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3 **CALIFORNIA DEPARTMENT OF WATER  
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8 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

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

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

15 California Department of Water Resources (DWR) submits the following objections,  
16 motion to strike testimony and/or exclude a portion of testimony of Sacramento  
17 Suburban Water District's (SSWD's) written testimony from Rob Roscoe, General  
18 Manager. (SSWD-1, page 1.) SSWD's filing includes about 11 exhibits showing its water  
19 service area, agreements regarding water service, groundwater contamination from the  
20 Aerojet site, and excerpts from the Bay Delta Conservation Plan 2013 draft EIR/EIS.  
21 (See SSWD-1.)

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23 Mr. Roscoe's testimony explains that the source of SSWD's water supply is  
24 primarily groundwater but that it has expanded its use of surface water to improve  
25 sustainable management of the groundwater basin, done in cooperation with other water  
26 agencies. (SSWD-1, pages 1-3.) SSWD obtains surface water supply from Placer  
27 County Water Agency and the City of Sacramento (Id., page 3.)

1           SSWD Surface Water from City of Sacramento

2           SSWD obtains water from the City of Sacramento, which diverts water from the  
3 American River. (Id. page 4.) The City of Sacramento's rights to American River water  
4 are limited by a court judgement requiring certain streamflow, known as the Hodge Flow  
5 Standards. (Id.) If flows in the American River are below the Hodge Standards, the City  
6 of Sacramento reduces the amount of water that is conveyed to SSWD. (Id.) The SSWD  
7 testimony raises concern that if the California WaterFix causes streamflow in the  
8 American River to be reduced, then it can limit the amount of water SSWD can take  
9 under its contract with Sacramento. (Id.)

10  
11           Mr. Roscoe's testimony raises this concern based on his review of the BDCP and  
12 California WaterFix draft environmental documents that analyze possible operation of  
13 the project. (Id., page 4, paragraph 22.) This testimony, however, does not provide  
14 specific details or information that the Petitioned Project, and not simply future changes  
15 in conditions without the project, would cause changes in American River flow. (Id.,  
16 pages 4-6.) For example, Mr. Roscoe refers to Table D-19-5 from the 2013 BDCP Draft  
17 EIR/DEIS showing the American River flows to be reduced. (See SSWD-14.) However,  
18 some of this information is of modeling results at future climate change conditions in  
19 2060, which is not applicable to the Petitioned Project. (See SSWD-14, and SSWD-1,  
20 page 6, paragraph 30.) DWR objects to such a claim of injury as lacking foundation that  
21 should be excluded or stricken. See also DWR Master Objections, section III.B.

22           SSWD Surface Water From PCWA

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24           The surface water supplies to SSWD from PCWA are delivered through the M&I  
25 intake in Folsom Reservoir. (SSWD-1.) Mr. Roscoe cites to exhibit DWR-514, Figure 14,  
26 from DWR's written testimony on modeling for the California WaterFix, that shows end of  
27 September storage in Folsom Reservoir. (Id.) His testimony claims the modeling shows  
28 that with the Petitioned Project, in 5% of the years, Folsom Reservoir storage will be

1 drawn down to 90,000 acre-feet or less, at the end of September. (Id., pages 4-5.) Mr.  
2 Roscoe believes that at the 90,000 af level the Reservoir will drop below the elevation  
3 where the M&I intake is operable and, thus, the Petitioned Project will cause adverse  
4 effects to SSWD. (Id., paragraphs 23-24.)

5 DWR objects to Mr. Roscoe's testimony as it mischaracterizes the model results  
6 shown in DWR-514, Figure 14, and is unsupported opinion that not should be relied  
7 upon by the State Water Resources Control Board Hearing Officers. (See Master  
8 Objection section III.B.) Mr. Roscoe indicates that with the "proposed project" there will  
9 be the reduced volume of storage in Folsom Reservoir. However, Figure 14, which  
10 shows an exceedance curve of the no action alternative and four alternative operational  
11 scenarios that indicates all the alternatives, as well as the no action alternative, showed  
12 the reduced storage level in 5% of the years.

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14 Thus, DWR-514, Figure 14 model results show that the reservoir will be drawn  
15 down to the low storage under future conditions when there is no project, indicating other  
16 factors, such as dry hydrology, are the cause. Thus, Mr. Roscoe incorrectly interprets the  
17 modeling results and incorrectly suggests that SSWD will be injured by the Petitioned  
18 Project. His testimony is based on a mischaracterization of the model results and should  
19 be excluded or stricken from SSWD-1, paragraphs 23, 24 and 26, on pages 4-5.

#### 20 SSWD Groundwater

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22 Mr. Roscoe refers to potential impacts to over use of groundwater if surface flows  
23 are less available. This information is based on current concerns, is being addressed by  
24 other regulatory programs, and is beyond the scope of the hearing. Thus, Mr. Roscoe's  
25 testimony on, pages 5-6 at paragraphs 27-29, regarding changes in groundwater  
26 conditions is not relevant and should be excluded or stricken. See DWR Master  
27 Objections, section I.D.)  
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**CONCLUSION**

For the reasons stated above and in the Master Objections, SSWD’s case-in-chief includes testimony that misrepresents and mischaracterizes DWR’s modeling exhibits or presents testimony outside the scope of the hearing and should be excluded.

Dated: September 21, 2016

CALIFORNIA DEPARTMENT OF WATER  
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