Water Resources, Bulletin 132-10: Management of the California State Water Project, 2009.	Objection – Relevance
RTD-118	California Department of Water Resources, Petition for Extension of Time with Supplement, December 31, 2009, 12 pages.	Objection – Relevance and submitted as a legal argument outside the scope of this hearing. (Please refer to Master Objection related to legal issues and water right matters outside the scope of this proceeding.)
RTD-119	RTD spreadsheet summary and analysis of delivery data for Central Valley Project, 1985-2014 from U.S. Bureau of Reclamation Central Valley Operations web site.	Objection – foundation not established
RTD-120	California Department of Water Resources, Memorandum Response to California Water Impact Network and AquAlliance's Formal Protest of the Department of Water Resources' Petition for Extension of Time Regarding the State Water Project Permitted Water Right Applications, February 10, 2011.	Objection: The response is related to issues outside the scope of this hearing related to permit and licensing status in 2011. Not relevant.
RTD-121	U.S. Bureau of Reclamation, Petition for	Objection – Relevance – Protestant appears to be arguing issues of water rights outside the scope of the hearing limited to “change” to water right not

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Extension of Time, with Supplement, June 23, 2009; noticed by State Water Resources Control Board September 3, 2009.	extension requests.
RTD-122	U.S. Bureau of Reclamation, et al, Planning Agreement regarding the Bay Delta Conservation Plan, October 6, 2006.	Objection – Relevance
RTD-123	Delta Stewardship Council, "Considering Delta Conveyance and Ecosystem Restoration without the Bay Delta Conservation Plan," staff report, June 25, 2015, Item 11.	Objection – Relevance, Protestant is raising issues outside the scope of this hearing. As previously decided in this hearing, compliance with the Delta Plan, Delta Reform Act is not an issue before this Hearing Team/Board.
RTD-124	Delta Stewardship Council, Meeting Summary, June 25, 2015.	Objection – Relevance, Protestant is raising issues outside the scope of this hearing. As previously decided in this hearing, compliance with the Delta Plan, Delta Reform Act is not an issue before this Hearing Team/Board.
RTD-125	Delta Stewardship Council, "Conveyance, Storage, and Water Project Operations," staff report, July 23-24, 2015, Item 10.	Objection – Relevance, Protestant is raising issues outside the scope of this hearing. As previously decided in this hearing, compliance with the Delta Plan, Delta Reform Act is not an issue before this Hearing Team/Board.
RTD-126	Delta Stewardship Council, Meeting Summary, July 23-24, 2015.	Objection – Relevance, Protestant is raising issues outside the scope of this hearing. As previously decided in this hearing, compliance with the Delta Plan, Delta Reform Act is not an issue before this Hearing Team/Board.
RTD-127	Maven's Notebook, "The truth be told: The Delta, the	Objection – Relevance, factual contention not connected to testimony nor any offer of proof or

Exhibit Identification Number	Exhibit Description	Summary and Objection
	tunnels, and the tributaries, part 1," October 28, 2015.	evidence related to issues properly before the Board in this change Petition.
RTD-128	U.S. Bureau of Reclamation Permit Face Amounts of Central Valley Project Water Rights Permits, from eWRIMS data, with Restore the Delta spreadsheet analysis.	Lacks foundation due to a lack of testimony and lack of expertise for analysis and suggested conclusion
RTD-129	California Department of Water Resources Face Amounts of State Water Project Water Rights Permits, from eWRIMS data, with Restore the Delta spreadsheet analysis.	Lacks foundation due to a lack of testimony related to an injury to legal users within the scope of Part 1.
RTD-130	Environmental Water Caucus, Comments on Bay Delta Conservation Plan/"California WaterFix" Tunnels Project Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, October 30, 2015.	Lacks foundation due to a lack of testimony and lack of expertise for analysis and suggested conclusions. RTD30 is a comment letter that includes extensive comments without the benefit of Lead Agency responses. If Protestant is referencing a table in the previously submitted comment letter to the BDCP EIR/S, it should do so without referencing the entire letter and provide supporting testimony with foundation for the matter asserted. As presented, this Exhibit should be excluded.
RTD-131	Tim Stroshane, Testimony on Water Availability Analysis, prepared for California Water Impact Network, California	Testimony submitted for consideration under the WQCP update is irrelevant to this proceeding. Please see Master Objection.

Exhibit Identification Number	Exhibit Description	Summary and Objection
	<p>Sportfishing Protection Alliance, and AquAlliance, submitted for Phase 2 of State Water Resources Control Board, Bay-Delta Water Quality Control Plan Update , October 26, 2012. Accessible at www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/comments111312/tim_stroshane.pdf.</p>	
RTD-132	<p>U.S. Bureau of Reclamation, Trinity River Record of Decision, 2000.</p>	<p>Objection - Relevance</p>
RTD-133	<p>California Natural Resources Agency, California Water Action Plan, 2016 Update.</p>	<p>Objection - Relevance</p>
RTD-134	<p>California Department of Water Resources, Agreement in Principle for Water Supply Contract Extension, July 8, 2014 memorandum.</p>	<p>Objection – Relevance</p>
RTD-135	<p>City of Antioch letter to California Department of Water Resources, December 16, 2014, regarding DWR/SWP Contractors Contract Amendment Negotiations.</p>	<p>This Exhibit appears to go to an outside process that does not establish a fact related to legal injury to a water user, Long-Term contract extension project. Similarly as to the Delta Plan and WQCP processes outside of this hearing, please refer to Master Objections.</p>

Exhibit Identification Number	Exhibit Description	Summary and Objection
RTD-136	Santa Barbara County letter to California Department of Water Resources, December 15, 2014, regarding Public Comment - Bay Delta Conservation Plan Negotiations.	Objection – Relevance
RTD-137	California Department of Water Resources, preliminary official statement dated April 26, 2016, Central Valley Project Water System Revenue Bonds, Series AV.	Objection – Relevance
RTD-138	Central Valley Regional Water Quality Control Board, Salinity in the Central Valley: An Overview, May 2006.	Objection – Relevance
RTD-139	March Fong Eu, California Secretary of State, Supplement to Statement of Vote, Primary Election, June 8, 1982.	Objection – the testimony by Mr. Stroshane, page 12 is irrelevant and should be excluded.
RTD-140	UC Hastings Scholarship Repository, 1982 Water Facilities including a Peripheral Canal.	Objection – this article describes the peripheral canal project which is irrelevant to the proposed project.
RTD-141	California Department of Water Resources web site, "State Water Project Amendments for the Proposed BDCP, Project	This exhibit would support a policy statement and not actual testimony submitted that should support an alleged legal injury.

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Purpose," and "Announcements," accessed July 10, 2016.	
RTD-142	North State Water Alliance, Comments on the Bay Delta Conservation Plan and its Impacts on Regional Sustainability in the North State, July 28, 2014, plus exhibits and attachments.	Objection – Comments on the BDCP EIR/EIS without the corresponding response is misleading, in this regards cumulative to others’ testimony and amounts to surprise testimony.
RTD-143	East Bay MUD, Comments on the Bay Delta Conservation Plan Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, October 28, 2015.	Objection – Comments on the BDCP EIR/EIS without the corresponding response is misleading, in this regards cumulative to others’ testimony and amounts to surprise testimony.
RTD-144	East Bay MUD, Protest and Notice of Intent to Appear, January 4, 2016	Protests are already in the hearing record and should be referenced accordingly. Objection as to relevance and cumulative.
RTD-145	Faunt, C.C., ed., 2009, Groundwater Availability of the Central Valley Aquifer, California: U.S. Geological Survey Professional Paper 1766, 225 p.	Testimony mentions this exhibit for the alleged impacts to groundwater and its connection to surface water is interesting but does not connect it to an alleged injury to a legal user.
RTD-146	Northeastern San Joaquin County Groundwater Banking Authority, Eastern San Joaquin Groundwater Basin, Groundwater	The testimony provided by Mr. Stroshane is beyond his expertise and conclusory, again not connecting to a specifically alleged legal injury. Lacks Foundation and Relevance due to lack of testimony.

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Management Plan, 2004.	
RTD-147	San Joaquin County Flood Control and Water Conservation District, Water Management Plan, Phase 1 - Planning Analysis and Strategy, October 2001.	The testimony provided by Mr. Stroshane is beyond his expertise and conclusory, again not connecting to a specifically alleged legal injury. Lacks Foundation and Relevance due to lack of testimony.
RTD-148	California Department of Water Resources, Quantity and Quality of Waters Applied to and Drained from the Delta Lowlands, Report No. 4, July 1956.	The testimony provided by Mr. Stroshane is beyond his expertise and conclusory, again not connecting to a specifically alleged injury to a legal user of water. Lacks Foundation and Relevance due to lack of testimony.
RTD-149	Mean monthly flows (cfs) for Model Scenarios for the Sacramento River Downstream of the North Delta Diversion Facility.	The testimony of Mr. Stroshane is outside his expertise and as stated mischaracterizes modeling data/analysis in the record.
RTD-150	Mean monthly flows (cfs) for Model Scenarios for the Sacramento River at Rio Vista.	The testimony of Mr. Stroshane is outside his expertise and as stated mischaracterizes modeling data/analysis in the record.
RTD-151	Reserved	
RTD-152	Screen shots of search results from DWR-117.	This Exhibit is submitted to claim the Petitioners did not consider environmental justice issues in the proposed project or specifically through adaptive management. This is misleading and outside the scope as framed. Environmental justice issues were analyzed in the EIR/EIS and the adequacy of the environmental analysis is not properly part of this Petition.
RTD-153	Contra Costa Water District, Comments on Bay Delta	Objection – Comments on the BDCP EIR/EIS without the corresponding response is misleading, in this regards cumulative to others’ testimony and amounts

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Conservation Plan and Draft EIR/EIS, July 25, 2014, including attachments.	to surprise testimony.
RTD-154	Contra Costa Water District, Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Bay Delta Conservation Plan/WaterFix, October 30, 2015, including attachments.	Objection – Comments on the BDCP EIR/EIS without the corresponding response is misleading, in this regards cumulative to others’ testimony and amounts to surprise testimony.
RTD-20	Barbara Barrigan-Parrilla written testimony	Objection as to lacking foundation and relevance; policy statement and not direct evidence, rendering opinions outside her expertise, including legal opinions.
RTD-21	Barbara Barrigan-Parrilla presentation	Similar to the RTD20 above and those issues addressed in DWR’s Master Objection, testimony through a presentation related to irrelevant matters, lacking foundation to establish an opinion and purely policy statements should be excluded, creates an unnecessarily long hearing of unrelated matters.
RTD-201	Reserved	
RTD-202	Executive Order 12898 of February 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Federal Register 59(32): February 16, 1994.	Objection as to relevance
RTD-203	U.S. Department of the Interior, Environmental	Objection – Relevance

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Justice Strategic Plan, 2012-2017.	
RTD-204	California Department of Justice, Fact Sheet: Environmental Justice at the Local and Regional Level, Legal Background, updated 7/10/2012.	Objection – Relevance
RTD-205	Environmental Justice Communities in the Delta - American Community Survey 2014 data on population by race and Hispanic or Latino Ethnicity (of any race).	Objection – Relevance
RTD-206	Environmental Justice Communities in the Delta - American Community Survey 2014 Data on Percentage of Families and People Whose Income in the Past 12 Months is Below the Poverty Level	Objection – Relevance
RTD-207	Environmental Justice Communities in the Delta - American Community Survey 2014 Data on Language Spoken at Home	Objection – Relevance
RTD-208	Reserved	
RTD-209	State Water Resources Control Board, Beneficial Uses Development: Tribal Traditional and Cultural,	Objection – Relevance

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Tribal Subsistence Fishing, and Subsistence Fishing Beneficial Uses, Stakeholder Outreach Document, June 2016	
RTD-210	Reserved	
RTD-211	Economic Innovations Group, The 2016 Distressed Communities Index: An Analysis of Community Well-Being Across the United States. Accessible at http://eig.org/dci , including mapped data on cities, counties, and zip codes.	Objection – Relevance
RTD-212 RTD-213	Summary of Delta Region Distressed Community Index Scores, with supporting data from Economic Innovations Group.	Objection – Relevance
	Thomas H. Means, Salt Water Problem, San Francisco Bay and Delta of Sacramento and San Joaquin Rivers, April 1928.	Objection – Relevance
RTD-214	Reserved	
RTD-215	W. Turrentine Jackson and Alan M. Paterson, The Sacramento-San Joaquin Delta: The Evolution and Implementation of Water Policy, an Historical Perspective, California	Objection – Relevance

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Water Resources Center, Contribution No. 163, June 1977.	
RTD-216	University of the Pacific Eberhardt School of Business, Center for Business and Policy Research, May 2016 California and Metro Forecast.	Objection – Relevance Appears this report is submitted to support economic stability/growth issues outside the scope of this hearing, covering large cities with a portion focused on Stockton. Related to Stockton’s case in chief and related testimony, this is also cumulative and duplicative and should be excluded.
RTD-217	City of Stockton Water Service Area Map	Cumulative as with City of Stockton’s testimony, lacks foundation and relevance due to lack of testimony.
RTD-219	California Water Service Company, 2015 Urban Water Management Plan, Stockton District, June 2016.	Cumulative as with City of Stockton’s testimony, lacks foundation and relevance due to lack of testimony.
RTD-220	State Water Resources Control Board, Transmittal of Water Supply Permit to City of Stockton, July 21, 2015.	Cumulative as with City of Stockton’s testimony, lacks foundation and relevance due to lack of testimony
RTD-221	City of Stockton, 2014 Bay Delta Conservation Plan comments.	Objections – untimely, relevance, misleading, see DWR’s Master Objection – outside the scope of this hearing and related to the EIR/EIS adequacy
RTD-222	City of Stockton, 2015 California WaterFix RDEIR comments.	Objections – untimely, relevance, misleading, see DWR’s Master Objection – outside the scope of this hearing and related to the EIR/EIS adequacy
RTD-223	City of Stockton, Protest of California WaterFix Change	Duplicative – RTD should refer to Protests already linked to these proceedings

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Petition, January 5, 2016.	
RTD-224	City of Stockton, Municipal Utilities Department, May 2016 Water Rate Study.	Objections – duplicative, relevance as to lacking foundational testimony
RTD-225 RTD-226	Stockton Retail Water Sources, 2015.	Objections – duplicative, relevance as to lacking foundational testimony
RTD-227	Projected Water Supplies for Stockton, 2020 to 2040.	Objections – duplicative, relevance as to lacking foundational testimony
	City of Stockton, Water Quality Report for 2015, June 2016.	Objections – duplicative, relevance as to lacking foundational testimony
RTD-228	California Water Service Company, 2015 Water Quality Report.	Objections – duplicative, relevance as to lacking foundational testimony
RTD-229	Methodology for Estimating Population of Delta Region Subsistence Anglers from Fishing License Data	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-230	Methodology for Estimating Delta Counties Subsistence Anglers from Angling Intensity (Hours) Data	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-231	F. Shilling, A.White, L. Lippert, and M. Lubell, 2010. Contaminated fish consumption in California's Central Valley Delta. Environmental Research 110(2010): 334-344.	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-232	J.A. Davis, B.K. Greenfield, G. Ichikawa, and M. Stephenson, 2008. Mercury	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading

Exhibit Identification Number	Exhibit Description	Summary and Objection
	in sport fish from the Sacramento-San Joaquin Delta region, California, USA. Science of the Total Environment 391: 66-75.	
RTD-233	F. Shilling, 2003. Background Information for a Central Valley Fish Consumption Study	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-234	California Department of Fish and Game, Automated License Data System, Catalog Item Activity by Customer Geographical Area - Data Point (License Data by County) - 11/15/2013 to 12/31/2014.	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-235	Silver, E., J. Kaslow, D. Lee, S. Lee, M.L. Tan, E. Weis, and A. Ujihara, 2007. Fish consumption and advisory awareness among low-income women in California's Sacramento-San Joaquin Delta.	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-236	Berg, M. and M. Sutula, 2015. Factors affecting the growth of cyanobacteria with special emphasis on the Sacramento-San Joaquin Delta, Southern California Coastal Water Research Project Technical	Objection – outside the expertise of the testifying witness and relevance related to a specific alleged injury based on the change petition for the proposed project, misleading.

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Report 869, August 2015.	
RTD-237	P.W. Lehman, K. Marr, G.L. Boyer, S. Acuna, and S.J. The, 2013. Long-term trends and causal factors associated with Microcystis abundance and toxicity in San Francisco Estuary and implications for climate change impacts. Hydrobiologia 718: 141-158. DOI 10.1007/s10750-013-1612-8.	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-238	United States Department of Agriculture, Economic Research Service, Food Access Maps and documentation, accessed July 24, 2016.	Testimony related to this exhibit is not within the witnesses' qualifications to render an opinion, irrelevant, speculative and misleading
RTD-239	United States Department of Agriculture, Economic Research Service, Food Access Summary Data for Delta County Census Tracts.	Objection – not relevant nor specific to any alleged injury
RTD-240	Valley Vision, Inc., A Community Health Needs Assessment of San Joaquin County, conducted on behalf of San Joaquin County Community Health Assessment Collaborative,	Objection – not relevant nor specific to any alleged injury

Exhibit Identification Number	Exhibit Description	Summary and Objection
	March 2013.	
RTD-241	BDCP Steering Committee Outreach Work Group to BDCP Steering Committee, regarding Public Outreach Process for BDCP (for Steering Committee Action), June 29, 2007.	Objection – relevance
RTD-242	BDCP Steering Committee Meeting, BDCP Delta Workshop Report, October 22, 2009.	Objection – relevance
RTD-243 RTD-244	Department of Water Resources, Delta Habitat Conservation and Conveyance Program, Environmental Justice Community Survey Summary Report, 1/25/2010, Standard Agreement No. 4600008104, Task Order No. 7, Subtask 7.2, Document Number 9AA-06-13-110-001.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory and lacking foundation, necessary expertise to render an expert opinion.
	Summary Table of Environmental Justice Survey Respondents to DWR's 2010 environmental justice survey. Prepared by Restore the Delta.	Objection related to proper foundation, accuracy of summary table and misleading conclusions. Objection based on lack of specific expertise of witnesses testifying to conclusions.
RTD-245	Joint letter from Restore the	Objection – relevance Please refer to DWR's Master Objection related to

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	Delta, Environmental Justice Coalition for Water, Asian Pacific Self-Development and Residential Association, American Friends Service Committee (Proyecto Voz), Café Coop, Environmental Water Caucus, California Sportfishing Protection Alliance, California Water Impact Network, and Friends of the River, to Secretary John Laird, California Natural Resources Agency; Secretary Sally Jewell, US Department of the Interior; David Murillo, US Bureau of Reclamation; Mark Cowin, California Department of Water Resources, et al, May 28, 2014, concerning Request for Restarting and Extending Bay Delta Conservation Plan Comment Period Due to Lack of Meaningful Access for Limited English Speakers.	issues outside the scope of this hearing and related to the adequacy of the environmental review process/documents.
RTD-246	San Joaquin County 2016 Community Health Needs Assessment.	Objection – relevance, lacking foundation and testimony related to specific impact to an alleged injury
RTD-30	Michael Machado written testimony	This witness' testimony is largely based on the Delta Economic Sustainability Plan ("DESP") prepared for the Delta Protection Commission that is irrelevant to

Exhibit Identification Number	Exhibit Description	Summary and Objection
		the issues related to a Change Petition. Further the testimony is misleading regarding the crop/land use data relied upon and applicability to current conditions in the Delta, specifically to an injured legal water user. Additionally the testimony concludes about salinity impacts without the proper foundation and expertise. See paragraph 20 as example.
RTD-31	Michael Machado presentation slides	Similar to RTD 30 above, the testimony through a presentation of irrelevant matters should not be permitted as it does not support a claim of specific injury and it is time-consuming.
RTD-301	Delta Protection Commission, Delta Economic Sustainability Plan, Public Draft, October 2011.	Same objection as noted above. The DESP is not relevant as to a specific legal injury and has its own limitations related to underlying data and analysis that is outside the scope of these proceedings.
RTD-302	Delta Science Program, Independent Review Panel, Delta Economic Sustainability Plan, December 2011.	Please see objections above related to DESP and related comments/relevance.
RTD-303	Letter of Michael Machado and Jeffrey Michael, December 2011, Response to Independent Review of Delta Economic Sustainability Plan	Please see objections above related to DESP and related comments/relevance.
RTD-304	Forecasted Crop Revenue and Job Loss Impacts from Increasing Delta Salinity, from Delta Economic Sustainability Plan; analysis by Restore the Delta.	Please see objections above related to DESP and related comments/relevance.
RTD-305	Delta Economic Sustainability Plan,	Please see objections above related to DESP and related comments/relevance.

Exhibit Identification Number	Exhibit Description	Summary and Objection
	Appendix G, Crops, Salinity, and Modeling Data (Chapter 7)	
RTD-40	Esperanza Vielma written testimony	Please refer to RTD4.
RTD-41	Esperanza Vielma presentation slides	Please refer to RTD4.
RTD-401	Declaration of Don Aguillard, Central Valley Neighborhood Harvest	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-402	Declaration of Eric Firpo, In Season	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-403	Declaration of Paul Marsh, Mile Wine Company	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-404	Declaration of Subash Sil, TAPS Bar & Grill, Stockton	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-405	Declaration of Wes Rhea, Visit Stockton	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-406	PUENTES Business Plan, submitted to San Joaquin County Administrator Manuel Lopez, April 10, 2012.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-407	Daniel Thigpen, "Stockton man grows, buys backyard produce for resale," <i>Stockton Record</i> , March 14, 2010.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-408	Sonya Herrera, "PUENTES offers courses for urban	Objection – relevance – claims of possible injury without any supporting evidence, conclusory

Exhibit Identification Number	Exhibit Description	Summary and Objection
	farmers," <i>The Delta Collegian</i> , March 21, 2014.	
RTD-409	"PUENTES: Giving people the means to grow health food," <i>Stockton Record</i> , December 13, 2015.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-410	San Joaquin Certified Farmers' Markets web pages and regulations.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-411	Visit Stockton web pages, "Farmers' Markets In and Around Stockton," as of July 26, 2016.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-412	Black Urban Farmers Association Facebook pages, as of July 22, 2016.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-413	Almendra Carpizo, "Black Urban Farmers' Association," <i>Stockton Record</i> , June 20, 2015.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-414	StartUp Town, "Dr. Gail Myers, Anthropologist & Urban Farmer," posted September 8, 2015.	Objection – relevance – claims of possible injury without any supporting evidence, conclusory
RTD-50	Gary Mulcahy written testimony	Please see RTD5. Testimony amounts to policy statement which does not provide evidence to support a legal injury.
RTD-51	Gary Mulcahy presentation slides	Please refer to RTD 5 and 50.
RTD-501	4th Section Allotments in Redding, California	Objection – Relevance, foundation.

