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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
14 FIX

**DEPARTMENT OF WATER
RESOURCES' RESPONSE TO
CLIFTON COURT, L.P.'S EVIDENTIARY
OBJECTIONS CONCERNING
PETITIONER'S CASE**

15 California Department of Water Resources ("DWR") submits this response to the
16 objections to concerning Petitioner's case submitted by Protestants Clifton Court, L.P.
17 (CCLP) in the matter of DWR and U.S. Bureau of Reclamation's (collectively
18 "Petitioners") Request for a Change in Point of Diversion for California Water Fix.
19 Where applicable in this response, DWR cites to the Master Response to Similar
20 Objections Made by Protestants Collectively ("Master Response") filed on July 20, 2016,
21 which also provides a common Statement of Facts and Evidentiary Standards for DWR's
22 separate responses to individual Protestants' objections.

23 INTRODUCTION

24 Protestants CCLP submit objections to Petitioner's case which are best
25 characterized as: 1) objections to Petitioners exhibits for lack of clarity and specificity
26 relative to real property owned by CCLP in the vicinity of or adjacent to Clifton Court
27 Forebay (CCF); and 2) descriptions of unspecified and unquantified harm to CCLP
28 resulting from the proposed California Water Fix.

ARGUMENT

A. Protestants' Objections to Petitioner's Maps and Diagrams Are Vague, Mischaracterize the Evidence, And Are Without Merit

Protestant CCLP objects to a number of DWR exhibits depicting various components of the proposed project facilities in the area of CCF. CCLP claims the enumerated exhibits offer conflicting information and fail to clearly identify with specificity how much of their real property will be impacted, leaving CCLP unable to identify and quantify its claimed injury.

These objections are disingenuous and without merit. Maps and diagrams for the project are at a conceptual design level of approximately 10% at this time. In addition, the maps and diagrams are offered to illustrate various project components.

- DWR 1, pg. 8 is a general high-level project overview.
- DWR 2, pg. 9 is a depiction of Clifton Court Changes, and the description by CCLP of a "bowling alley strip" is vague.
- DWR 2, pg.10 is a high level overview of proposed project facilities.
- DWR 2, pg. 30 it is accurate that the map does not have a key. However, this map is a general high-level project overview.
- DWR 2, pg. 33 is a depiction of the Head of Old River Operable Gate Location and is not offered for the purpose of identifying uses on the CCLP's property.
- DWR 213 is a general high-level project overview.
- DWR 331 is a general high-level project overview.

CCLP states in its Objection that "We have asked for help and reparations both informally (telephone calls) and formally (letters and meetings) for over 45 years. Our pleas have been ignored." These objections appear to ignore the fact that CCLP has repeatedly requested and received additional information and project detail from DWR. CCLP has had extensive contact with DWR regarding real property concerns. The

1 nature and extent of said contacts includes, but is not limited to, the sample time period
2 of October 8, 2015 to April 8, 2016, as follows:

- 3 • October 08, 2015 email from David Green, counsel for CCLP, to DWR
4 requesting information regarding potential impacts to CCLP.
- 5 • October 26, 2015 email request from CCLP counsel David Green for
6 information regarding potential effects of Water Fix to CCLP property.
- 7 • October 28, 2015 request to DWR from counsel Jennifer Spaletta for
8 information.
- 9 • October 28, 2015 request from DWR to CCLP for confirmation of legal
10 representation by Ms. Spaletta.
- 11 • October 29, 2015 DWR hand-delivered letter from DWR to counsel for CCLP,
12 David Green.
- 13 • November 03, 2015 email from CCLP to DWR confirming representation by
14 Ms. Spaletta.
- 15 • November 03, 2015 email from DWR to Ms. Spaletta including map showing
16 potential impacts to CCLP's property and historical building information.
- 17 • November 08, 2015 email request from CCLP to DWR for additional
18 information, and referencing "a narrow strip that will be used by the Army
19 Corps of Engineers to dump dredging material."
- 20 • November 09, 2015 email from DWR to CCLP providing additional
21 information.
- 22 • November 10, 2015 email from CCLP to DWR requesting additional
23 information.
- 24 • November 16, 2015 email from DWR to CCLP providing additional
25 information.
- 26 • November 17, 2015 phone call from CCLP to DWR requesting additional
27 information. Additional information was provided during the call.
- 28 • March 27, 2016 letter from CCLP to DWR requesting additional information

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- April 8, 2016 email from DWR to CCLP providing link to information requested.

B. Protestant Clifton Court, L.P. Allegation of Harm Is Vague Without Merit

Protestant CCLP alleges irreparable harm to its farm. It further alleges it is unable to determine how many acres of its farm will be utilized and is therefore unable to quantify its injuries. Master Response section J is incorporated herein by reference.

CONCLUSION

For the reasons stated above, the SWRCB should rule against Clifton Court, L.P.'s objections to DWR's evidence, and find that the evidence should not be precluded from admission.

Dated: July 22, 2016

CALIFORNIA DEPARTMENT OF WATER
RESOURCES



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