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21 Power Authority

22 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

23 **BEFORE THE**

24 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

25 HEARING IN THE MATTER OF
26 CALIFORNIA DEPARTMENT OF WATER
27 RESOURCES AND UNITED STATES
28 BUREAU OF RECLAMATION'S
REQUEST FOR A CHANGE IN POINT OF
DIVERSION FOR CALIFORNIA WATER FIX

**EVIDENCE SUBMITTAL BY
LOCAL AGENCIES OF THE NORTH DELTA
ET AL., ISLANDS, INC., AND THE SAN
JOAQUIN COUNTY PROTESTANTS**

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Attorneys for Protestant Islands, Inc.

1 Protestants have been directed to submit a written exhibit list of testimony and exhibits
2 offered into evidence one week after the conclusion of their cases in chief. Local Agencies of
3 the North Delta et al. ("LAND"), Islands, Inc., and the San Joaquin County Protestants'
4 testimony and exhibits are associated with the presentation of three focused panels.

5 The revised exhibit lists submitted herewith identify the testimony and exhibits
6 previously taken under submission. The exhibits and testimony being withdrawn/not
7 submitted into evidence are indicated in ~~strikeout~~ in the exhibit lists, and changed exhibit
8 descriptions are highlighted in yellow. The revised exhibit lists and any modified exhibits will
9 be uploaded to the LAND's, Islands, Inc.'s, and San Joaquin County Protestants' respective
10 FTP folders.

11 **Specific Explanations**

12 Islands, Inc. Exhibits

- 13 • II-2: Corrected number on p. 6:5 to 1,700 ppm Cl, as discussed in Mr. Grant's oral
14 testimony.
- 15 • II-3, slides 24 and 25: Corrected number on Y axis of graph to 1,700 ppm Cl, as
16 discussed in Mr. Grant's oral testimony.
- 17 • II-6 and II-11: Deleted as these are duplicates of II-26 and II-27.
- 18 • II-24: Changed "archive" to "achieve" at p. 5:16 and corrected "1978" to "1987" at p.
19 5:17, as explained during Mr. Ringelberg's oral testimony.
- 20 • II-25: Deleted per Hearing Officer ruling.
- 21 • II-26: Completed title to read: Historical Freshwater & Salinity Conditions Report
22 Highlights, Contra Costa County Water District 2009.
- 23 • II-27: Completed title to read: Historical Fresh Water and Salinity Conditions, Contra
24 Costa Water District, 2010.
- 25 • II-31, II-34, II-35, and II-36: Deleted due to objections pertaining to lack of direct
26 reference in testimony.

- II-43: Added reference to LAND-6 at p. 1:11, which is the map of Mr. Lange’s northern Delta diversions. This map was included in the Diablo Vineyards/DWLC protest as Exhibit B; the reference in Mr. Lange’s testimony to it was inadvertently omitted.

LAND Exhibits

- LAND-8 Revised: Deleted since a complete version of the same presentation is located at II-30. LAND-8 was retained for completeness of the hearing record because it was used during cross-examination of Petitioners’ witnesses.
- LAND 50-55: No change has been made to Exhibits 50-55, which incorporate by reference certain SWRCB’s water rights files under 23 California Code of Regulations, title 23, section 648.3, and were not intended to be actual documents.
- LAND-25 Revised: Corrected "S016095, northernmost diversion" to "S016915, second to southernmost diversion" at p. 2:10, as explained in Mr. Elliot’s oral testimony.
- LAND-37 Revised: Deleted pursuant to the Hearing Officer’s ruling on November 10, 2016.
- LAND-61, LAND-67, LAND-68, LAND-70, LAND-71, and LAND-73: Deleted due to objections pertaining to lack of direct references in testimony.

San Joaquin County Exhibits

The only changes to the San Joaquin County Protestants’ exhibit are inclusion of SDWA 134-R (revised 01/03/16), inclusion of SDWA 135-R (revised 11/03/16), and inclusion of LAND 35-Errata (revised 10/17/16).

Conclusion

The LAND, Islands, Inc., and San Joaquin County Protestants believe these revised exhibit lists and corrected exhibits are fully responsive to the objections received, the rulings of the Hearing Officers, and the discussions that occurred regarding evidence at the hearings. In accordance with the Hearing Officers’ instructions, LAND, Islands, Inc., and the San Joaquin County Protestants hereby submit their respective indices listing their exhibits for

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1 entry into evidence in this Part 1B of the WaterFix Hearing and respectfully move the exhibits
2 listed thereon into evidence in this proceeding.

3 Dated: November 28, 2016

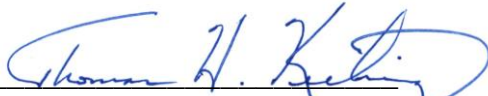
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5 By: 

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Local Agencies of the North Delta
Bogle Vineyards/DWLC
Diablo Vineyards and Brad Lange/DWLC
Stillwater Orchards/DWLC

6
7
8
9
10 Dated: November 28, 2016

FREEMAN FIRM,

11
12 By: 

13 Thomas H. Keeling
14 Attorneys for Protestants County of San Joaquin,
15 San Joaquin County Flood Control and Water
16 Conservation District, and
17 Mokelumne River Water and Power Authority

18
19 Dated: November 28, 2016

HANSON BRIDGETT LLP

20
21 By: 

22 Michael J. Van Zandt
23 Attorneys for Protestants Islands, Inc.
24
25
26
27
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CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

NOTICE OF AVAILABILITY

PLEASE TAKE NOTICE that the following documents listed below are now available online via the State Water Resources Control Board's FTP website ("FTP Site"):


- Evidence Submittal by Local Agencies of the North Delta et al., Islands, Inc., and the San Joaquin County Protestants;
- Revised LAND et al.'s Exhibit Identification Index
- Revised Islands, Inc. Exhibit identification Index
- Revised County of San Joaquin et al.'s Exhibit Identification Index
- Revised Exhibit II-2
- Revised Exhibit II-3
- Revised Exhibit II-24
- Revised Exhibit II-43
- Revised Exhibit LAND-25

The documents are submitted on behalf of the Local Agencies of the North Delta, Bogle Vineyards/DWLC, Diablo Vineyards/DWLC, Stillwater Orchards/DWLC, Islands Inc., San Joaquin County, San Joaquin County Flood Control and Water Conservation District, and Mokelumne River Water and Power Authority, and Islands, Inc., and are submitted under the respective FTP accounts for LAND et al., Islands, Inc. and the County of San Joaquin et al..

STATEMENT OF SERVICE

On November 28, 2016, I submitted to the State Water Resources Control Board via the FTP Site the documents listed above, and I caused this Notice of Availability and Statement of Service 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 November 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

I certify that the foregoing is true and correct and that this document was executed on November 28, 2016.

Signature: 
Name: Mae Ryan Empleo
Title: Legal Assistant for Osha R. Meserve
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