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7 On behalf of Snug Harbor Resorts, LLC

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

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

17 SUPPORT FOR OBJECTION TO
18 ADMISSION OF MODELING DATA
19 FILES AS STAND-ALONE EXHIBITS

20 Protestant Snug Harbor Resorts, LLC, supports Deirdre Des Jardins' Objection to
21 Admission of Modeling Data Files as Stand-Alone Exhibits. Snug Harbor Resorts LLC,
22 is a recreational business in the Delta and does not have the financial or technical
23 resources to extract the data in DWR's modeling files. During Part 1 and Part 2 of
24 hearing of DWR's case in chief, DWR's witness testimony relates as true information in
25 the modeling files, but have not provided the baseline data in a human readable format,
26 so it is not possible for Protestants to effectively cross-examine or rebut testimony. It is
27 no different than a hearing where the witnesses are speaking a foreign language and
28 the hearing or court fails to provide a translator. I have repeatedly requested that
baseline flow data upon which the effects to water quality, quantity and levels could be
understood and assessed be provided in readable format, such as a comprehensive

1 excel spreadsheet showing expected year round daily flow on Steamboat Slough and
2 other North Delta waterways if proposed California WaterFix were operational, but
3 Petitioners have failed to provide that information in human readable format. The
4 Hearing Officers, the Protestants and all other interested parties are expected to simply
5 trust that the unreadable data referred to by Petitioner witnesses says what they say it
6 says. Failure to provide readable baseline flow data limits my ability to question or rebut
7 the testimony of witnesses because, in effect, those witnesses are giving opinions
8 without providing the basis for those opinions in human readable format, other than to
9 refer to review of the work and testimony of the Protestant computer modelers.

10 In addition, it is possible DWR actions could be considered discriminatory against
11 one class of California citizens, landowners and businesses in favor of a different class
12 of Class of California citizens, landowners and businesses. According to the website
13 <http://water.ca.gov>, Petitioner Department of Resources claims to represent all the
14 water users in California. However, DWR has not provided legal council, independent
15 computer modelers, or legal assistance to myself or other legal and contracted users of
16 water in this hearing, other than the water contractors DWR has been representing so
17 far in the California WaterFix petition for change of point of diversion. Petitioner DWR
18 has been and continues to discriminate against the agricultural and recreational
19 businesses and land owners of the Sacramento San Joaquin Delta and the Sacramento
20 River Watershed areas, in favor of agricultural and recreational businesses located in
21 other areas of the state generally south of the Delta. The continued failure of Petitioner
22 DWR to provide evidence in human readable format results in prejudice against Snug
23 Harbor Resorts, LLC which has no reasonable way to examine or rebut Petitioner
24 witness statements, as the Petitioner witnesses base their opinions on a foreign
25 language, called CALSIM and DSM2, of which the hearing has not provided a
26 translator for the use by all parties to the hearing.

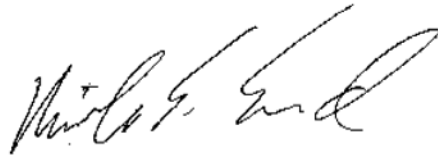
27 Page 2 of 2

28 Snug Harbor Resort, LLC's Support for Objection to Admission of
Modeling Data Files as Stand-Alone Exhibits

1 For the reasons stated above, and in the objection by Deirdre Des Jardins'
2 Objection to Admission of Modeling Data Files as Stand-Alone Exhibits, the objection
3 submitted by Ms. Des Jardins should be sustained.

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5 Date: March 12, 2018

Respectfully submitted,

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9 Nicole Suard, Esq.

10 Snug Harbor Resorts, LLC
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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):

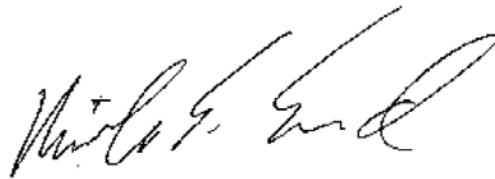
**Support for Objection to Admission of
Modeling Data Files as Stand-Alone Exhibits**

to be served **by Electronic Mail** (email), in parts due to server limitations, upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated March 6, 2018, 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.

I certify that the foregoing is true and correct and that this document was executed on March 12, 2018.

Signature:



Name: Nicole Suard
Title: Managing Member

Party/Affiliation:
Snug Harbor Resorts, LLC

Address:
3356 Snug Harbor Drive
Walnut Grove, CA 95690