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

HEARING IN THE MATTER OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES AND  
UNITED STATES BUREAU OF RECLAMATION  
REQUEST FOR CHANGE IN POINT OF DIVERSION  
FOR CALIFORNIA WATERFIX

WITHDRAWAL OF REBUTTAL  
TESTIMONY OF PROTESTANT  
NICOLE S SUARD, ESQ. AND  
SUBMISSION OF DOCUMENTS  
INTO EVIDENCE

MAY 28, 2017

9 Dear Ms. Dudoc, and WaterFix Project Hearing Board

10 Snug Harbor Resorts, LLC wishes to thank you for taking the time during your lunch break  
11 Thursday May 22, 2017 to revise SHR rebuttal testimony dated 3/23/17 into form and statement the  
12 Chair and hearing board feel met hearing needs. Witness Nicole Suard also had spent the same  
13 lunch break working with Mr. Keeling and others to revise the rebuttal testimony, with a result  
14 somewhat different from what the Hearing Board introduced when the hearing started again after the  
15 lunch period. However, after review of the revised SHR rebuttal testimony as redacted by Hearing  
16 board and staff, Snug Harbor Resorts, LLC hereby withdraws the SHR rebuttal testimony, and will  
17 plan to submit surrebuttal testimony that properly conforms to the prescribed procedures of this  
18 WaterFix Project hearing. Withdrawal of SHR rebuttal testimony includes the original SHR-502  
19 submitted March 23, 2017, revised SHR-502 submitted on May 22, 2017 in an attempt to comply  
20 with Board hearing ruling, and SHR-502 as redacted by Hearing board on May 25, 2017. SHR also  
21 requests that oral testimony from May 25, 2017 and discussions referencing the various versions of  
22 SHR-502 as conducted on May 25, 2017 be stricken from the record to avoid future confusion by  
23 persons reviewing the written testimony.

24 However, regarding documents used when questioning of DWR witness Dr. Nader-Tehrani during  
25 the WaterFix Project hearing rebuttal phase, SHR believes several of the SHR-submitted documents  
26 should be admitted into evidence as reference to assist the reviewer in understanding the questions  
27 by SHR and answers by Dr. Nader-Tehrani, all related to water quality and water flow on and around  
28 Steamboat Slough during low flow periods, compared to similar low flows as proposed by WaterFix  
29 Project. SHR therefore request that the following SHR documents referenced during the rebuttal  
30 phase be admitted into evidence:

SHR-359	Compiled maps and graphics regarding DSM2 related to Steamboat Slough water rights and water quality questions (8 pages, one page an accidental duplicate)
SHR-360	Screen Print of CDEC map showing Ryer Island and Steamboat Slough area, edited to include locations of homes and businesses located on the water along Steamboat Slough; emphasis on the locations of CDEC monitoring stations in the North Delta
SHR-362	Graphics compiled from data provided by DWR to SHR regarding minimum flows on Steamboat Slough in a Dry year if the WaterFix tunnels were fully in operation.

SHR-363	Graphics compiled from DWR-901 specific to EC on Steamboat Slough at the NDWA compliance point at the confluence of Steamboat and Sutter Sloughs; DWR-901 graphic regarding EC at Rio Vista; DWR-provided SHR-350 flow charts for Steamboat Slough and Sacramento River at Rio Vista
SHR-364	Graphics compiled using a screen print of the USGS monitoring station at Rio Vista and DWR-650 showing EC at Rio Vista in September 2015, showing the peak EC as high as 1141 even though the WaterFix DWR-901 indicates the “average” of no more than 700 EC at Rio Vista monitoring station for flow similar to proposed WaterFix flows at same location.
SHR-367	Graphics compiled from CDEC and CA Waterdata Library online which show EC in September 2015, with Steamboat Slough flows at 1000 cfs average for the month, that EC at NDWA compliance point was 220, not at 180 per DWR Waterfix estimates of averages.
SHR-369	Graphics compiled from CDEC and DWR monitoring stations for Steamboat Slough showing that at 1000 cfs average monthly flow on Steamboat Slough in September 2015 the peak EC was 610 and EC averaged above 400, which is substantially higher than DWR WaterFix modeling assumption that all of Steamboat Slough would remain “fresh” per the historical records of Steamboat Slough.

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2 SHRI also wishes to confirm that the following documents have been submitted and admitted into  
3 evidence for Part 1 of WaterFix Project hearing, based upon previous use and reference during the  
4 hearing process, and SHRI has also submitted a revised SHR Exhibit list based upon the below which  
5 represents a substantial reduction in the number of exhibits requested to be admitted into evidence:

	Remaining documents submitted as evidence for the record:
<b>SHR-101</b>	PowerPoint used in Part 1 hearing: Overview of Waterfix
<b>SHR-102</b>	PowerPoint used in Part 1 hearing: Tunnel/Engineering
<b>SHR-103</b>	PowerPoint used in Part 1 hearing: Operations-Impacts
<b>SHR-104</b>	PowerPoint used in Part 1 hearing: Modeling
<b>SHR-105</b>	Policy statement on behalf of Snug Harbor Resorts, LLC
<b>SHR-106</b>	PowerPoint of SHR and North Delta photos
<b>SHR-107</b>	Opening statement for Case in Chief
<b>SHR-108</b>	Case in Chief for Snug Harbor Resorts, LLC
<b>SHR-109</b>	Statement of qualifications witness Nicole S. Suard
<b>SHR-110</b>	Copy of Protest form filed
<b>SHR-5</b>	1960 DWR Water Bulletin No. 76 "Delta Water Facilities"
<b>SHR-6</b>	1908 description of flows on SS and Sac in dry year-highlighted
<b>SHR-6f</b>	1908 Full Description to accompany Survey of the Sacramento River submitted to US House of Representatives: Letter from the Secretary of War. Plus maps
<b>SHR-6-2</b>	1908 Survey showing middle Steamboat Slough
<b>SHR-7</b> <b>SHR-7poster</b>	2013 Water Portfolio Inflow Outflow Delta (screen print) larger size SHR-7 detail includes pie charts showing graphically the unaccounted for flow data
<b>SHR-9</b>	2010 Historical Fresh Water and Salinity Conditions in the Western Sacramento-San Joaquin Delta and Suisun Bay
<b>SHR-17</b>	Map of Delta area water rights (screen print from Waterboards site)
<b>SHR-21</b>	Slides for arsenic in groundwater questions-modeling
<b>SHR-22</b>	Drinking water and salinity
<b>SHR-23</b>	Chart of minimum flows with Tunnels operating: Information not provided by DWR

SHR-26	USGS Analysis on the Occurrence of Arsenic in Groundwater 2000
SHR-27	SWRCB, Division of Water Quality Gama program: Arsenic
SHR-28	2005 Delta Region Drinking Water Quality Management Plan
SHR-29	Anti-degradation policy
SHR-32	Over-allocation of flows from the Sacramento River-screen print
SHR-34	2005 USGS Study of Arsenic in drinking water in the Central Valley, P 27
SHR-34f	Full 2005 USGS Study
SHR-35	2011 USGS Study of Arsenic in drinking water in the Central Valle, P 38
SHR-35f	Full 2011 USGS Study
SHR-39wf2	WF map of DSM2 with elevation and bathymetry updated 2016
SHR-43	2016 DSM2 Bathymetry update slide
SHR-75	Timeline and history of uses of property at Snug Harbor
SHR-76	Statement of Permits and water rights & use
SHR-83	Screen print of GeoTrackerGama map of Public Water Systems in Bay and Delta area
SHR-206b	1982 Geologic Maps of the Sacramento-San Joaquin Delta by Brian F. Atwater "Isleton" (Steamboat Slough by Snug Harbor) Notations added
SHR-206c	1982 Geologic Maps of the Sacramento-San Joaquin Delta by Brian F. Atwater "Rio Vista" (Steamboat Slough and Sacramento River Confluence
SHR-217	The Settlement Geography of the Sacramento-San Joaquin Delta by John Thompson, December 1957
SHR-223	1975 Bulliten No 192 "Plan for Improvement of Delta Levees" (excerpt of)
SHR-319	Timeline of Actions Affecting Water Quality
SHR-350	DWR chart provided via email on 8-25-16, received 8-26-16
SHR-351	NSS statement of receipt of DWR chart
SHR-352	DWR chart provided via email on 8-26-16
SHR-381	Critical Year comparison
SHR-389	Steamboat Slough data gap 2016
SHR-389	errata: Steamboat Slough data gap 2016
SHR-398	USBR-Increase in exports 2010
SHR-400	2013 California Water Plan Update, screen prints review
SHR-406	Dayflow 2014 data
SHR-500	Statement of Verification of Documents uploaded by N. Suard

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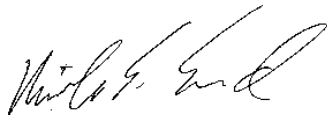
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Thank you for your time and attention to this important matter.

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Respectfully submitted by

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Nicole S. Suard, Esq. CA BAR #122042, Managing Member, Snug Harbor Resorts, LLC

1 CALIFORNIA WATERFIX PETITION HEARING

2 Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)  
3 Snug Harbor Resorts, LLC (Protestant)

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5 STATEMENT OF SERVICE

6 On May 28, 2017, I submitted to the State Water Resources Control Board via the FTP Site, if available, and also by  
7 email to the general email for the California Waterfix Hearing, the request to withdraw SHR-502 rebuttal testimony,  
8 SHR-502 revised and SHR-502 redacted by Water Board hearing officers, and request to move into evidence exhibits  
9 used in Part 1 of WaterFix Project hearing, and I caused this Notice of Availability and Statement of Service to be served  
10 by Electronic Mail (email) upon the parties listed in Table 1 of the Current Service List for the California WaterFix Petition  
11 Hearing, dated March 30, 2017, posted by the State Water Resources Control Board at  
12 [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/service\\_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

13 I certify that the foregoing is true and correct and this document was executed on May 28, 2017.

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15 Signature: 

16 Name: Nicole S. Suard, Esq. (CA #122042)

17 Managing Member, Snug Harbor Resorts, LLC

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