

1 SPALETTA LAW PC  
 2 JENNIFER L. SPALETTA (SBN 200032)  
 3 RUSSELL A. FRINK (SBN 302522)  
 4 Post Office Box 2660  
 5 Lodi, California 95241  
 6 Telephone: (209) 224-5568  
 7 Facsimile: (209)224-5589  
 8 Email: jennifer@spalettalaw.com

9 Counsel for North San Joaquin Water  
 10 Conservation District; Co-Counsel for  
 11 Protestants San Joaquin County,  
 12 San Joaquin County Flood Control and  
 13 Water Conservation District, and  
 14 Mokelumne River Water and Power Authority

15 THOMAS H. KEELING (SBN 114979)  
 16 FREEMAN FIRM  
 17 1818 Grand Canal Boulevard, Suite 4  
 18 Stockton, CA 95207  
 19 Telephone: (209) 474-1818  
 20 Facsimile: (209) 474-1245  
 21 Email: tkeeling@freemanfirm.com

22 Co-Counsel for Protestants San Joaquin County,  
 23 San Joaquin County Flood Control and  
 24 Water Conservation District, and  
 25 Mokelumne River Water and Power Authority

26 BEFORE THE  
 27 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

28 HEARING IN THE MATTER OF  
 CALIFORNIA DEPARTMENT OF WATER  
 RESOURCES AND UNITED STATES  
 BUREAU OF RECLAMATION'S  
 REQUEST FOR A CHANGE IN POINT OF  
 DIVERSION FOR CALIFORNIA WATER FIX

**Written Testimony of Russell Frink**

1. I, Russell Frink, am an attorney duly licensed to practice law in California and am an Associate Attorney at Spaletta Law, P.C. located at 225 W. Oak, Lodi, CA 95240. I am co-counsel of record for North San Joaquin Water Conservation District in this proceeding. The matters set forth below are based on my personal knowledge and are true and correct.

2. Between June 2 and June 8, I supervised staff at Spaletta Law in downloading electronic versions of the 2010-2016 Progress Reports of Permittee for the water rights permits that are the subject of this hearing.

1 3. Staff and I downloaded the electronic versions of the Progress Reports of Permittee for  
2 each water right permit from the State Water Resources Control Board's Electronic Water Rights  
3 Information Management System - Water Rights Record Search ("e-WRIMS Water Rights  
4 Record Search"), hosted at the following web address:  
5 [http://ciwqs.waterboards.ca.gov/ciwqs/ewrims/EWServlet?Redirect\\_Page=EWWaterRightPublic](http://ciwqs.waterboards.ca.gov/ciwqs/ewrims/EWServlet?Redirect_Page=EWWaterRightPublicSearch.jsp&Purpose=getEWAppSearchPage)  
6 [Search.jsp&Purpose=getEWAppSearchPage](http://ciwqs.waterboards.ca.gov/ciwqs/ewrims/EWServlet?Redirect_Page=EWWaterRightPublicSearch.jsp&Purpose=getEWAppSearchPage).

7 4. Exhibits SJC-84 through SJC-107 and SJC-185 through SJC-188 are true and correct  
8 electronic copies of the 2010, 2011, 2012, 2013, 2014, 2015 and 2016 Progress Report of  
9 Permittee for water rights permits 16478, 16479, 16481, and 16482, of the California Department  
10 of Water Resources ("DWR") from e-WRIMS.

11 5. Exhibits SJC-108 through SJC-184 are true and correct electronic copies of the 2010,  
12 2011, 2012, 2013, 2014, 2015, and 2016 Progress Report of Permittee for water rights permits  
13 11315, 11316, 11967, 11968, 11969, 11971, 11973, 12364, 12721, 12722, and 12723, of the  
14 United States Bureau of Reclamation ("BOR") from e-WRIMS.


15 6. For certain years, there was more than one Progress Report of Permittee filed for water  
16 rights permits listed above. To the extent that there were multiple reports filed for a single year, I  
17 selected the most-recent report that was filed in that particular year to use for the exhibit. The date  
18 on which a report for a particular year is submitted is indicated by the "Date Received" column in  
19 the search results for the e-WRIMS Water Rights Record Search. For example, the search results  
20 for water rights permit 11315 indicate that two Progress Reports by Permittee were filed for 2014.  
21 The first report was submitted on 6/26/2015 and the second was submitted on 7/01/2015. The  
22 Progress Report by Permittee filed on 7/01/2015 was selected as SJC-112 ("Progress Report by  
23 Permittee for 2014 - Permit # 11315") because it was the most-recent version.

24 7. Most of the Progress Reports of Permittee contained links to attachments with additional  
25 information about water use. Staff and I opened and downloaded all of the linked attachments for  
26 each report and appended them to the report in PDF format so that the entire report, with  
27 attachments, would be a single PDF and a single exhibit.

28 \\\

1 I declare under penalty of perjury pursuant to the laws of California that the foregoing is true and  
2 correct.

3 Executed this 8<sup>th</sup> day of June 2017 in Lodi, California

4  
5   
6 \_\_\_\_\_  
7 Russell A. Frink