

From: S. Dean Ruiz
To: [Stefanie Morris; CWFhearing](mailto:Stefanie.Morris@CWFhearing.com); abl@bkslawfirm.com; aferguson@somachlaw.com; ahitchings@somachlaw.com; ajr@bkslawfirm.com; akrieg@volkerlaw.com; amy.aufdemberge@sol.doi.gov; apeltzer@prlawcorp.com; awearn@nrdc.org; barbara@restorethedelta.org; barbarav@aqualliance.net; barry@solagra.com; bdalymns@citlink.net; bjohnson@tu.org; blancapaloma@msn.com; bobker@bay.org; bpoulsen@eid.org; bradpappa@gmail.com; brettgbaker@gmail.com; burkew@saccounty.net; bwright@friendsoftheriver.org; caroleekrieger7@gmail.com; colin@ejcw.org; connere@gmail.com; daladjem@downeybrand.com; daniel@kaydix.com; dcooper@minasianlaw.com; dcoty@bpmnj.com; ddj@cah2oresearch.com; deltakeep@me.com; dkelly@pcwa.net; dmvolk@solanocounty.com; dobegi@nrdc.org; dohanlon@kmtg.com; dorth@davidorthconsulting.com; empappa@gmail.com; evielma@cafecoop.org; ewehr@gwdwater.org; elamoe@minasianlaw.com; fetherid@ebmud.com; fmorrissey@orange Coveid.org; gadams@fclaw.com; hwalter@kmtg.com; info@californiadelta.org; Mizell.James@DWR; jailin@awattorneys.com; jtb@bkslawfirm.com; jconway@rd800.org; jfox@awattorneys.com; jennifer@spalettalaw.com; jherlaw@aol.com; jminasian@minasianlaw.com; jminton@pcl.org; john.luebberke@stocktonca.gov; jph@tulareid.org; jrubin@westlandswater.org; jsagwomack@gmail.com; jsalmon@ebmud.com; jvolker@volkerlaw.com; kcorby@somachlaw.com; kelweg1@aol.com; kharrigfeld@herumcrabtree.com; kobrien@downeybrand.com; kpoole@nrdc.org; ktaber@somachlaw.com; kurtis.keller@cc.cccounty.us; kyle.jones@sierraclub.org; lcaster@fclaw.com; mae@semlawyers.com; matlas@downeybrand.com; matthew@mlelaw.com; melissa.poole@wonderful.com; mghafar@earthjustice.org; mhagman@lindmoreid.com; michael@brodskylaw.net; mjatty@sbcglobal.net; mkropf@countyofcolusa.com; mlarsen@kdwcd.com; mnikkel@downeybrand.com; mvanzandt@hansonbridgett.com; mvooss@cityofsacramento.org; myoung@awattorneys.com; nick@semlawyers.com; nrobertson@earthjustice.org; office@ecosacramento.net; osha@semlawyers.com; philip.pogledich@yolocounty.org; pkf@bkslawfirm.com; pminasian@minasianlaw.com; pp@planetarysolutionaries.org; psimmons@somachlaw.com; pwilliams@westlandswater.org; rharms@kmtg.com; rebecca.akroyd@sldmwa.org; rbernal@ci.antioch.ca.us; rmaddow@bpmnj.com; rdenton06@comcast.net; rmburness@comcast.net; roland@ssjmud.org; rsb@bkslawfirm.com; rsmith@downeybrand.com; russell@spalettalaw.com; ryan.hernandez@dcd.cccounty.us; rzwillinger@defenders.org; sae16@lsid.org; schaffin@awattorneys.com; sclarke@volkerlaw.com; sdalke@kern-tulare.com; sgeivet@ocsnet.net; sonstot@awattorneys.com; srothert@americanrivers.org; ssaxton@downeybrand.com; ssdwaterfix@somachlaw.com; stephen.siptroth@cc.cccounty.us; sunshine@snugharbor.net; svolker@volkerlaw.com; sgrady@eslawfirm.com; red@eslawfirm.com; tara.mazzanti@stocktonca.gov; tgohring@waterforum.org; tgstoked@gmail.com; tim@restorethedelta.org; tkeeling@freemanfirm.com; trobanch@freemanfirm.com; towater@olaughlinparis.com; vkincaid@olaughlinparis.com; wes.miliband@aalrr.com; wfemlen@solanocounty.com; wirthsoscranes@yahoo.com
Subject: RE: CWF Petition Hearing - Request for further Burke Cross examination
Date: Thursday, August 30, 2018 9:27:32 AM
Attachments: [Cross Section Location and DSM2 Node Maps.zip](#)

Dear Hearing office Doduc:

This responds to Ms. Morris' email of late last night concerning Mr. Burke's maps. Early yesterday morning Mr. the attached map was sent to Ms. Morris in response to your direction during his testimony on Tuesday. This map superimposes the DSM2 Grid Map, which is on DWR's website, on an aerial to show the locations of the cross sections from which Mr. Burke extracted the DSM 2 data. Mr. Burke also explained this in his testimony and, with or without a map, Ms. Morris could have asked him all the questions she wanted about how he extracted the data. Later yesterday I sent Ms. Morris a courtesy detailed memo to help her understand. Such professional courtesies will not be extended again.

There is no basis for further cross examination of Mr. Burke. Ms. Morris's experts can help her make her briefing arguments.

Thank you,

Dean Ruiz

S. Dean Ruiz, Esq.
Mohan, Harris, Ruiz, Wortmann, Perisho & Rubino, LLP
3439 Brookside Road, Ste. 208
Stockton, CA 95219
Tel: (209)957-0660

1806 W. Kettleman Lane, Suite L
Lodi, CA 95242
Tel: (209)747-7360
Email: dean@mohanlaw.net

From: Stefanie Morris <SMorris@swc.org>

Sent: Wednesday, August 29, 2018 10:29 PM

To: CWFhearing <CWFhearing@waterboards.ca.gov>; abl@bkslawfirm.com;
aferguson@somachlaw.com; ahitchings@somachlaw.com; ajr@bkslawfirm.com;
akrieg@volkerlaw.com; amy.aufdemberge@sol.doi.gov; apeltzer@prlawcorp.com;
awearn@nrdc.org; barbara@restorethedelta.org; barbarav@aqualliance.net; barry@solagra.com;
bdalymn@citlink.net; bjohnson@tu.org; blancapaloma@msn.com; bobker@bay.org;
bpoulsen@eid.org; bradpappa@gmail.com; brettgbaker@gmail.com; burkew@saccounty.net;
bwright@friendsoftheriver.org; caroleekrieger7@gmail.com; colin@ejcw.org; connere@gmail.com;
daladjem@downeybrand.com; daniel@kaydix.com; dcooper@minasianlaw.com;
dcoty@bpmnj.com; ddj@cah2oresearch.com; S. Dean Ruiz <dean@mohanlaw.net>;
deltakeep@me.com; dkelly@pcwa.net; dmwolk@solanocounty.com; dobegi@nrdc.org;
dohanlon@kmtg.com; dorth@davidorthconsulting.com; empappa@gmail.com;
evielma@cafecoop.org; ewehr@gwdwater.org; elamoe@minasianlaw.com; fetherid@ebmud.com;
fmorrissey@orangecoveid.org; gadams@fclaw.com; hwalter@kmtg.com; info@californiadelta.org;
Mizell, James@DWR <James.Mizell@water.ca.gov>; jailin@awattorneys.com; jtb@bkslawfirm.com;
jconway@rd800.org; jfox@awattorneys.com; jennifer@spalettalaw.com; jherrlaw@aol.com;
jminasian@minasianlaw.com; jminton@pcl.org; john.luebberke@stocktonca.gov; jph@tulareid.org;
jrubin@westlandswater.org; jsagwomack@gmail.com; jsalmon@ebmud.com;
jvolker@volkerlaw.com; kcorby@somachlaw.com; kelweg1@aol.com;
kharrigfeld@herumcrabtree.com; kobrien@downeybrand.com; kpoole@nrdc.org;
ktaber@somachlaw.com; kurtis.keller@cc.cccounty.us; kyle.jones@sierraclub.org;
lcaster@fclaw.com; mae@semlawyers.com; matlas@downeybrand.com; matthew@mlelaw.com;
melissa.poole@wonderful.com; mghafar@earthjustice.org; mhagman@lindmoreid.com;
michael@brodskylaw.net; mjatty@sbcglobal.net; mkropf@countyofcolusa.com;
mlarsen@kdwcd.com; mnikkel@downeybrand.com; mvanzandt@hansonbridgett.com;
mvoss@cityofsacramento.org; myoung@awattorneys.com; nick@semlawyers.com;
nrobertson@earthjustice.org; office@ecosacramento.net; osha@semlawyers.com;
philip.pogledich@yolocounty.org; pkf@bkslawfirm.com; pminasian@minasianlaw.com;

pp@planetarysolutionaries.org; psimmons@somachlaw.com; pwilliams@westlandswater.org; rharms@kmtg.com; rebecca.akroyd@sldmwa.org; rbernal@ci.antioch.ca.us; rmaddow@bpmnj.com; rdenton06@comcast.net; rmburness@comcast.net; roland@ssjmud.org; rsb@bkslawfirm.com; rsmith@downeybrand.com; russell@spalettalaw.com; ryan.hernandez@dcd.cccounty.us; rzwillinger@defenders.org; sae16@lsid.org; schaffin@awattorneys.com; sclarke@volkerlaw.com; sdalke@kern-tulare.com; sgeivet@ocsnet.net; sonstot@awattorneys.com; srothert@americanrivers.org; ssaxton@downeybrand.com; ssdwaterfix@somachlaw.com; stephen.siptroth@cc.cccounty.us; sunshine@snugarharbor.net; svolker@volkerlaw.com; sgrady@eslawfirm.com; red@eslawfirm.com; tara.mazzanti@stocktonca.gov; tgohring@waterforum.org; tgstoked@gmail.com; tim@restorethedelta.org; tkeeling@freemanfirm.com; trobancho@freemanfirm.com; towater@olaughlinparis.com; vkincaid@olaughlinparis.com; wes.miliband@aalrr.com; wfemlen@solanocounty.com; wirthsoscranes@yahoo.com

Subject: CWF Petition Hearing - Request for further Burke Cross examination

Hearing Officer Doduc:

This is a written request based on a ruling from August 29 issued during the cross examination of Mr. Burke. During the joint DWR/SWC cross examination I asked Mr. Burke to identify what DSM2 bathymetry data he used to make his comparison to the 2018 bathymetry work he was relying on to offer opinions. In response to that question Mr. Burke stated he could not provide that information from memory and that it was not documented in his testimony. I then requested that the information be provided and Mr. Ruiz and Mr. Burke stated it was a simple map that was available on the DWR website and they would provide it. At that point, I was directed to file a written request for further cross examination, if necessary, based on the information that would be provided. This evening around 6:40, I received the attached memorandum, which still does not specify what DSM2 location was used to extract the bathymetry data. However, with the assistance of technical experts I believe I can further cross examine Mr. Burke to ascertain the locations from which he extracted DSM2 bathymetry data. This cross examination is important so that the record will be clear regarding Mr. Burke's bathymetry comparison.

In the alternative of bringing Mr. Burke back for further cross examination, I would move to strike all of the bathymetry testimony and figures in SDWA-343 second revised and SDWA-344 since the witness could not explain how he reached his conclusions, did not provide the necessary data in his testimony, and could not be cross examined related to the DSM2 bathymetry data he was relying upon to make his comparisons and offer his opinions.

Thank you for your consideration.

Stefanie Morris | General Counsel
State Water Contractors
1121 L Street, Suite 1050 | Sacramento, CA 95814
smorris@swc.org



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