

1 Spencer Kenner (SBN 148930)
James E. Mizell (SBN 232698)
2 Robin McGinnis (SBN 276400)
**CALIFORNIA DEPARTMENT OF WATER
RESOURCES**

3 Office of the Chief Counsel
4 1416 Ninth Street, Room 1104
Sacramento, CA 95814
5 Telephone: (916) 653-5966
E-mail: james.mizell@water.ca.gov

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7 Attorneys for California Department of Water
Resources

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

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

AFFIDAVIT IN SUPPORT OF
CALIFORNIA DEPARTMENT OF
WATER RESOURCES' DWR'S
SUBPOENA DUCES TECUM TO
MICHELLE LEINFELDER-MILES

15 I, James E. Mizell III, declare as follows:

16 1. I, James E. Mizell III, am an attorney duly licensed to practice law in California
17 and am counsel of record for California Department of Water Resources in this
18 proceeding.

19 2. Protestants Islands, Inc., Local Agencies of the North Delta, Delta Watershed
20 Landowner Coalition, Bogle Vineyards, Diablo Vineyards and Brad Lange, and Stillwater
21 Orchards submitted the case-in-chief testimony of Michelle Leinfelder-Miles as Exhibit
22 Number //13.

23 3. Protestants Local Agencies of the North Delta, Delta Watershed Landowner
24 Coalition, Bogle Vineyards, Diablo Vineyards and Brad Lange, and Stillwater Orchards
25 submitted the rebuttal testimony of Dr. Leinfelder-Miles as Exhibit Number LAND-78.

26 4. Protestants Local Agencies of the North Delta, Delta Watershed Landowner
27 Coalition, Bogle Vineyards, Diablo Vineyards and Brad Lange, Stillwater Orchards,
28 South Delta Water Agency, Central Delta Water Agency, Lafayette Ranch, Heritage

1 Lands, Mark Bachetti Farms, and Rudy Mussi Investments, Inc. submitted the sur-
2 rebuttal testimony of Dr. Leinfelder-Miles as Exhibit Number SDWA-263.

3 5. Protestants South Delta Water Agency, Central Delta Water Agency,
4 Lafayette Ranch, Heritage Lands, Mark Bachetti Farms, and Rudy Mussi Investments,
5 Inc. submitted Exhibit Numbers SDWA-139 and SDWA-140 as case-in-chief exhibits.

6 6. Protestants Local Agencies of the North Delta, Delta Watershed Landowner
7 Coalition, Bogle Vineyards, Diablo Vineyards and Brad Lange, and Stillwater Orchards
8 submitted Exhibit Number LAND-79 as a rebuttal exhibit.

9 7. Dr. Leinfelder-Miles appeared to testify on behalf of Protestants Local
10 Agencies of the North Delta, Delta Watershed Landowner Coalition, Bogle Vineyards,
11 Diablo Vineyards and Brad Lange, Stillwater Orchards, South Delta Water Agency,
12 Central Delta Water Agency, Lafayette Ranch, Heritage Lands, Mark Bachetti Farms,
13 and Rudy Mussi Investments, Inc. over the course of this water rights hearing, relying
14 upon Exhibits //13, LAND-78, LAND-79, SDWA-139, SDWA-140 and SDWA-263.

15 8. Good cause for the production of the matters and things described in the
16 subpoena exists because, under Government Code section 11513(b) and Evidence
17 Code sections 801 and 802, DWR has the right to question protestants' expert witnesses
18 on the basis for their opinions and rebut evidence presented by protestants.

19 9. The Subpoena Duces Tecum describes the exact matters or things desired to
20 be produced.

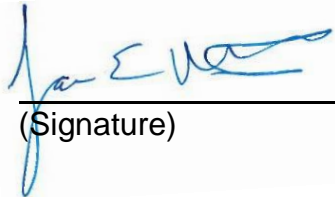
21 10. The documents that include the unaltered soil sampling data, including
22 location and GPS coordinates, related to the exact sampling location(s) within the seven
23 commercial fields of mature alfalfa in the South Delta region as relied upon or forming
24 the basis of, and described in Exhibits //13, LAND-78, LAND-79, SDWA-139, SDWA-
25 140, and SDWA-263 are material to the issues in this proceeding because Dr.
26 Leinfelder-Miles premises her soil salinization analysis and conclusions upon this data
27 and has stated that several specific factors influence the potential for soil salinization,
28 including soil physical properties, soil chemical properties, land use or crop type,

1 irrigation methods, precipitation, and water table elevation. Dr. Leinfelder-Miles
2 indicated that locations in the Delta are unique and soil strata are not uniform. It is
3 impossible to fully assess the basis for Dr. Leinfelder-Miles' expert opinions without
4 independent evaluation of factors affecting soil salinization, and it is impossible to fully
5 assess these other factors without the unaltered data, including location and GPS
6 coordinates, related to the exact sampling location(s) within the seven commercial fields
7 of mature alfalfa in the South Delta region.

8 11. Dr. Leinfelder-Miles has the unaltered data, including location and GPS
9 coordinates, related to the seven commercial fields of mature alfalfa in the South Delta
10 region as relied upon or forming the basis of, and described in Exhibits //13, LAND-78,
11 LAND-79, SDWA-139, SDWA-140, and SDWA-263 in her possession or under her
12 control.

13 I declare under penalty of perjury that the foregoing is true and correct.

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15 June 29, 2017
16 (Date and Place)


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(Signature)

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):

Subpoena to Michelle Leinfelder-Miles ; Affidavit of Support of DWR'S Subpoena to Michelle Leinfelder-Miles; Proof 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 July 3, 2017, 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 5, 2017
Date

Signature: *Bobbie Randhawa*

Name: Bobbie Randhawa

Title: Legal Secretary

Party/Affiliation: DWR

Address: 1416 Ninth Street 1104
Sacramento, CA 95814