

1 Spencer Kenner (SBN 148930)
James E. Mizell (SBN 232698)
2 Robin McGinnis (SBN 276400)
**CALIFORNIA DEPARTMENT OF WATER
3 RESOURCES**

4 Office of the Chief Counsel
1416 Ninth Street, Room 1104
Sacramento, CA 95814
5 Telephone: (916) 653-5966
E-mail: james.mizell@water.ca.gov
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7 Attorneys for California Department of Water
Resources

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

9
10 **HEARING IN THE MATTER OF**
11 **CALIFORNIA DEPARTMENT OF WATER**
12 **RESOURCES AND UNITED STATES**
13 **BUREAU OF RECLAMATION REQUEST**
14 **FOR A CHANGE IN POINT OF**
15 **DIVERSION FOR CALIFORNIA WATER**
16 **FIX**

CALIFORNIA DEPARTMENT OF
WATER RESOURCES' OBJECTIONS
TO TEHAMA-COLUSA CANAL
AUTHORITY WRITTEN TESTIMONY
AND EXHIBITS SUBMITTED BY
PROTESTANTS IN SUPPORT OF
PART 1B CASE IN CHIEF AND
RELATED JOINDERS

15 California Department of Water Resources ("DWR") submits the following
16 objections, motion to strike testimony and/or exclude testimony of the Tehama-Colusa
17 Canal Authority (TCCA) which includes written testimony from one witness, Mr. Jeffrey
18 Sutton, General Manager of TCCA. (TCCA-1.) Mr. Sutton offers exhibits and testifies to
19 the water service contracts with the Bureau of Reclamation and entities within TCCA's
20 service area (TCCA-5 through TCCA-23) and offers exhibits of TCCA comments on the
21 2013 BDCP Draft EIR/S and 2015 Partially Recirculated DEIR/EIS as description of
22 potential impacts to TCCA from Petitioner's California WaterFix Project (TCCA-3 and
23 TCCA-4).

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25 Mr. Sutton's testimony mischaracterizes Petitioners' requested change in point of
26 diversion when stating that the petition does not demonstrate that the changes would not
27 adversely affect the TCCA service area because DWR and Reclamation did not describe
28 an operation plan or provide an analysis of the Coordinated Operations Agreement


1 (COA). (TCCA-1, page 6.) TCCA's testimony fails to show how such a plan or analysis of
2 the COA would be useful in developing an analysis of the Petitioned Project and
3 potential to injure other legal users of water; thus, this testimony lacks foundation, is
4 irrelevant, and should be excluded.

5 Further, Mr. Sutton's written testimony hypothesizes how DWR and Reclamation
6 might operate the SWP and CVP with the diversions proposed in the Petitioned Project
7 to result in: reduced deliveries under the SWP and CVP settlement contracts, changes in
8 SWP and CVP reservoirs, and cause TCCA members to be subject to flow requirements
9 that may be incorporated into an updated Water Quality Control Plan by the State Water
10 Resources Control Board. (TCCA-1, page 7-8.) These assertions lack foundation,
11 mischaracterize Petitioner's proposed project, and raise issues related to the WQCP
12 process that are not before the Board. For these reasons, the testimony is irrelevant and
13 should be excluded. See also DWR's concurrently submitted Master Objections related
14 to these issues raised by multiple parties regarding testimony restating issues outside
15 the scope of the hearing and making assertions of fact without supporting foundational
16 evidence. (See Master Objections, Section III.)
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18 For the reasons stated above and those summarized in the Master Objections, the
19 above testimony includes irrelevant testimony that should be excluded from this hearing.

20 Dated: September 21, 2016

CALIFORNIA DEPARTMENT OF WATER
RESOURCES

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26 Tripp Mizell
Office of the Chief Counsel