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**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

Hearing in the Matter of California Department)
of Water Resources and United States Department)
of the Interior, Bureau of Reclamation Request)
for a Change in Point of Diversion)
for California Water Fix)

**UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF
RECLAMATION'S JOINDER IN CALIFORNIA DEPARTMENT OF WATER
RESOURCES' MASTER RESPONSE TO OBJECTIONS**

The United States Department of the Interior, Bureau of Reclamation
(Reclamation), hereby joins and incorporates in full by reference the California
Department of Water Resources' Master Response to Objections and reserves the right to
file separate responses addressing individual objections that may supplement the Master
Responses submitted.

To the extent that objections have been raised to specifically disqualify Reclamation witnesses, Mr. Ron Milligan and Mr. Ray Sahlberg, the major objections raised are that their testimony is based on CalSim II and DSM2 modeling, and that their testimony draws legal conclusions. These general objections are responded to in the Department of Water Resources' Master Response and such responses apply to Mr. Ron Milligan and Mr. Ray Sahlberg. However, Reclamation adds the following:

Ron Milligan – Mr. Ron Milligan easily qualifies as an expert in Central Valley Project operations under Cal. Evid. Code § 801, holding the position of Manager of the Central Valley Operations (CVO) Office for twelve years. As CVO Manager, Mr. Milligan's experience is not only beyond common experience, but is unique even among water project managers as the CVP is the nation's largest reclamation project. To the extent that Mr. Milligan's testimony relies upon CalSimII and DSM2 modeling, both of these models are reasonably relied upon by experts in forming opinions about future water operations. As set forth in detail in DWR's Master Response, these models are widely used and are commonly used for comparative project operation scenarios. Mr. Milligan's qualifications are such that his perception of modeling results will be helpful to determine appropriate use of the models and would be helpful to the Hearing Officers' understanding of the modeling results as they relate to the CVP.

Ray Sahlberg – Mr. Ray Sahlberg also easily qualifies as an expert under Cal. Evid. Code § 801, holding the position of Regional Water Rights Officer since 2006. As the nation's largest reclamation project, the CVP's water rights are more complicated than typically water rights throughout California. Mr. Sahlberg is involved in the day to day administration of the water rights for the CVP. To the extent that Mr. Sahlberg's

testimony relies upon CalSimII and DSM2 modeling, both of these models are reasonably relied upon by experts in forming opinions about the impacts of future water operations. Mr. Sahlberg's experiences are such that his perception of modeling results would be helpful to the Hearing Officers' understanding of the modeling results as they relate to the CVP. In addition, due to his position, Mr. Sahlberg's testimony regarding injury to other legal users of water is admissible because it is not intended to displace the Hearing Officers' independent judgment on this ultimate issue, but rather is useful to the Hearing Officers' deliberations given his experience with CVP water rights.

Some objections have also been raised against Kristin White, Reclamation's expert on the computer modeling panel. The primary objection against Ms. White's testimony is that she only submits a paragraph in support of the lead testimony. The panel presentation was approved by the Hearing Officers in the June 10, 2016 ruling. It is Reclamation's understanding that in order to be available for cross-examination on a panel, secondary witnesses were to submit a short statement of direct testimony. Ms. White did that, and did that timely. While not the lead presenter, Ms. White is essential to the modeling panel as the expert with the most knowledge of appropriate model inputs and assumptions relevant to the CVP, as stated in her direct testimony. Her purpose is not to waste time and replicate the lead testimony but to be available for questions about the models and the CVP, in the interest of an efficient proceeding.

To the extent that other objections have been raised to disqualify Reclamation witnesses or exhibits, DWR's Master Response to Objections sufficiently responds to those objections.

For the foregoing reasons, the United States Department of the Interior, Bureau of Reclamation, requests that the Hearing Officers overrule the objections.

Respectfully submitted on this 20th day of July, 2016



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Bureau of Reclamation

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):

DEPARTMENT OF WATER RESOURCES' MASTER RESPONSE TO SIMILAR OBJECTIONS MADE BY PROTESTANTS COLLECTIVELY, AND BUREAU OF RECLAMATION'S JOINDER IN CALIFORNIA DEPARTMENT OF WATER RESOURCES' MASTER RESPONSE TO OBJECTIONS

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 July 15, 2016, 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:
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	Method of Service: <u>U.S. Postal</u>
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I certify that the foregoing is true and correct and that this document was executed on July 20, 2016

Date

Signature: _____



Name: Valentina German

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