

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
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February 9, 2017

CWFhearing@waterboards.ca.gov via Email

Hearing Chair Tam Doduc  
Hearing Officer Felicia Marcus  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Clarification of Request to Submit Exhibits into Evidence

Dear Hearing Chair Doduc and Hearing Officer Marcus:

The Department of Water Resources (DWR) wishes to clarify the letter it submitted to you on September 28, 2016. This letter was the written confirmation of the oral request for entry of exhibits into evidence made on September 27, 2016. (See transcripts 9-27-2016 p.108 lines 17- 25 and p.109 lines 1-8.) As indicated at that time DWR wishes to submit into evidence, "all the exhibits listed on our revised notice of intent to appear and exhibit list... with the replacements that were submitted later for DWR-1 Errata corrected, DWR-2 Errata, DWR-4 Errata, DWR-5 Errata... (and) modeling input-output files submitted to the State Water Board on May 25<sup>th</sup>, 2016 that consist of modeling runs for H3, H4, Boundary 1, Boundary 2, the no-action alternative for CalSim, and the no-action alternative for DSM2... (and) State Water Resources Control Board's Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, 23, 27, 30, 65, 83, 84, and 87."

While these exhibits were generally included in the exhibit index filed with the request letter, DWR was not specific that when referencing exhibits DWR-1, DWR-2, DWR-4 and DWR-5 it was referring to all copies of these four exhibits including any errata. Over the course of the hearing many parties have referenced both the originals and the errata of these four exhibits. Therefore, DWR orally requested that all be included as evidence. This was implied in the written index but not stated explicitly.

DWR is making this clarification to avoid any confusion that it may have caused by generalizing its written request. Because the full description of the request was made orally before the hearing officers on September 27, 2016, DWR does not believe this clarification is prejudicial to any party or the public.

Thank you for accepting this clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tripp Mizell".

Tripp (James) Mizell, senior attorney, CA Department of Water Resources

cc: Electronic service to the hearing service list; personal service via US Postal to Clifton Court, L.P.

**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):

**DWR's Letter of Clarification of Request to Submit Exhibits into Evidence**

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 January 13, 2017, 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):

*Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.*

**For Petitioners Only:**

	I caused a true and correct <b>hard copy</b> of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818:  <b>Method of Service:</b> <u>U.S. Postal</u>
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I certify that the foregoing is true and correct and that this document was executed on February 9, 2017  
Date

Signature: 

Name: Valentina German

Title: Legal Analyst

Party/Affiliation: DWR

Address: 1416 Ninth Street 1104

Sacramento, CA 95814