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7
8 **BEFORE THE**
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

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

DEPARTMENT OF WATER
RESOURCES' OPPOSITION TO
SNUG HARBOR RESORTS, LLC'S
MOTION FOR ADMISSION INTO
EVIDENCE OF EXHIBITS


16 The California Department of Water Resources ("DWR") objects to exhibits SHR-
17 717, SHR-718, and SHR-719 being admitted into evidence. On August 28, 2018, Snug Harbor
18 Resorts, LLC requested to move into these three exhibits, among others, into evidence. Per the
19 Board's oral ruling DWR was given until 5pm on August 29, 2018, to lodge any objections to
20 exhibits Snug Harbor Resorts, LLC requested to be moved into evidence. (Draft Transcript
August 27, 2018, 240:25-241:1.)

21 DWR objects to exhibits SHR-717, SHR-718, and SHR-719 as these exhibits are related
22 to projects other than California WaterFix and are not within the scope of Part 2 rebuttal. As
23 determined by the Board, proposed permit conditions can be submitted at any time, however
24 supporting evidence for these proposed terms has to be evidence that is properly admitted
25 during the course of the hearing proceedings. (Draft Transcript August 27, 2018, pages 197:25-
198:19.) "Meaning that if it's introduced during rebuttal it's within the rebuttal scope. . . ." (Draft
26 Transcript August 27, 2018, page 198:11-12.) SHR-717 discusses CalSim 3, which is a draft
27 model and has not been presented at any point in this hearing nor has it been used for
28 California WaterFix. SHR-718 is a report on the advancement in flow monitoring within the San

1 Francisco estuary, for which there has been no testimony. SHR-719 is a framework report for
2 the Bay-Delta Plan, for which there has also been no testimony. No linkage has been provided
3 connecting these exhibits to Part 2 case-in-chief testimony nor to changes between the
4 approved and proposed project as described in the Draft Supplemental Environmental Impact
5 Report/Environmental Impact Statement. Additionally, all three exhibits are unrelated to the
6 monitoring proposed in Snug Harbor, LLCs first proposed condition of approval.

6 As these exhibits are outside the scope of proper rebuttal DWR respectfully requests the
7 Board deny the admission into evidence of exhibits SHR-717, SHR-718, and SHR-719.

8 Executed on this 29th day of August 2018, in Sacramento, California.

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11 Emily M. Thor
12 Attorney

12 California Department of Water Resources
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