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6 Attorney for Protestants North Delta Cares / Barbara Daly.

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

9 **IN RE CALIFORNIA WATERFIX**
10 **CALIFORNIA DEPARTMENT OF**
11 **WATER RESOURCES AND U.S.**
12 **BUREAU OF RECLAMATION**
13 **PETITION FOR CHANGES IN**
14 **WATER RIGHTS, POINTS OF**
15 **DIVERSION/RE-DIVERSION**

PROTESTANT NORTH DELTA CARES
SUBMISSION OF EVIDENCE PER
DIRECTION OF HEARING OFFICERS AND
NOTICE OF AVAILABILITY

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1 As per the direction of Hearing Officer Doduc at the December 15, 2016, CWF hearing,
2 Protestant North Delta Cares / Barbara Daly hereby submits an updated exhibit list and moves that
3 all exhibits listed thereon be admitted into evidence. The updated exhibit list is attached hereto in
4 pdf format and has been uploaded to the FTP site in excel format. The parties are notified that the
5 exhibit list is available on North Delta Cares' FTP site, and the Revised Testimony of Barbara Daly
6 is also available on the FTP site.

7 The updated exhibit list reflects several revisions to North Delta Cares evidence as follows:

8 1) The written testimony of witnesses Steve Haze, Richard Marshall, and Nicky Suard has
9 been withdrawn. The written testimony and statements of qualifications for these witnesses are
10 shown in strikethrough.

11 2) As per direction of Hearing Officer Doduc at the December 13, 2016, CWF hearing,
12 Barbara Daly has revised her written testimony to delete references to the testimony of witnesses
13 Haze, Marshall, and Suard. The deletions are shown in strikethrough on new exhibit NDC-38,
14 Revised Testimony of Barbara Daly, which has been uploaded to the FTP site.

15 3) Exhibit NDC-26 is a recreation map of the Delta and is more appropriately submitted in
16 Part 2. North Delta Cares therefore withdraws this exhibit from Part 1 and the withdrawal is shown
17 on the updated exhibit index.

18 4) Exhibits NDC-30–34 have been added to the exhibit index and are shown in blue. All of
19 these exhibits reference portions of SWRCB-3, which has already been offered into evidence by
20 Petitioners. These pages were displayed, referred to, and quoted during the direct examination of
21 Barbara Daly on December 13. North Delta Cares prepared its original exhibit index pro se, Ms.
22 Daly testified that she had read and relied on SWRCB-3 when preparing her written testimony
23 (though she did not cite the documents in the text of her testimony), and Petitioners were offered as
24 much time as they desired to review these documents and prepare to cross-examine Ms. Daly.
25 Under the circumstances, North Delta Cares believes these documents are not surprise testimony. In
26 so far as they are already offered into evidence by Petitioners, these documents have not been
27 uploaded to the FTP site. Inclusion on the exhibit index serves the convenience and coherence of
28 later review of Ms. Daly's testimony and exhibits she refers to in that testimony.

1 5) Exhibits NDC-35–37 have been added to the exhibit index and are shown in blue. All of
2 these exhibits reference portions of SWRCB-3, which has already been offered into evidence by
3 Petitioners. These pages were displayed, referred to, and quoted during the direct examination of
4 Mark Pruner on December 13. North Delta Cares prepared its original exhibit index pro se, Mr.
5 Pruner testified that he had read and relied on SWRCB-3 when preparing his written testimony
6 (though he did not cite the documents in the text of his testimony), and Petitioners were offered as
7 much time as they desired to review these documents and prepare to cross-examine Mr. Pruner.
8 Under the circumstances, North Delta Cares believes these documents are not surprise testimony. In
9 so far as they are already offered into evidence by Petitioners, these documents have not been
10 uploaded to the FTP site. Inclusion on the exhibit index serves the convenience and coherence of
11 later review of Mr. Pruner’s testimony and exhibits he refers to in that testimony.

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13 Respectfully submitted,

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15 Michael A. Brodsky

16 Attorney for Protestant North Delta Cares / Barbara Daly.

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18 Dated: December 20, 2016
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	A	B	C	D	E
1	Exhibit Identification Index				
2					
3	California WaterFix Hearing				
4	California Department of Water Resources and U.S. Bureau of Reclamation				
5					
6	Date: December 19, 2016				
7					
8					
9	PARTICIPANT: North Delta CARES /Barbara Daly Submission of Evidence at Close of Part 1B				
10					
11	Exhibit Identification Number	Exhibit Description	Status of Evidence		
12	(e.g. DWR-1)		(for Hearing Team use Only)		
13	NDC-1	Reserved	Introduced	Accepted	By Official Notice
14	NDC-2	Reserved			
15	NDC-3	Barbara Daly - Statement of Qualifications			
16	NDC-4	Barbara Daly - Testimony/Case in Chief			
17	NDC-4 Errata.1	Barbara Daly - Testimony/Case in Chief			
18	NDC-4 Errata.2	Barbara Daly - Testimony/Case in Chief			
19	NDC-5	Mark Pruner - Statement of Qualifications			
20	NDC-6	Mark Pruner- Testimony			
21	NDC-7	Richard Marshall – Statement of Qualifications			
22	NDC-8	Richard Marshall – Testimony			
23	NDC-9	Steve Haze – Statement of Qualifications			
24	NDC-10 Errata	Steve Haze – Statement of Qualifications			
25	NDC-11	EIR/EIS Modified Pipeline/Tunnel Alignment (Alt. 4) Fig. M3-4, Sheets 1 & 2			
26	NDC-12	Simulation of BDCP Impact on Delta Communities During Construction			
27	NDC-13	RDEIR/SDEIS Pg. 3-1, 3.1.1., L 17-22 Preferred Alternative Under CEQA			
28	NDC-14	RDEIR/SDEIS Pg. 1-6, 1.1.3, L 30-42, Identification of a Preferred Alternative			
29	NDC-15	RDEIR/SDEIS Pg 16-31, L 13-15, Legacy communities in the Delta and L 43-46 Abandonment of buildings and declining economy			
30	NDC-16	California Water Code Division 35. The Sacramento-San Joaquin Reform Act, Chapter 4, 85054 - Co-Equal Goals shall be achieved in a manner that protects the Delta			
31	NDC-17	Reserved			
32	NDC-18	Reserved			
33	NDC-19	Reserved			
34	NDC-20	Nicky Suard – Statement of Qualifications			
35	NDC-21	Nicky Suard – Testimony			
36	NDC-22	Reserved			
37					
38	NDC-23				
39	NDC-24	Reserved			
40	NDC-25	Map - Delta Water Wells			
41	NDC-26	Map - Delta Recreation (this exhibit deleted 12.20.2016)			
42	NDC-27	Reserved			
43	NDC-28	Reserved			
44	NDC-29	Map - Delta Agriculture			
45	NDC-30	SWRCB-3, Appendix A, Figure 7-27			
46	NDC-31	SWRCB-3, Appendix A, pages 7-9–7-12			
47	NDC-32	SWRCB-3, Appendix A, page 7-4			
48	NDC-33	SWRCB-3, Appendix A, page 16-31–16-32			
49	NDC-34	SWRCB-3, Appendix A, Mapbooks, Figure M3-4, Sheet 1 of 15			
50					
51	NDC-35	SWRCB-3, Appendix A, page 20-8			
52	NDC-36	SWRCB-3, Appendix A, page 20-9			
53	NDC-37	SWRCB-3, Appendix A, Mapbooks, Figure M15-4, Sheet 1 Of 8			
54	NDC-38	Revised Testimony of Barbara Daly			

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):

**PROTESTANT NORTH DELTA CARES SUBMISSION OF EVIDENCE PER
DIRECTION OF HEARING OFFICERS AND NOTICE OF AVAILABILITY**

REVISED TESTIMONY OF BARBARA DALY

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated November 15, 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

I certify that the foregoing is true and correct and that this document was executed on December 20, 2016 at Discovery Bay, California.

Signature: 

Name: Michael A. Brodsky

Title: Attorney

Party/Affiliation:

North Delta Cares / Barbara Daly.

Address:

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