



500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
T. 916.447.0700  
F. 916.447.4781  
www.stoel.com

WESLEY A MILIBAND  
D. 916.319.4676  
wes.miliband@stoel.com

November 2, 2016

*Via Email and FTP Site*

State Water Resources Control Board  
Division of Water Rights  
Attn: California WaterFix Hearing Officers  
P.O. Box 2000  
Sacramento, CA 95812-2000  
CWFhearing@waterboards.ca.gov

Re: Submission of City of Sacramento's Exhibit List and Exhibits and Objections to  
DWR's Exhibits DWR-558 and 563

Dear Hearing Chair Doduc and Hearing Officer Marcus:

Consistent with the Hearing Chair's direction on October 27, 2016 for Group 7 to move to admit its evidence by the close of business on November 2, 2016, the City of Sacramento ("Sacramento"), as part of Group 7, moves and hereby submits for admission into evidence exhibits previously identified by Sacramento, as accurately reflected in Sacramento's attached exhibit list, namely Exhibits CitySac-1 through 19, 22 through 30 and 32 through 34. Each of these exhibits has been shown to be relevant and otherwise appropriate for admission into the record. Enclosed for your convenience is Sacramento's Exhibit Index.

On October 28, 2016, Petitioner Department of Water Resources submitted an exhibit list relating to DWR's cross examination of Group 7 witnesses. Though DWR did not explicitly move to enter these exhibits into evidence, should DWR do so or the Hearing Officers be inclined to admit these exhibits into evidence, Sacramento hereby objects to admitting into evidence Exhibits DWR-558 and 563. These two exhibits were presented to expert Bonny Starr on Panel 7 of Group 7 during cross-examination, for which relevance and foundation are lacking. Specifically, Exhibit DWR-558 is an excerpt from a larger document that was only shown to be referenced in Ms. Starr's written testimony (Exhibit CitySac-8) at page 18, footnote 31, with Ms. Starr's written testimony at paragraph 45 referencing the document as work product "commissioned by the CVRWQCB [Central Valley Regional Water Quality Control Board] summarizing the current state of knowledge regarding potential drivers of hazardous cyanobacteria." As to DWR Exhibit-563, again being just a two-page excerpt from what

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purports to be Section 8.0 of the 2015 BDCP RDEIR/SDEIS regarding *Delta* air and water temperatures, Ms. Starr's testimony explicitly focused geographically on Sacramento's intake structures on the American River and Sacramento River, with the latter testified to being near the confluence of these two rivers *north* of the Delta.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Wesley A. Miliband', is positioned above the typed name.

Wesley A. Miliband, Attorney  
Authorized Representative

Encl.

cc: CA WaterFix Service List

## Exhibit Identification Index

Supplemental Exhibit List dated October 21, 2016 by adding Exhibit CITY SAC-19.

California WaterFix Hearing

California Department of Water Resources and U.S. Bureau of Reclamation

Date: September 1, 2016

**PARTICIPANT: City of Sacramento**

Exhibit Identification Number (e.g. DWR-1)	Exhibit Description	Status of Evidence (for Hearing Team use Only)		
		Introduced	Accepted	By Official Notice
CITYSAC-1	Written Testimony of James Peifer			
CITYSAC-2	Statement of Qualifications of James Peifer			
CITYSAC-3	PowerPoint Overview of James Peifer Testimony			
CITYSAC-4	Written Testimony of Brett Ewart			
CITYSAC-5	Statement of Qualifications of Brett Ewart			
CITYSAC-6	Written Testimony of Pravani Vandeyar			
CITYSAC-7	Statement of Qualifications of Pravani Vandeyar			
CITYSAC-8	Written Testimony of Bonny L. Starr			
CITYSAC-9	Statement of Qualifications of Bonny L. Starr			
CITYSAC-10	PowerPoint Overview of Bonny L. Starr Testimony			
CITYSAC-11	Pre-1914 Appropriative Right (Statement S014834)			
CITYSAC-12	Appropriative Permit No. 992			
CITYSAC-13	Appropriative Permit No. 11358			
CITYSAC-14	Appropriative Permit No. 11361			
CITYSAC-15	Appropriative Permit No. 11359			
CITYSAC-16	Appropriative Permit No. 11360			
CITYSAC-17	Operating Contract dated June 28, 1957 between Bureau of Reclamation and the City of Sacramento			
CITYSAC-18	Map of the City of Sacramento's Places of Use			
CITYSAC-19	Notice of Errata and Supplemental Testimony of James Peifer			
CITYSAC-20	RESERVED			
CITYSAC-21	RESERVED			
CITYSAC-22	Carollo Report entitled <i>Evaluation of Pump Intakes for Drought Conditions</i> , dated January 2016			
CITYSAC-23	CBEC Memorandum entitled <i>Sacramento River Low Flow Modeling at SRWTP Intake</i> , dated February 12, 2016			
CITYSAC-24	CBEC Memorandum entitled <i>American River Low Flow Modeling at EAFWTP Intake</i> , dated February 15, 2016			
CITYSAC-25	American River Watershed Sanitary Survey 2013 Update			
CITYSAC-26	Sacramento River Watershed Sanitary Survey 2015 Update			
CITYSAC-27	City of Sacramento, Folsom Reservoir Storage and Raw Water Temperature at EAFWTP Chart, February 2016			
CITYSAC-28	City of Sacramento, Major Reservoir Percent Storage and Raw Water Temperature at SRWTP Chart, February 2016			
CITYSAC-29	Cyanotoxins in the Sacramento River Watershed, October 2015			
CITYSAC-30	Summary of City of Sacramento 2015-2016 Cyanotoxin Monitoring			
CITYSAC-31	World Health Organization, Environmental Health Criteria 216, Chapter 2			
CITYSAC-32	CDEC Reservoir Storage Volume Data, January 2016			
CITYSAC-33	City of Sacramento Comments on BDCP and Draft EIR/EIS, July 22, 2014			
CITYSAC-34	City of Sacramento Comments on California WaterFix and RDEIR/SDEIS, October 29, 2015			

**NOTICE OF AVAILABILITY**  
**and**  
**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):

Letter re: Submission of City of Sacramento's Exhibit List and Exhibits and Objections to DWR's Exhibits DWR-558 and 563

This Notice of Availability and Statement of Service was served by **Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated October 6, 2016, 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](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml):

I certify that the foregoing is true and correct and that this document was executed on November 2, 2016.

Signature:   
Name: Sharon R. Witkin  
Title: Legal Assistant  
Party/Affiliation: CITY OF SACRAMENTO  
Address: 500 Capitol Mall, Suite 1600  
Sacramento, CA 95814