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**CALIFORNIA DEPARTMENT OF WATER
RESOURCES**

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6
7 Attorneys for California Department of Water
Resources

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

9
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

CALIFORNIA DEPARTMENT OF
WATER RESOURCES' SUBPOENA
DUCES TECUM TO MICHELLE
LEINFELDER-MILES

15 TO: MICHELLE LEINFELDER-MILES, 2101 East Earhart Ave. Suite 200, Stockton, CA
16 95206.

17 Pursuant to California Code of Civil Procedure sections 1985-1985.4, 1987, and
18 1988, California Water Code section 1080, California Government Code sections
19 11450.10 and 11450.20, and California Code of Regulations, title 23, section 649.6,
20 California Department of Water Resources ("DWR") requests that you produce the
21 records described below along with an affidavit in compliance with Evidence Code
22 sections 1560 and 1561 by July 26, 2017.

23 **A. DEFINITIONS**

24 1. The capitalized terms listed below, as used in this Subpoena Duces Tecum,
25 are defined as follows:

26 2. The terms "YOU" or "YOUR" mean MICHELLE LEINFELDER-MILES.

27 3. The term "DOCUMENT" or "DOCUMENTS" encompasses all documents,
28 things, property and/or electronic materials within the scope of section 2031.010 of the

1 California Code of Civil Procedure, and includes all WRITINGS as defined in section 250
2 of the California Evidence Code, and shall include, but not be limited to, any kind of
3 written, graphic or recorded matter, however produced or reproduced, of any kind or
4 description, whether sent or received or neither, including originals, copies and drafts
5 and both sides thereof, and including but not limited to paper, books, letters,
6 photographs, posters, objects, tangible things, correspondence, telegrams, cables,
7 facsimiles, telex messages, confirmations, account statements, receipts, billing
8 statements, memoranda, notes, notations, work papers, transcripts, minutes, reports,
9 and recordings of telephone or other conversations, or other conversations, or in
10 conferences or other meetings, affidavits, statements, opinions, reports, studies,
11 analysis, evaluations, financial statements, prospectuses, circulars, certificates, press
12 releases, annual reports, quarterly reports, magazine or newspaper articles, manuals,
13 contracts, agreements, statistical records, journals, desk calendars, appointment books,
14 diaries, lists, tabulations, summaries, sound recordings, computer printouts, data
15 processing input and output, electronic mail, all records of communications recorded or
16 encoded onto magnetic or computer disks, diskettes, audio and video tapes or any other
17 media, all records kept by electronic, photographic, or mechanical means, and things
18 similar to any of the foregoing, however denominated, dated, produced, generated or
19 received.

20 **B. INSTRUCTIONS**

21 4. YOUR response to the subpoena should include an affidavit in compliance
22 with Evidence Code sections 1561 and 1561.

23 5. For any DOCUMENT stored in a computer, YOU should produce the
24 DOCUMENT in the original electronic file format in which it was created together with
25 instructions and all other materials necessary to use or interpret the data. Computer
26 media should be accompanied by (a) an identification of the generally available software
27 needed to open and view the DOCUMENTS or (b) a copy of the software needed to
28 open and view the DOCUMENT.

1 6. If a DOCUMENT is responsive to this subpoena and is in YOUR control, but
2 is not in YOUR possession or custody, in addition to obtaining and producing the
3 DOCUMENT, identify the person who had possession or custody of the DOCUMENT,
4 their telephone number and current business and residence addresses.

5 7. If any DOCUMENT subpoenaed is no longer in YOUR possession, custody,
6 control, or care, YOU should provide a written statement identifying the DOCUMENT
7 with specificity, stating whether it is lost or missing, has been destroyed, has been
8 transferred to others, or has otherwise been disposed of. The written statement should
9 also identify the person who disposed of the DOCUMENT, explain the circumstances
10 and authorization for the disposition and the approximate date of the disposition of the
11 DOCUMENT. If there are no DOCUMENTS responsive to a document request, as to
12 each such document request, YOU should include a statement to that effect in the
13 accompanying affidavit.

14 8. DOCUMENTS provided in response to this subpoena should be complete
15 and, unless privileged, unredacted, and submitted as found in YOUR files.

16 9. If any DOCUMENTS are withheld from production based on a claim of
17 privilege, provide a log under oath by the affiant, which includes each DOCUMENT'S
18 authors, addressees, date, a description of each DOCUMENT, all recipients of the
19 original, and any copies, and the request(s) of this subpoena to which the DOCUMENT
20 is responsive. Attachments to a DOCUMENT shall be identified as such and entered
21 separately on the log. For each author, addressee, and recipient, state the person's full
22 name, title, and employer or firm, and denote all attorneys with an asterisk. To the extent
23 the claim of privilege relates to any employee, agent, representative, or outside attorney,
24 identify the person's name, division, and organization. Include the number of pages of
25 each DOCUMENT and in the description of the DOCUMENT, provide sufficient
26 information to identify its general subject matter without revealing information over which
27 a privilege is claimed. For each DOCUMENT withheld under a claim that it constitutes or
28 contains attorney work product, also state whether YOU assert that the DOCUMENT

1 was prepared in anticipation of litigation or for trial and, if so, identify the anticipated
2 litigation or trial on which the assertion is based. Submit all non-privileged portions of any
3 responsive DOCUMENT (including non-privileged or redactable attachments) for which a
4 claim of privilege is asserted (except where the only non-privileged information has
5 already been produced in response to this instruction), noting where redactions in the
6 DOCUMENT have been made. DOCUMENTS authored by outside lawyers representing
7 YOU that were not directly or indirectly furnished to YOU or any third-party, such as
8 internal law firm memoranda, may be omitted from the log.

9 10. Whenever necessary to bring within the scope of this subpoena
10 DOCUMENTS that might otherwise be construed as outside its scope, the use of the
11 verb in any tense shall be construed as the use of that verb in all other tenses, and the
12 singular shall include the plural, and vice versa, so as to make this subpoena broadly
13 inclusive.

14 **C. DOCUMENTS TO BE PRODUCED**

15 11. All DOCUMENTS that include the unaltered soil sampling data, including
16 location and GPS coordinates, related to the exact sampling location(s) within the seven
17 commercial fields of mature alfalfa in the South Delta region as relied upon or forming
18 the basis of, and described in Exhibits //13, LAND-78, LAND-79, SDWA-139, SDWA-
19 140, and SDWA-263 in this proceeding.

20 Dated: June 29, 2017

CALIFORNIA DEPARTMENT OF WATER
RESOURCES


23 Tripp Mizell
24 Office of the Chief Counsel

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): Spencer Kenner, SBN 148930 CALIFORNIA DEPARTMENT OF WATER RESOURCES 1416 Ninth Street, Room 1104 Sacramento, CA 95814		PHONE:: 916-653-5966	FOR COURT USE ONLY	
ATTORNEYS FOR: California Department of Water Resources				
NAME AND ADDRESS: BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD				
<i>Hearing in the Matter of California Department of Water Resources and United States Bureau of Reclamation Request for a Change in Point of Diversion for California Water Fix</i>		CASE NUMBER:		
PROOF OF SERVICE	DATE: N/A	PLACE:: N/A	TIME: N/A	N/A

1. I, Scott Oliver, am over the age of eighteen years and am not a party to this action. I received the within process on 6/29/2017 and served copies of the following documents:

**CALIFORNIA DEPARTMENT OF WATER RESOURCES' SUBPOENA DUCES TECUM TO
MICHELLE LEINFELDER-MILES**

2. *a. Party served:* **Michelle Leinfelder-Miles**
- b. Person served:* **Michelle Drummond, Sr. Administrative Assistant**
3. *Address:* **2101 East Earhart Ave., Suite 200
Stockton, CA 95206**
4. *I served the party:*
a. Manner of service: I personally delivered the documents listed in item 1 to the party listed in item 2. a by serving the person listed in 2.b at the address listed in item 3, The documents were delivered on 6/29/2017 at 3:40 p.m.
5. **Person Who Delivered the Papers:**
a. Scott Oliver, RPS# 2011-43, Sacramento County
b. Capitol Couriers, Inc.
3000 T Street, Suite 200
Sacramento, CA 95816
Tel.: (916) 451-3697

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This Proof of Service was executed in the County of Sacramento, California on 6/30/2017.



Scott Oliver

PROOF OF SERVICE