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

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

**PROTESTANT SNUG HARBOR RESORTS,**  
**LLC, OPPOSITION TO DWR'S OBJECTIONS**  
**TO SNUG HARBOR'S WRITTEN**  
**TESTIMONY AND EXHIBITS**

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1 Protestant Snug Harbor Resorts, LLC (“Snug Harbor”) hereby responds to Petitioner’s  
2 objections to Sung Harbor’s written testimony and exhibits (Petitioner’s Objections”). Petitioner  
3 submitted a very brief two-page memorandum of objections that generally argues that Snug  
4 Harbor’s one witness (Nicole Suard) is not qualified to offer testimony. Petitioner cites no specific  
5 testimony and reference no particular exhibit.

6 Petitioner states that it “provides specific objections to Snug Harbor LLC’s written  
7 testimony in Exhibit A attached hereto.” (Petitioner’ Objections, p.2: 26–27.) However, no exhibit  
8 A was attached to the objections served on Snug Harbor and none is attached to the copy of  
9 Petitioner’s Objections posted on the SWRCB website. Petitioner waives any objection to Snug  
10 Harbor’s exhibits or written testimony as Petitioner’s brief objections are conclusory in nature and  
11 do not provide the specificity required to constitute meaningful objections.

12 Ms. Suard’s testimony focuses on the injury to legal users of water brought about by CWF’s  
13 impacts on drinking water wells in the Delta and impacts on surface water quality. “I will discuss  
14 and present evidence regarding the following important topics, all related to drinking water quality  
15 . . . .” (SHR-108, p. 2:1–2.) Ms. Suard’s statement of qualifications states that she has experience  
16 with “[m]anagement of private and public small drinking water wells and treatment systems as  
17 needed for management of marina and RV/MH park.” (SHR-109). Ms. Suard further states that she  
18 has managed the public drinking water wells on her property at Snug Harbor Resort for 18 years.  
19 (SHR-108, p. 1:16.) As the manager of a public drinking water system in the Delta, Ms. Suard has  
20 experience with various USGS studies of well water quality and experience with SWRCB efforts to  
21 address arsenic in Delta drinking water wells, and will so testify when she takes the stand. As  
22 documentary evidence to support her conclusions, she offers “public drinking water well records  
23 and official drinking water aquifer studies by USGS . . . .” (SHR-108.) Ms. Suard’s written  
24 testimony further establishes that she “relies on two public-use permitted drinking water wells and a  
25 water treatment system,” which she operates. (SHR-108, p.1: 14–15.)

26 As a manager of public drinking water system, Ms Suard has experience with wells and well  
27 water quality beyond the average person. She is qualified to testify about well water quality within  
28 the scope of her actual experience, and in particular will focus her oral testimony on the impacts of

1 CWF on her own water wells, which she is familiar with. Her written testimony emphasizes the  
2 impacts to her “residential area of Steamboat Slough, using resort well and water records ... .”  
3 (SHR-108, p.6: 7–8.) Ms. Suard is the custodian of these records and qualified to testify about the  
4 import of water quality issues with regard to her own wells and the likely impact of CWF.


5 Ms. Suard also draws water through a siphon from Steamboat Slough for irrigation purposes  
6 at Snug Harbor. (SHR-108, p.1: 15–16.)

7 As to the documentary evidence Ms. Suard relies on and will authenticate, she is “a map  
8 collector and Delta historian, and [has] an extensive collection of original historic maps of the delta  
9 and California.” (SHR-108, p.1: 28–29.) Ms Suard has maintained a large collection of documents  
10 with a focus on water. (SHR-108, p.6: 28–35.)

11 Ms. Suard is qualified to offer testimony on the impacts of CWF to her drinking water well,  
12 the issue of arsenic contamination, and impacts to the surface water quality in Steamboat Slough  
13 where she draws water and has operated her business for many years.

14 DWR has offered no basis to conclude the contrary.

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16 Respectfully Submitted,

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18 Michael A. Brodsky

19 On behalf of Snug Harbor Resorts, LLC  
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**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):

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**PROTESTANT SNUG HARBOR RESORTS, LLC, OPPOSITION TO DWR'S OBJECTIONS TO  
SNUG HARBOR'S WRITTEN TESTIMONY AND EXHIBITS**

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**NOTICE OF LIMITED APPEARANCE OF MICHAEL A. BRODSKY ON BEHALF OF SNUG HARBOR  
RESORTS, LLC**

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](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 7, 2016 at Discovery Bay, California.

Signature:   
Name: Michael A. Brodsky  
Title: Attorney

Party/Affiliation:  
Save the California Delta Alliance, et al.

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