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10 Attorneys for State Water Contractors

11  
12 **BEFORE THE**  
13 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

14 ENFORCEMENT ACTION ENF01949 -  
15 DRAFT CEASE AND DESIST ORDER  
REGARDING UNAUTHORIZED OR  
16 THREATENED UNAUTHORIZED  
17 DIVERSIONS OF WATER FROM OLD RIVER  
IN SAN JOAQUIN

**OBJECTION TO BYRON-BETHANY  
IRRIGATION DISTRICT'S NOTICE OF  
TAKING DEPOSITION OF PAUL  
HUTTON AND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

18 In the Matter of ENFORCEMENT ACTION  
19 ENF01951 - ADMINISTRATIVE CIVIL  
LIABILITY COMPLAINT REGARDING  
20 UNAUTHORIZED DIVERSION OF WATER  
21 FROM THE INTAKE CHANNEL TO THE  
BANKS PUMPING PLANT (FORMERLY  
22 ITALIAN SLOUGH) IN CONTRA COSTA  
COUNTY

Date: March 7, 2016

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24  
25 Pursuant to Civil Code of Procedure section §2025.010 *et seq.*, State Water  
26 Contractors ("SWC"), on behalf of its rebuttal expert, Paul Hutton ("deponent"), hereby  
27 objects to document requests contained in the Notice of Taking Deposition of Paul Hutton  
28

1 and request for production of documents. The requests to which objections are made, and  
2 the objections, are as follows:

3 **REQUEST NO. 1:**

4 All WRITINGS, as that term is defined in California Evidence Code section 250, in  
5 the possession or control of the State Water Contractors (SWC) and/or Metropolitan Water  
6 District of Southern California (MWD) concerning or relating to the State Water Resources  
7 Control Board's determination of water availability in the Sacramento and San Joaquin  
8 River Watersheds and the Delta for 2015.

9 **OBJECTION TO REQUEST NO. 1:**

10 SWC object to this request on the grounds that it is vague and ambiguous in its use  
11 of the undefined phrase "concerning or relating to," and is thus overbroad and burdensome  
12 as to scope. SWC further objects to this request on the grounds that the request seeks  
13 production of documents not in the possession, custody or control of deponent. SWC  
14 objects to this request to the extent it seeks documents protected by the attorney-client  
15 privilege, attorney work product doctrine or any other applicable privilege.

16 **REQUEST NO. 2:**

17 All WRITINGS, as that term is defined in California Evidence Code section 250, in  
18 the possession or control of the SWC and/or MWD, concerning or relating to the  
19 Deponent's testimony filed in the subject proceedings.

20 **OBJECTION TO REQUEST NO. 2:**

21 SWC object to this request on the grounds that it is vague and ambiguous in its use  
22 of the undefined phrase "concerning or relating to," and is thus overbroad and burdensome  
23 as to scope. SWC further objects to this request on the grounds that the request seeks  
24 production of documents not in the possession, custody or control of deponent. SWC  
25 objects to this request to the extent it seeks documents protected by the attorney-client  
26 privilege, attorney work product doctrine or any other applicable privilege.

27 **REQUEST NO. 3:**

28 All WRITINGS, as that term is defined in California Evidence Code section 250, in

1 the possession or control of the California Department of Water Resources, concerning or  
2 relating to the diversion(s) (current and/or historical) of water by Byron Bethany Irrigation  
3 District (BBID).

4 **OBJECTION TO REQUEST NO. 3:**

5 SWC object to this request on the grounds that it is vague and ambiguous in its use  
6 of the undefined phrase “concerning or relating to,” and is thus overbroad and burdensome  
7 as to scope. SWC further objects to this request on the grounds that the request seeks  
8 production of documents not in the possession, custody or control of deponent. SWC  
9 further objects to this request to the extent the request seeks production of documents  
10 equally available to BBID. SWC further objects to this request to the extent it seeks  
11 documents neither relevant to the subject matter of the above-referenced enforcement  
12 proceedings nor calculated to lead to the discovery of admissible evidence.

13 **REQUEST NO. 4:**

14 All WRITINGS, as that term is defined in California Evidence Code section 250, in  
15 the possession or control of the SWC and/or MWD, relied upon by the Deponent in  
16 preparing any and all testimony filed in the subject proceedings.

17 **OBJECTION TO REQUEST NO. 4:**

18 SWC object to this request on the grounds that it is vague and ambiguous, and is  
19 overbroad, oppressive, and burdensome as to scope. SWC further objects to this request  
20 on the grounds that the request seeks production of documents not in the possession,  
21 custody or control of deponent. SWC further objects to this request to the extent it seeks  
22 documents protected by the attorney-client privilege, attorney work product doctrine or any  
23 other applicable privilege.

24 **REQUEST NO. 5:**

25 All WRITINGS, as that term is defined in California Evidence Code section 250, in  
26 the possession or control of the SWC and/or MWD, concerning or relating to the June 5,  
27 2015 Draft Technical Memorandum from CH2M Hill to Terry Erlewine, attached to your  
28 testimony.

1 **OBJECTION TO REQUEST NO. 5:**

2 SWC object to this request on the grounds that it is vague and ambiguous in its use  
3 of the undefined phrase “concerning or relating to,” and is thus overbroad and burdensome  
4 as to scope. SWC further objects to this request on the grounds that the request seeks  
5 production of documents not in the possession, custody or control of deponent. SWC  
6 further objects to this request to the extent it seeks documents protected by the attorney-  
7 client privilege, attorney work product doctrine or any other applicable privilege.

8 **REQUEST NO. 6:**

9 All WRITINGS, as that term is defined in California Evidence Code section 250, in  
10 the possession or control of the SWC and/or MWD, concerning or relating to CH2M Hill's  
11 work on the June 5, 2015 Draft Technical Memorandum.

12 **OBJECTION TO REQUEST NO. 6:**

13 SWC object to this request on the grounds that it is vague and ambiguous in its use  
14 of the undefined phrase “concerning or relating to,” and is thus overbroad and burdensome  
15 as to scope. SWC further objects to this request on the grounds that the request seeks  
16 production of documents not in the possession, custody or control of deponent. SWC  
17 further objects to this request to the extent it seeks documents protected by the attorney-  
18 client privilege, attorney work product doctrine or any other applicable privilege.

19 **REQUEST NO. 7:**

20 All WRITINGS, as that term is defined in California Evidence Code section 250, in  
21 the possession or control of the SWC and/or MWD, between May 1, 2015 and the date of  
22 your deposition, concerning or relating to CH2M Hill's work for BBID in any capacity.

23 **OBJECTION TO REQUEST NO. 7:**


24 SWC object to this request on the grounds that it is vague and ambiguous in its use  
25 of the undefined phrase “concerning or relating to,” and is thus overbroad and burdensome  
26 as to scope. SWC further objects to this request on the grounds that the request seeks  
27 production of documents not in the possession, custody or control of deponent. SWC  
28 further objects to this request to the extent it seeks documents protected by the attorney-

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client privilege, attorney work product doctrine or any other applicable privilege.

Dated: March 2, 2016

**DUANE MORRIS LLP**

By:  \_\_\_\_\_

Thomas M. Berliner  
Jolie-Anne S. Ansley

Attorneys for State Water Contractors

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