

PROOF OF SERVICE OF SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by: See attached Statement of Service.

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

- delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: _____

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:

Date	at (place)	Signature
	, California	

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct and that this certificate is executed on:

Date	at (place)	Signature
	, California	

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

**ENDORSEMENT ON SUBPOENA IN A PROCEEDING
OTHER THAN AN ADJUDICATIVE PROCEEDING**

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____

(signature)

Name: _____

Title: _____
State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

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13 City of Folsom, City of Roseville, Sacramento
14 Suburban Water District and San Juan Water District

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BEFORE

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

CALIFORNIA WATER FIX HEARING

Hearing in the Matter of California
Department of Water Resources' and United
States Bureau of Reclamation's Petition for
Change in Points of Diversion for the Central
Valley Project and the State Water Project

AFFIDAVIT OF RYAN S. BEZERRA IN
SUPPORT OF SUBPOENA DUCES TECUM
OF SACRAMENTO VALLEY WATER
USERS TO CALIFORNIA DEPARTMENT
OF WATER RESOURCES

I, Ryan S. Bezerra, declare as follows:

1. I am an attorney of record for the Cities of Folsom and Roseville, Sacramento Suburban Water District and San Juan Water District in this proceeding. These agencies are members of the Sacramento Valley Water Users group of protestants in this proceeding. I have personal knowledge of the facts stated in this Affidavit and, if called as a witness, would testify to those facts.

2. Petitioner Department of Water Resources' ("DWR") Part 2 testimony relies on CalSim II modeling performed for what numerous DWR witnesses have identified as the "adopted project," namely "CWF H3+." (See Exhibits DWR-1011, p. 2:17 (A. Miller); DWR-1014, p. 2:19-20 (C. Earle); DWR-1016, pp. 2:12-13, 8:4-12:24 (E. Reyes).) DWR's modeling compares a "no action alternative" (NAA) scenario with the "proposed action" CWF H3+ scenario. (See Exhibit DWR-1016, pp. 3-4 (E. Reyes).) DWR's biologists relied on this

1 modeling in presenting their opinions in their case-in-chief testimony. (See Exhibits DWR-
2 1012, p. 6:4-12 (M. Greenwood); DWR-1013-signed, pp. 2:6-3:8, 6:4-15 (R. Wilder).)

3 3. DWR's case-in-chief testimony presents only small portions of the results from
4 its CalSim II modeling for CWF H3+ in comparison with the NAA. For example, DWR's
5 model-results exhibit, Exhibit DWR-1069, presents only exceedance plots of end-of-month
6 storage for Folsom Reservoir for May and September and does not include either results for the
7 other 10 months of each modeled water year or more detailed comparisons of end-of-month
8 storage. (See Exhibit DWR-1069, Figures 37 and 41; see also Exhibit DWR-1016, pp. 3:15-21,
9 12:12-24 (E. Reyes).) On cross-examination, DWR's witnesses have denied any familiarity
10 with other results derived from DWR's own model exhibit, Exhibit DWR-1077. (See archived
11 video of March 2, 2018 hearing session, 6:24:00-6:26:00.)

12 4. This subpoena duces tecum requires DWR's production, in Microsoft Excel or
13 PDF format, of numerical results from Exhibit DWR-1077 for the NAA and CWF H3+
14 scenarios, as well as comparisons of those scenarios' monthly results, for the following
15 parameters:

- 16 a. Trinity Reservoir Storage, in thousand acre-feet (TAF)
- 17 b. Shasta Lake Storage, in TAF
- 18 c. Oroville Reservoir Storage, in TAF
- 19 d. Folsom Lake Storage, in TAF
- 20 e. Central Valley Project (CVP) San Luis Reservoir Storage, in TAF
- 21 f. State Water Project (SWP) San Luis Reservoir Storage, in TAF
- 22 g. Keswick Releases, in cubic feet per second (cfs)
- 23 h. Nimbus Releases, in cfs
- 24 i. Feather River Flow at Thermalito, in cfs
- 25 j. Sacramento River Flow immediately upstream of proposed North Delta
26 Diversion, in cfs
- 27 k. Sacramento River Flow immediately downstream of proposed North Delta
28 Diversion, in cfs

- 1 l. Sacramento River Flow at Rio Vista, in cfs
2 m. Net Delta Outflow, in cfs
3 n. Combined CVP/SWP diversions at proposed North Delta Diversion, in TAF
4 o. Combined CVP/SWP diversions at existing Jones and Banks pumping plants, in
5 TAF
6 p. Combined CVP/SWP Delta Exports, in TAF
7 q. CVP Deliveries to Settlement Contractors, in TAF
8 r. CVP Deliveries to Sacramento Valley Agricultural Water Service Contractors,
9 in TAF
10 s. CVP Deliveries to Sacramento Valley Municipal & Industrial Water Service
11 Contractors, in TAF
12 t. CVP Deliveries to North of Delta Refuges, in TAF
13 u. CVP Deliveries to Exchange Contractors, in TAF
14 v. CVP Deliveries to South of Delta Agricultural Water Service Contractors, in
15 TAF
16 w. CVP Deliveries to South of Delta Municipal and Industrial Water Service
17 Contractors, in TAF
18 x. CVP Deliveries to South of Delta Refuges (Level 2 Demand), in TAF
19 y. SWP South of Delta Deliveries under Table A of SWP Contracts, in TAF
20 z. SWP South of Delta Deliveries under Article 21 of SWP Contracts, in TAF
21 aa. SWP South of Delta Deliveries under Article 56 of SWP Contracts, in TAF
22 bb. SWP Deliveries to Feather River Service Area Contractors, in TAF
23 cc. SWP Deliveries to North of Delta Contractors outside of Feather River Service
24 Area, in TAF.

25 5. Parameters a through d, l through m, p through u, x, and bb through cc above are
26 parameters identified in DWR's Exhibit DWR-1069 for which DWR produced partial results in
27 that exhibit. Parameters v through w and y through aa above appear to be components of a
28

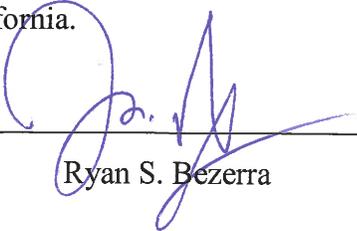
1 parameter in Exhibit DWR-1069 that DWR labeled "Simulated Combined SWP and CVP
2 South of Delta Water Service Contractor Deliveries."

3 6. Good cause exists for the production of documents described in paragraph 4.
4 Petitioners rely heavily on DWR's CWF H3+ modeling as the basis for their fundamental Part 2
5 assertion that approving their change petition would not cause unreasonable effects to fish and
6 wildlife and would be in the public interest. An unreasonable effect to fish and wildlife as a
7 result of the change petition's approval could occur in any month, however, not just in the
8 months whose modeling results DWR has chosen to disclose. (See Exhibit ARWA-703, pp. 3-
9 4 (injury to American River steelhead in August).) In addition, disclosure of more extensive
10 CWF H3+ modeling results that DWR possesses, but has not disclosed, at this time would
11 make the rebuttal portion of Part 2 more efficient by enabling all parties to work from common
12 modeling results.

13 7. I am informed and believe that the documents requested in this subpoena are
14 within DWR's possession or control, or could be generated by DWR from its Exhibit DWR-
15 1077 by applying standard post-processing software to Exhibit DWR-1077. For example,
16 Appendix 5A, Section C, of the 2016 California WaterFix Final Environmental Impact
17 Report/Environmental Impact Statement contains modeling results, by month, for 39 different
18 modeling parameters. That Appendix is contained in Exhibit SWRCB-102. Of the 39
19 parameters, it appears that 32 of them are CalSim II outputs, while the other seven are salinity
20 outputs.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on April 6, 2018 at Sacramento, California.

24
25 By: 
26 Ryan S. Bezerra