

1 Robin McGinnis (SBN: 276400)  
Office of the Chief Counsel  
2 California Department of Water Resources  
P.O. Box 942836  
3 1416 Ninth Street, Room 1104  
Sacramento, CA 94236-0001  
4 Telephone: (916) 657-5400  
E-mail: robin.mcginnis@water.ca.gov

5  
6 Attorney for CALIFORNIA DEPARTMENT OF  
WATER RESOURCES

7  
8 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

9  
10 **In the matter of the Draft Cease and Desist**  
11 **Order issued to The West Side Irrigation**  
12 **District, Enforcement Action ENF01949;**

13 **and**

14 **In the Matter of the Administrative Civil**  
15 **Liability Complaint issued to**  
16 **Byron-Bethany Irrigation District,**  
17 **Enforcement Action ENF01951.**

**DECLARATION OF ROBIN MCGINNIS**  
**IN SUPPORT OF CALIFORNIA**  
**DEPARTMENT OF WATER**  
**RESOURCES' MOTION FOR**  
**PROTECTIVE ORDER**

18 I, Robin McGinnis, declare:

19 1. I submit this declaration in support of the California Department of Water Resource's  
20 ("DWR's") Motion for Protective Order.

21 2. I have personal knowledge of the facts stated in this declaration and, if called upon to  
22 testify, could and would competently testify thereto.

23 3. I am an attorney at law licensed to practice in the State of California, and am an  
24 Attorney at DWR, which is a party to the above-referenced enforcement actions.

25 4. On September 2, 2015, DWR submitted a Notice of Intent to Appear ("NOI") in  
26 ENF01951 indicating that Paul Marshall would be an expert witness and testify regarding  
27 "Effects of Delta Diversions." A true and correct copy of the NOI is Exhibit A hereto.

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1           5. On October 2, 2015, DWR submitted an NOI in ENF01949 indicating that Mr.  
2 Marshall would be an expert witness and testify regarding “Effects of Delta Diversions.” A true  
3 and correct copy of the NOI is Exhibit B hereto.

4           6. Byron-Bethany Irrigation District (“BBID”), Central Delta and South Delta Water  
5 Agencies (referred to jointly as “CDWA”), and The West Side Irrigation District (“WSID”)  
6 noticed the deposition of Mr. Marshall for November 24, 2015. True and correct copies of the  
7 Notices of Deposition are Exhibits C–E hereto.

8           7. Via e-mail, BBID, CDWA, SDWA, and WSID reset the deposition for December 30,  
9 2015. A true and correct copy of the e-mail is Exhibit F hereto.

10          8. Via e-mail, BBID, CDWA, SDWA, and WSID reset the deposition for February 2,  
11 2016. A true and correct copy of the e-mail is Exhibit G hereto.

12          9. On December 7, 2015, I notified the parties via e-mail that DWR produced  
13 documents in response to the Notices of Deposition on December 7, 2015 using its online file  
14 transfer system. A true and correct copy of the e-mail is Exhibit H hereto.

15          10. On January 19, 2016, DWR submitted Amended Notices of Intent to Appear  
16 indicating that it would participate in the hearing on cross-examination. True and correct copies  
17 of the Amended NOIs are Exhibit I hereto.

18          11. On January 28, 2016, BBID, CDWA, and WSID notified DWR via e-mail that they  
19 did not “see a need to depose Paul [Marshall] at this point.” A true and correct copy of the series  
20 of e-mails is Exhibit J hereto.

21          12. On February 22, 2016, DWR submitted its rebuttal testimony and exhibits relied on.

22          13. On February 23, 2016, CDWA served DWR with a “Notice of Taking Deposition of  
23 Paul Marshall,” which included a request for production of documents. A true and correct copy  
24 of the CDWA Notice is Exhibit K hereto.

25          14. On February 24, 2016, Byron-Bethany Irrigation District (“BBID”) served DWR with  
26 an “Amended Notice of Deposition of Paul Marshall and Request for Production of Documents.”  
27 A true and correct copy of the BBID Notice is Exhibit L hereto.



# **Exhibit A**

**NOTICE OF INTENT TO APPEAR**

Department of Water Resources plans to participate in the water right hearing regarding  
(name of party or participant)

Administrative Civil Liability  
against  
Byron-Bethany Irrigation District

scheduled to commence  
**Wednesday, October 28, 2015 and continue, if necessary,  
on October 29 and 30, 2015  
at 9:00 a.m.**

**1) Check only one (1) of the following:**

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Paul Marshall	Effects of Delta Diversions	One hour	Yes

(If more space is required, please add additional pages or use reverse side.)

**2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:**

Name (Print): Robin McGinnis, Attorney

Mailing Address: P.O. Box 942836, Sacramento, CA 94236-0001

Phone Number: (916) 657-5400 Fax Number: ( )

E-mail: robin.mcginis@water.ca.gov

Optional:

- I/we decline electronic service of hearing-related materials.

Signature: *Robin McGinnis* Dated: 9/2/15

# **Exhibit B**

**NOTICE OF INTENT TO APPEAR**

California Department of Water Resources \_\_\_\_\_ plans to participate in the water right hearing regarding (name of party or participant)

Draft Cease and Desist Order  
Against  
West Side Irrigation District

The Public Hearing will commence on  
Thursday, November 12, 2015 and continue, if necessary,  
on November 13 and 16, 2015  
at 9:00 a.m.

**1) Check only one (1) of the following:**

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Paul Marshall	Effects of Delta Diversions	20 minutes	Yes

(If more space is required, please add additional pages or use reverse side.)

**2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:**

Name (Print): Robin McGinnis, Attorney

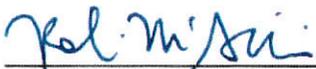
Mailing Address: P.O. Box 942836, Sacramento, CA 94236-0001

Phone Number: (916) 657-5400 Fax Number: ( )

E-mail: robin.mcginis@water.ca.gov

Optional:

- I/we decline electronic service of hearing-related materials.

Signature:  Date: 10/2/15

# **Exhibit C**

1 SOMACH SIMMONS & DUNN  
A Professional Corporation  
2 DANIEL KELLY, ESQ. (SBN 215051)  
MICHAEL E. VERGARA, ESQ. (SBN 137689)  
3 500 Capitol Mall, Suite 1000  
Sacramento, California 95814-2403  
4 Telephone: (916) 446-7979  
Facsimile: (916) 446-8199  
5

6 Attorneys for Petitioner/Plaintiff BYRON-  
BETHANY IRRIGATION DISTRICT  
7

8 BEFORE THE  
9 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD  
10

11 In the Matter of:  
12 Alleged Unauthorized Diversion of Water By  
Byron-Bethany Irrigation District.  
13  
14

SWRCB Enforcement Action ENF01951  
NOTICE OF DEPOSITION OF PAUL  
MARSHALL AND REQUEST FOR  
PRODUCTION OF DOCUMENTS  
(Wat. Code, § 1100)  
15

16 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

17 PLEASE TAKE NOTICE THAT, under to Water Code section 1100 and Code of Civil  
18 Procedure section 2025.210 et seq., YOU ARE HEREBY NOTIFIED that attorneys for Byron  
19 Bethany Irrigation District (BBID) will take the deposition of **Paul Marshall on November 24,**  
20 **2015 at 9:30 a.m.** Said deposition will take place at the offices of **Somach Simmons & Dunn,**  
21 **500 Capitol Mall, Suite 1000, Sacramento, California 95814.**

22 The deposition of Paul Marshall is in regards to the following:

- 23 1. The effect of Delta diversions;
- 24 2. State Water Project operations in June 2015;
- 25 3. The operation of Clifton Court forebay and related facilities;
- 26 4. Deponent's interaction with State Water Resource Control Board staff/employees  
27 regarding water availability in 2015.

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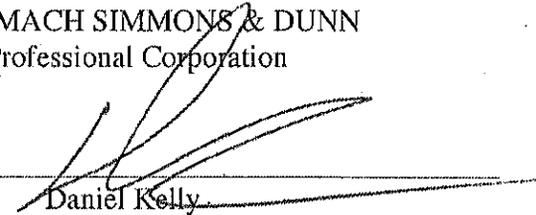
YOU ARE FURTHER NOTIFIED THAT:

The Deponent, Paul Marshall is required to produce at said deposition the documents, records or other materials as set forth in Attachment A to this deposition notice.

Dated: November 9, 2015

SOMACH SIMMONS & DUNN  
A Professional Corporation

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

  
Daniel Kelly

Attorneys for Petitioner/Plaintiff BYRON-  
BETHANY IRRIGATION DISTRICT

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**PROOF OF SERVICE**

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

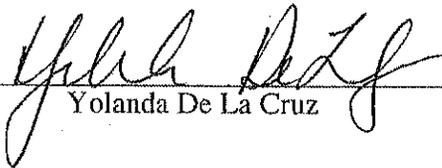
On November 9, 2015, I served the following document(s):

**NOTICE OF DEPOSITION OF PAUL MARSHALL  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

X (via electronic mail) by causing to be delivered a true copy thereof to the person(s) and at the email addresses set forth below:

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 9, 2015 at Sacramento, California.

  
Yolanda De La Cruz

**SERVICE LIST OF PARTICIPANTS  
 BYRON-BETHANY IRRIGATION DISTRICT  
 ADMINISTRATIVE CIVIL LIABILITY HEARING  
 (Revised 9/2/15; Revised: 9/11/15)**

SOMACH SIMMONS & DUNN  
 A Professional Corporation

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<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Division of Water Rights          Prosecution Team          Andrew Tauriainen, Attorney III          SWRCB Office of Enforcement          1001 I Street, 16th Floor          Sacramento, CA 95814  <a href="mailto:andrew.tauriainen@waterboards.ca.gov">andrew.tauriainen@waterboards.ca.gov</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Byron-Bethany Irrigation District          Daniel Kelly          Somach Simmons &amp; Dunn          500 Capitol Mall, Suite 1000          Sacramento, CA 95814  <a href="mailto:dkelly@somachlaw.com">dkelly@somachlaw.com</a></p>
<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Patterson Irrigation District          Banta-Carbona Irrigation District          The West Side Irrigation District          Jeanne M. Zolezzi          Herum\Crabtree\Suntag          5757 Pacific Avenue, Suite 222          Stockton, CA 95207  <a href="mailto:jzolezzi@herumcrabtree.com">jzolezzi@herumcrabtree.com</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>City and County of San Francisco          Jonathan Knapp          Office of the City Attorney          1390 Market Street, Suite 418          San Francisco, CA 94102  <a href="mailto:jonathan.knapp@sfgov.org">jonathan.knapp@sfgov.org</a></p>
<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Central Delta Water Agency          Jennifer Spaletta Law PC          P.O. Box 2660          Lodi, CA 95241  <a href="mailto:jennifer@spalettalaw.com">jennifer@spalettalaw.com</a></p> <p>Dante John Nomellini          Daniel A. McDaniel          Dante John Nomellini, Jr.          NOMELLINI, GRILLI &amp; MCDANIEL          235 East Weber Avenue          Stockton, CA 95202  <a href="mailto:ngmplcs@pacbell.net">ngmplcs@pacbell.net</a>  <a href="mailto:dantejr@pacbell.net">dantejr@pacbell.net</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>California Department of Water Resources          Robin McGinnis, Attorney          P.O. Box 942836          Sacramento, CA 94236-0001  <a href="mailto:robin.mcginis@water.ca.gov">robin.mcginis@water.ca.gov</a></p>
<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Richard Morat          2821 Berkshire Way          Sacramento, CA 95864  <a href="mailto:rmorat@gmail.com">rmorat@gmail.com</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>San Joaquin Tributaries Authority          Tim O'Laughlin          Valerie C. Kincaid          O'Laughlin &amp; Paris LLP          2617 K Street, Suite 100          Sacramento, CA 95816  <a href="mailto:towater@olaughlinparis.com">towater@olaughlinparis.com</a>  <a href="mailto:vkinaid@olaughlinparis.com">vkinaid@olaughlinparis.com</a></p>

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<u>VIA ELECTRONIC MAIL</u>	<u>VIA ELECTRONIC MAIL</u>
South Delta Water Agency John Herrick Law Offices of John Herrick 4255 Pacific Avenue, Suite 2 Stockton, CA 95207 Email: Jherrlaw@aol.com	State Water Contractors Stefani Morris 1121 L Street, Suite 1050 Sacramento, CA 95814 <a href="mailto:smorris@swc.org">smorris@swc.org</a>

## ATTACHMENT A

### DOCUMENTS TO BE PRODUCED

1. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to the State Water Resources Control Board's determination of water availability in the Sacramento and San Joaquin River Watersheds and the Delta for 2015

2. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to water right curtailments in 2015.

3. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to the diversion of water by Byron Bethany Irrigation District in 2015.

4. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to the operation of Clifton Court forebay and related facilities in June 2015.

5. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to any inspections, aerial or otherwise, of lands or facilities within the Byron-Bethany Irrigation District during the 2015 irrigation season. This request includes all WRITINGS regarding aerial inspection or observation of Byron-Bethany Irrigation District facilities via helicopter or other vehicle.

6. All WRITINGS as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to the source of water in Clifton Court forebay during June 2015 and the source of water diverted by the California Department of Water Resources at Banks Pumping Plant in June 2015.

If any document is withheld under a claim of privilege or other protection, please provide a privilege log containing the following information with respect to such documents: (a) an identification of the document with reasonable specificity and particularity, including its nature (memorandum, letter, etc.), title, and date; (b) the parties, individuals, and entities that the communication is between or references; (c) the exact nature of the privilege asserted; and (d) all of the facts upon which your claim of privilege is based or which supports said claim of privilege.

# **Exhibit D**

1 JENNIFER L. SPALETTA (SBN 200032)  
2 DAVID GREEN (SBN 287176)  
3 SPALETTA LAW PC  
4 Post Office Box 2660  
5 Lodi, California 95241  
6 Jennifer@spalettalaw.com  
7 T: 209-224-5568  
8 F: 209-224-5589

Attorneys for Central Delta Water Agency

6 S. DEAN RUIZ (SBN 213515)  
7 HARRIS, PERISHO & RUIZ  
8 3439 Brookside Road, Suite 210  
9 Stockton, CA 95219  
10 Telephone: (209) 957-4254  
11 Facsimile: (209) 957-5338

Attorney for South Delta Water Agency

12 **STATE WATER RESOURCES CONTROL BOARD**

13 IN RE THE MATTERS OF

14 WEST SIDE IRRIGATION DISTRICT  
15 CEASE AND DESIST ORDER  
16 HEARING

17 AND

18 BYRON BETHONY IRRIGATION  
19 DISTRICT ADMINISTRATIVE CIVIL  
20 LIABILITY HEARING

**NOTICE OF TAKING DEPOSITION  
OF PAUL MARSHALL**

Date: November 24, 2015

Time: 9:30 a.m.

Location: 500 Capitol Mall, Suite 1000,  
Sacramento, CA 95814

21 TO PAUL MARSHALL OF THE DEPARTMENT OF WATER RESOURCES, AND HIS  
22 ATTORNEY OF RECORD:

23 PLEASE TAKE NOTICE pursuant to California Water Code section 1100 and California  
24 Code of Civil Procedure Section 2025.220 that Parties Central Delta Water Agency ("CDWA")  
25 and South Delta Water Agency ("SDWA") will conduct the deposition of Paul Marshall of the  
26 Department of Water Resources ("Deponent") on November 24, 2015, at 9:30 a.m. at 500 Capitol  
27 Mall, Suite 1000, Sacramento, CA 95814, before a certified shorthand reporter and/or notary  
28 public duly authorized by laws of the State of California to administer oaths.

1 If, for any reason, the taking of said deposition is not completed on November 24, 2015,  
2 the deposition will be continued, at the option of the noticing party, on November 25, 2015 at  
3 9:30 a.m. at the same place until completed. Notice is further given that under Code of Civil  
4 Procedure Section 2025.330 the deposition testimony may be recorded by video technology.

5 CDWA and SDWA request that Deponent bring and have for production, inspection, and  
6 copying at the time and place of the deposition the following documents, or copies of said  
7 documents, if the originals are not in his possession, custody, or control. Electronic form  
8 documents are preferred and can be produced on a removable drive.

9 The term "DOCUMENTS," as used herein, is as defined by California Evidence Code  
10 section 250, and includes any writing, book, document, or other thing and includes the originals  
11 and non-identical copies (e.g., because handwritten or "blind" notes may appear thereon) of all of  
12 the following: (a) all writings of any kind, including, but not limited to, letters, telegrams,  
13 memoranda, reports, studies, calendar and diary entries, notes, recordings, records of meetings  
14 and conversations, tabulations, analyses, statistical or other accumulations of information, raw  
15 and refined data, drawings graphs, surveys, charts, view graphs and other illustrations of any  
16 kind, including all drafts of any such writing; (b) photographs, films, slides, and other  
17 photographic material of any kind, including sound recordings; (c) bills, contracts, invoices,  
18 brochures, advertisements, certificates, checks, transcripts, and other mechanical, magnetic, and  
19 electronic records of any kind, including sound recordings; (d) all documents stored in or  
20 retrievable by computer; (e) any other data compilations not covered by (a) through (d) herein.

21 If any DOCUMENT is withheld under a claim of privilege or other protection, please  
22 provide the following information with respect to such DOCUMENTS: (a) an identification of  
23 the DOCUMENT with reasonable specificity and particularity, including its nature (memo, letter,  
24 etc.), title, and date; (b) the parties, individuals, and entities that the communication is between or  
25 references; (c) the exact nature of the privilege asserted; and (d) all of the facts upon which your  
26 claim of privilege is based or which supports said claim.

27 The DOCUMENTS requested do not include any DOCUMENTS previously produced.  
28

**DOCUMENTS TO BE PRODUCED**

1. All DOCUMENTS related to the State Water Resources Control Board's determination of water availability for 2015 related to diversions under WSID's License No. 1381.
2. All DOCUMENTS related to the analysis of which sources of supply to include in the water availability analysis for 2015.
3. All DOCUMENTS related to the analysis of which items of demand to include in the water availability analysis for 2015.
4. All DOCUMENTS related to the impact that WSID's diversions of water pursuant to License 1381 had on the State Water Project ("SWP") and/or Central Valley Project ("CVP") (collectively, the "Projects") in May through October 2015.
5. All DOCUMENTS related to threatened or actual injury to senior water right holders or Project rights that influenced the determination of water availability in 2015.
6. All DOCUMENTS comprising or related to communications between you and any representative, employee or agent of the California Department of Water Resources ("DWR") regarding water availability or curtailment in 2015.
7. All DOCUMENTS comprising or related to communications between you, or any representative, employee or agent of DWR and any representative, employee or agent of the State Water Resources Control Board ("State Water Board") regarding water availability or curtailment in 2015.
8. All DOCUMENTS comprising or related to communications between you, or any representative, employee or agent of DWR and any representative, employee or agent of the State Water Contractors ("SWC") regarding water availability or curtailment in 2015.

- 1 9. All DOCUMENTS comprising or related to water availability analysis that you, or any
- 2 representative, employee or agent of DWR, created, reviewed or commented on during 2014
- 3 or 2015.
- 4
- 5 10. All DOCUMENTS related to the "Effects of Delta Diversions" as that phrase is defined for
- 6 purposes of DWR's Notice of Intent to Appear filed in the WSID CDO Hearing.
- 7
- 8 11. All DOCUMENTS related to DWR's determinations of flow into the Delta during 2015 and
- 9 the sources of that flow.
- 10
- 11 12. All DOCUMENTS showing the amount of water that flowed into DWR storage facilities for
- 12 each day in 2015.
- 13
- 14 13. All DOCUMENTS showing the amount of water that DWR diverted to storage for each day
- 15 in 2015.
- 16
- 17 14. All DOCUMENTS showing the amount of water that DWR released from storage for each
- 18 day in 2015.
- 19
- 20 15. All DOCUMENTS showing how much of the water DWR released from or bypassed through
- 21 its storage facilities in 2015, by day, was not stored water.
- 22
- 23 16. All DOCUMENTS showing the purpose for each release of stored water by DWR during
- 24 2015.
- 25
- 26 17. If water was released from storage by DWR for multiple purposes during 2015, all
- 27 DOCUMENTS showing the purpose which was controlling the total amount of the release, by
- 28 day.
- 18. All DOCUMENTS showing the amount of water that DWR exported from the Delta daily in
- 2015.
- 19. All DOCUMENTS showing the source of all water that DWR exported from the Delta daily
- in 2015.

- 1 20. All DOCUMENTS related to DWR's analysis of Delta outflow during 2015.
- 2 21. All DOCUMENTS related to DWR's analysis of consumptive use in the Delta during 2015.
- 3 22. All DOCUMENTS related to residence time of water in the Delta during 2015.
- 4 23. All DOCUMENTS related to travel time for water released from storage reservoirs to the
- 5 Delta export facilities during 2015.
- 6

7 All of the above requests should be construed to request only those DOCUMENTS that have not  
8 previously been produced and to request non-duplicative production of documents. In addition,  
9 the above requests should be construed to be limited to those DOCUMENTS which relate to  
10 water availability decisions for the Sacramento and San Joaquin River watersheds and Delta.  
11

12 To the extent the responding party believes the information can be provided in summary form  
13 to avoid unnecessary production of documents, the responding party should contact the requesting  
14 party to meet and confer as to an agreement on a limited initial production.  
15

16 Dated: November 11, 2015

SPALETTA LAW PC

17  
18 By:   
19 \_\_\_\_\_  
20 JENNIFER L. SPALETTA  
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# **Exhibit E**

1 JEANNE M. ZOLEZZI SBN 121282  
KARNA E. HARRIGFELD SBN 162824  
2 HERUM\CRABTREE\SUNTAG  
5757 Pacific Avenue, Suite 222  
3 Stockton, California 95207  
jzolezzi@herumcrabtree.com  
4 T: 209-472-7700  
F: 209-472-7986

5 Attorneys for The West Side Irrigation District  
6

7 **STATE WATER RESOURCES CONTROL BOARD**

8 IN RE THE MATTERS OF

9 THE WEST SIDE IRRIGATION  
10 DISTRICT CEASE AND DESIST  
ORDER HEARING

11 AND

12 BYRON BETHONY IRRIGATION  
13 DISTRICT ADMINISTRATIVE CIVIL  
LIABILITY HEARING

**NOTICE OF TAKING DEPOSITION  
OF PAUL MARSHALL**

Date: December 2, 2015

Time: 9:30 a.m.

Location: 500 Capitol Mall, Suite 1000,  
Sacramento, CA 95814

14 TO PAUL MARSHALL, AND HIS ATTORNEY(S) OF RECORD:

15  
16 PLEASE TAKE NOTICE pursuant to California Water Code section 1100 and California  
17 Code of Civil Procedure Section 2025.220 that Party The West Side Irrigation District (“**WSID**”)  
18 will conduct the deposition of Paul Marshall (“**Deponent**”) on December 2, 2015, at 9:30 a.m. at  
19 500 Capitol Mall, Suite 1000, Sacramento, CA 95814, before a certified shorthand reporter and/or  
20 notary public duly authorized by laws of the State of California to administer oaths.

21 If, for any reason, the taking of said deposition is not completed on December 2, 2015, the  
22 deposition will be continued, at the option of the noticing party, on December 3, 2015 at 9:30  
23 a.m. at the same place until completed. Notice is further given that under Code of Civil Procedure  
24 Section 2025.330 the deposition testimony may be recorded by video technology.

25 WSID requests that Deponent bring and have for production, inspection, and copying at  
26 the time and place of the deposition the following documents, or copies of said documents, if the  
27 originals are not in his possession, custody, or control. Electronic form documents are preferred  
28 and can be produced on a removable drive.



- 1 3. All documents related to correspondence or communications with the State Water Resources  
2 Control Board regarding the hydrologic data used in producing "full natural flow" or  
3 "unimpaired runoff calculations" or similar calculations to determine water availability for  
4 2015.
- 5 4. All documents related to correspondence or communications with the State Water Resources  
6 Control Board regarding the use of "full natural flow" or "unimpaired runoff calculations" or  
7 similar calculations to determine water availability for 2015.
- 8 5. All documents related to the analysis of which sources of supply to include in the water  
9 availability analysis for 2015.
- 10 6. All documents related to correspondence or communications with the State Water Resources  
11 Control Board regarding which sources of supply to include in the water availability analysis  
12 for 2015.
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15 All of the above requests should be construed to request only those documents that have not  
16 previously been produced. In addition, the above requests should be construed to be limited to  
17 those documents which relate to water availability decisions for the Sacramento and San Joaquin  
18 River watersheds and Delta.

19  
20 Dated: November 6, 2015

HERUM\CRABTREE\SUNTAG

21 By:   
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23 Jeanne M. Zolezzi

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PROOF OF SERVICE

I am employed in the County of San Joaquin; my business address is 5757 Pacific Avenue, Suite 222, I am over the age of 18 years and not a party to the foregoing action. On October 28, 2015, I served a true and correct copy of The West Side Irrigation District's Notice of Taking Deposition of Paul Marshall by ELECTRONIC MAIL (email) by sending the document to the persons at the email addresses listed on the following pages.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Dated: November 4, 2015

---

JEANNE M. ZOLEZZI

**SERVICE LIST OF PARTICIPANTS  
THE WEST SIDE IRRIGATION DISTRICT  
CEASE AND DESIST ORDER HEARING  
(October 8, 2015)**

<p><b>Division of Water Rights Prosecution Team</b> Andrew Taurialnen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 andrew.taurialnen@waterboards.ca.gov</p>	<p><b>The West Side Irrigation District</b> Jeanne M. Zolezzi Karna Harrigfeld Janelle Krattiger Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 jzolezzi@herumcrabtree.com <a href="mailto:kharrigfeld@herumcrabtree.com">kharrigfeld@herumcrabtree.com</a> <a href="mailto:jkrattiger@herumcrabtree.com">jkrattiger@herumcrabtree.com</a></p>
<p><b>State Water Contractors</b> Stefani Morris, Attorney 1121 L Street, Suite 1050 Sacramento, CA 95814 smorris@swc.org</p>	<p><b>Westlands Water District</b> Daniel O'Hanlon Rebecca Akroyd Kronick Moskovitz Tiedemann &amp; Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 dohanlon@kmtg.com rakroyd@kmtg.com Phillip Williams of Westlands Water District <a href="mailto:pwilliams@westlandswater.org">pwilliams@westlandswater.org</a></p>
<p><b>South Delta Water Agency</b> John Herrick, Esq. 4255 Pacific Ave., Suite 2 Stockton, CA 95207 jherrlaw@aol.com</p>	<p><b>Central Delta Water Agency</b> Jennifer Spaletta Spaletta Law PC PO Box 2660 Lodi, CA 95241 <a href="mailto:jennifer@spalettalaw.com">jennifer@spalettalaw.com</a> Dante Nomellini and Dante Nomellini, Jr. Nomellini, Grilli &amp; McDaniel <a href="mailto:ngmplcs@pacbell.net">ngmplcs@pacbell.net</a> <a href="mailto:dantejr@pacbell.net">dantejr@pacbell.net</a></p>
<p><b>City and County of San Francisco</b> Johnathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 <a href="mailto:jonathan.knapp@sfgov.org">jonathan.knapp@sfgov.org</a></p>	<p><b>San Joaquin Tributaries Authority</b> Valeri Kincaid O'Laughlin &amp; Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95814 <a href="mailto:vkincaid@olaughlinparis.com">vkincaid@olaughlinparis.com</a></p>
<p><b>California Department of Water Resources</b> Robin McGinnis, Attorney PO Box 942836 Sacramento, CA 94236-0001 <a href="mailto:robin.mcginnis@water.ca.gov">robin.mcginnis@water.ca.gov</a></p>	<p><b>Byron Bethany Irrigation District</b> Daniel Kelly Somach Simmons &amp; Dunn 500 Capitol Mall, Suite 1000, Sacramento, CA 95814 <a href="mailto:dkelly@somachlaw.com">dkelly@somachlaw.com</a></p>
<p><b>Courtesy copy Hearing Team:</b> Hearing Officer Frances Spivy-Weber <a href="mailto:Frances.Spivy-Weber@waterboards.ca.gov">Frances.Spivy-Weber@waterboards.ca.gov</a> Ernest Mona <a href="mailto:Ernie.Mona@waterboards.ca.gov">Ernie.Mona@waterboards.ca.gov</a> Michael Buckman <a href="mailto:Michael.Buckman@Waterboards.ca.gov">Michael.Buckman@Waterboards.ca.gov</a></p>	<p>Nicole Kuenzi <a href="mailto:Nicole.Kuenzi@Waterboards.ca.gov">Nicole.Kuenzi@Waterboards.ca.gov</a> Diane Riddle <a href="mailto:Diane.Riddle@Waterboards.ca.gov">Diane.Riddle@Waterboards.ca.gov</a> Jean McCue <a href="mailto:Jean.McCue@waterboards.ca.gov">Jean.McCue@waterboards.ca.gov</a></p>

(October 8, 2015)

Parties

THE FOLLOWING **MUST BE SERVED** WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)

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<b>DIVISION OF WATER RIGHTS</b> Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 <a href="mailto:Andrew.Tauriainen@waterboards.ca.gov">Andrew.Tauriainen@waterboards.ca.gov</a>	<b>THE WEST SIDE IRRIGATION DISTRICT</b> Jeanne M. Zolezzi Karna Harrigfeld Janelle Krattiger Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 <a href="mailto:izolezzi@herumcrabtree.com">izolezzi@herumcrabtree.com</a> <a href="mailto:kharrigfeld@herumcrabtree.com">kharrigfeld@herumcrabtree.com</a> <a href="mailto:ikrattiger@herumcrabtree.com">ikrattiger@herumcrabtree.com</a>
<b>STATE WATER CONTRACTORS</b> Stephanie Morris 1121 L Street, Suite 1050 Sacramento, CA 95814 <a href="mailto:smorris@swc.org">smorris@swc.org</a>	<b>WESTLANDS WATER DISTRICT</b> Daniel O'Hanlon Rebecca Akroyd Kronick Moskovitz Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 <a href="mailto:dohanlon@kmtg.com">dohanlon@kmtg.com</a> <a href="mailto:rakroyd@kmtg.com">rakroyd@kmtg.com</a>  Philip Williams of Westlands Water District <a href="mailto:pwilliams@westlandswater.org">pwilliams@westlandswater.org</a>
<b>SOUTH DELTA WATER AGENCY</b> John Herrick, Esq. Dean Ruiz 4255 Pacific Ave., Suite 2 Stockton, CA 95207 <a href="mailto:jherrlaw@aol.com">jherrlaw@aol.com</a> <a href="mailto:dean@hprlaw.net">dean@hprlaw.net</a>	<b>CENTRAL DELTA WATER AGENCY</b> Jennifer Spaletta Spaletta Law PC PO Box 2660 Lodi, CA 95241 <a href="mailto:jennifer@spalettalaw.com">jennifer@spalettalaw.com</a>  Dante Nomellini and Dante Nomellini, Jr. Nomellini, Grilli & McDaniel <a href="mailto:ngmplcs@pacbell.net">ngmplcs@pacbell.net</a> <a href="mailto:dantejr@pacbell.net">dantejr@pacbell.net</a>
<b>CITY AND COUNTY OF SAN FRANCISCO</b> Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 <a href="mailto:jonathan.knapp@sfgov.org">jonathan.knapp@sfgov.org</a>	<b>SAN JOAQUIN TRIBUTARIES AUTHORITY</b> Valeri Kincaid O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95814 <a href="mailto:vkincaid@olaughlinparis.com">vkincaid@olaughlinparis.com</a>

# **Exhibit F**

## McGinnis, Robin C.@DWR

---

**From:** Jennifer Spaletta <jennifer@spalettalaw.com>  
**Sent:** Monday, November 23, 2015 2:09 PM  
**To:** McGinnis, Robin C.@DWR  
**Cc:** Jeanne Zolezzi; Tauriainen, Andrew@Waterboards; dantejr@pacbell.net; dean@hprlaw.net; dkelly@somachlaw.com; dohanlon@kmtg.com; ernie.mona@waterboards.ca.gov; Frances.Spivy-Weber@waterboards.ca.gov; Janelle Krattiger; Jherrlaw@aol.com; jonathan.knapp@sfgov.org; kharrigfeld@herumcrabtree.com; ngmplcs@pacbell.net; pwilliams@westlandswater.org; rakroyd@kmtg.com; robin.mcginnis@water.ca.gov; smorris@swc.org; vkincaid@olaughlinparis.com; Unit, Wr\_Hearing@Waterboards  
**Subject:** Re: Deposition Scheduling for Paul Marshall

All:

WSID, BBID and the Delta Agencies have decided to reset the Marshall deposition for December 30th. Please be advised there will not be a deposition tomorrow. We are still scheduled for the continuation of Mr. Howard on Wednesday at 8am.

Thank you,

Jennifer L. Spaletta  
SPALETTA LAW PC  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

Sent from iPhone, please excuse typos

On Oct 30, 2015, at 11:48 AM, McGinnis, Robin C.@DWR <[Robin.McGinnis@water.ca.gov](mailto:Robin.McGinnis@water.ca.gov)> wrote:

<image002.gif>

Jeanne,

Paul Marshall is available November 23, 24, and 30.

Robin

Robin McGinnis  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
[robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov)

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---

**From:** Jeanne Zolezzi [<mailto:JZOLEZZI@herumcrabtree.com>]  
**Sent:** Thursday, October 29, 2015 5:58 PM  
**To:** McGinnis, Robin C.@DWR

**Cc:** Tauriainen, Andrew@Waterboards; dantejr@pacbell.net; dean@hprlaw.net; dkelly@somachlaw.com; 'dohanlon@kmtg.com'; 'ernie.mona@waterboards.ca.gov'; 'Frances.Spivy-Weber@waterboards.ca.gov'; Janelle Krattiger; jennifer@spalettalaw.com; 'Jherrlaw@aol.com'; 'jonathan.knapp@sfgov.org'; kharrigfeld@herumcrabtree.com; ngmplcs@pacbell.net; 'pwilliams@westlandswater.org'; 'rakroyd@kmtg.com'; 'robin.mcginnis@water.ca.gov'; 'smorris@swc.org'; vkincaid@olaughlinparis.com; Unit, Wr\_Hearing@Waterboards  
**Subject:** Deposition Scheduling for Paul Marshall  
**Importance:** High

Robin,

Can you please provide possible dates when Paul Marshall would be available for deposition? The following dates in November are unavailable: 5, 9, 12, 13, 16, 18, 19, 20 and 25. I look forward to hearing from you at your earliest convenience.

*Jeanne M. Zolezzi*

<image003.jpg>  
Jeanne M. Zolezzi  
Attorney-at-Law

T: 209.472.7700 \ F: 209.472.7986  
5757 PACIFIC AVENUE, SUITE 222 STOCKTON, CA 95207  
[www.herumcrabtree.com](http://www.herumcrabtree.com) \ [jzolezzi@herumcrabtree.com](mailto:jzolezzi@herumcrabtree.com)

**Connect to Us:** <image004.jpg><image005.jpg>

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# **Exhibit G**

**McGinnis, Robin C.@DWR**

---

**From:** Jennifer Spaletta <jennifer@spalettalaw.com>  
**Sent:** Saturday, January 16, 2016 4:14 PM  
**To:** McGinnis, Robin C.@DWR  
**Cc:** Jeanne Zolezzi; dkelly@somachlaw.com; dean@hpirlaw.net  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Robin – We will be sending out an updated notice for Feb. 2<sup>nd</sup>. Thanks, Jen

**JENNIFER L. SPALETTA**  
Attorney-at-Law  
Jennifer@spalettalaw.com

**SPALETTA LAW PC**  
T: 209-224-5568  
F: 209-224-5589  
C: 209-481-9795  
Mailing: PO Box 2660 Lodi CA 95241  
Office: 225 W. Oak Lodi, CA 95240

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---

**From:** McGinnis, Robin C.@DWR [mailto:Robin.McGinnis@water.ca.gov]  
**Sent:** Wednesday, December 09, 2015 1:46 PM  
**To:** Jennifer Spaletta  
**Cc:** Jeanne Zolezzi; dkelly@somachlaw.com  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Jen,

He's available any day during those two weeks.

Robin

**Robin McGinnis**  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
robin.mcginnis@water.ca.gov

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---

**From:** Jennifer Spaletta [mailto:jennifer@spalettalaw.com]  
**Sent:** Wednesday, December 09, 2015 11:23 AM  
**To:** McGinnis, Robin C.@DWR

**Cc:** Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Robin – Let's see what other dates are options. What is Paul's availability the last week in January or first week in February? Thanks, Jen

**JENNIFER L. SPALETTA**  
Attorney-at-Law  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

**SPALETTA LAW PC**  
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---

**From:** McGinnis, Robin C.@DWR [<mailto:Robin.McGinnis@water.ca.gov>]  
**Sent:** Wednesday, December 09, 2015 11:16 AM  
**To:** Jennifer Spaletta  
**Cc:** Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Jen,

Paul Marshall is no longer available to be deposed on December 30. Do you want to reschedule now, or do you want to wait until after the hearing teams finalize the new hearing schedules? I remember we rescheduled so that the deposition would take place after the cases-in-chief were due, and now it appears they will be due on January 19, but this is not a set deadline yet.

Robin

Robin McGinnis  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
[robin.mcginis@water.ca.gov](mailto:robin.mcginis@water.ca.gov)

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---

**From:** Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]  
**Sent:** Monday, November 23, 2015 3:06 PM  
**To:** McGinnis, Robin C.@DWR; Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)  
**Cc:** Tauriainen, Andrew@Waterboards; [dantejr@pacbell.net](mailto:dantejr@pacbell.net); [dean@hprlaw.net](mailto:dean@hprlaw.net); [dohanlon@kmtg.com](mailto:dohanlon@kmtg.com); [ernie.mona@waterboards.ca.gov](mailto:ernie.mona@waterboards.ca.gov); [Frances.Spivy-Weber@waterboards.ca.gov](mailto:Frances.Spivy-Weber@waterboards.ca.gov); Janelle Krattiger; [Jherriaw@aol.com](mailto:Jherriaw@aol.com); [jonathan.knapp@sfgov.org](mailto:jonathan.knapp@sfgov.org); [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [ngmpics@pacbell.net](mailto:ngmpics@pacbell.net); [pwilliams@westlandswater.org](mailto:pwilliams@westlandswater.org); [rakroyd@kmtg.com](mailto:rakroyd@kmtg.com); [robin.mcginis@water.ca.gov](mailto:robin.mcginis@water.ca.gov); [smorris@swc.org](mailto:smorris@swc.org); [vkincaid@olaughlinparis.com](mailto:vkincaid@olaughlinparis.com); Unit,

Wr\_Hearing@Waterboards

**Subject:** RE: Deposition Scheduling for Paul Marshall

Robin – This will confirm that Mr. Marshall's deposition will be at 9:30am on December 30<sup>th</sup> at the Somach office. The deadline for production will also be extended to that same time. However, if you can produce some or all of the documents in advance, it would be greatly appreciated and will make the deposition go much faster. Thank you for your cooperation regarding this matter, it is greatly appreciated.

Jen

**JENNIFER L. SPALETTA**

Attorney-at-Law

[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

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**From:** McGinnis, Robin C.@DWR [<mailto:Robin.McGinnis@water.ca.gov>]

**Sent:** Monday, November 23, 2015 2:40 PM

**To:** Jennifer Spaletta; Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)

**Cc:** Taurjainen, Andrew@Waterboards; [dantejr@pacbell.net](mailto:dantejr@pacbell.net); [dean@hpriaw.net](mailto:dean@hpriaw.net); [dohanlon@kmtg.com](mailto:dohanlon@kmtg.com); [ernie.mona@waterboards.ca.gov](mailto:ernie.mona@waterboards.ca.gov); [Frances.Spivy-Weber@waterboards.ca.gov](mailto:Frances.Spivy-Weber@waterboards.ca.gov); Janelle Krattiger; [Jherrlaw@aol.com](mailto:Jherrlaw@aol.com); [jonathan.knapp@sfgov.org](mailto:jonathan.knapp@sfgov.org); [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [nqmplcs@pacbell.net](mailto:nqmplcs@pacbell.net); [pwilliams@westlandswater.org](mailto:pwilliams@westlandswater.org); [rakroyd@kmtg.com](mailto:rakroyd@kmtg.com); [robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov); [smorris@swc.org](mailto:smorris@swc.org); [vkincaid@olaughlinparis.com](mailto:vkincaid@olaughlinparis.com); Unit, Wr\_Hearing@Waterboards

**Subject:** RE: Deposition Scheduling for Paul Marshall

Dan, Jeanne, and Jennifer,

DWR does not need amended deposition notices, but please confirm the starting time, location, and that DWR's deadline for producing documents is also extended to December 30. We plan to make documents available before then.

Robin

Robin McGinnis

Attorney

Office of the Chief Counsel

Department of Water Resources

Direct: (916) 657-5400

[robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov)

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**Cc:** Jeanne Zolezzi; Tauriainen, Andrew@Waterboards; [dantejr@pacbell.net](mailto:dantejr@pacbell.net); [dean@hprlaw.net](mailto:dean@hprlaw.net); [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com); [dohanlon@kmtg.com](mailto:dohanlon@kmtg.com); [ernie.mona@waterboards.ca.gov](mailto:ernie.mona@waterboards.ca.gov); [Frances.Spivy-Weber@waterboards.ca.gov](mailto:Frances.Spivy-Weber@waterboards.ca.gov); Janelle Krattiger; [Jherrlaw@aol.com](mailto:Jherrlaw@aol.com); [jonathan.knapp@sfgov.org](mailto:jonathan.knapp@sfgov.org); [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net); [pwilliams@westlandswater.org](mailto:pwilliams@westlandswater.org); [rakroyd@kmtg.com](mailto:rakroyd@kmtg.com); [robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov); [smorris@swc.org](mailto:smorris@swc.org); [ykincaid@olaughlinparis.com](mailto:ykincaid@olaughlinparis.com); Unit, Wr\_Hearing@Waterboards

**Subject:** Re: Deposition Scheduling for Paul Marshall

All:

WSID, BBID and the Delta Agencies have decided to reset the Marshall deposition for December 30th. Please be advised there will not be a deposition tomorrow. We are still scheduled for the continuation of Mr. Howard on Wednesday at 8am.

Thank you,

Jennifer L. Spaletta  
SPALETTA LAW PC  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

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<image002.gif>

Jeanne,

Paul Marshall is available November 23, 24, and 30.

Robin

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Attorney  
Office of the Chief Counsel  
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Direct: (916) 657-5400  
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**Sent:** Thursday, October 29, 2015 5:58 PM

**To:** McGinnis, Robin C.@DWR

**Cc:** Tauriainen, Andrew@Waterboards; [dantejr@pacbell.net](mailto:dantejr@pacbell.net); [dean@hprlaw.net](mailto:dean@hprlaw.net); [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com); 'dohanlon@kmtg.com'; 'ernie.mona@waterboards.ca.gov'; 'Frances.Spivy-Weber@waterboards.ca.gov'; Janelle Krattiger; [jennifer@spalettalaw.com](mailto:jennifer@spalettalaw.com); 'Jherrlaw@aol.com'; 'jonathan.knapp@sfgov.org'; [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net); 'pwilliams@westlandswater.org'; 'rakroyd@kmtg.com'; 'robin.mcginnis@water.ca.gov'; 'smorris@swc.org'; [ykincaid@olaughlinparis.com](mailto:ykincaid@olaughlinparis.com); Unit, Wr\_Hearing@Waterboards

**Subject:** Deposition Scheduling for Paul Marshall  
**Importance:** High

Robin,

Can you please provide possible dates when Paul Marshall would be available for deposition? The following dates in November are unavailable: 5, 9, 12, 13, 16, 18, 19, 20 and 25. I look forward to hearing from you at your earliest convenience.

*Jeanne M. Zolezzi*

<image003.jpg>  
Jeanne M. Zolezzi  
Attorney-at-Law

T: 209.472.7700 \ F: 209.472.7986  
5757 PACIFIC AVENUE, SUITE 222 STOCKTON, CA 95207  
[www.herumcrabtree.com](http://www.herumcrabtree.com) \ [jzolezzi@herumcrabtree.com](mailto:jzolezzi@herumcrabtree.com)

**Connect to Us:** <image004.jpg><Image005.jpg>

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# **Exhibit H**

## McGinnis, Robin C.@DWR

---

**From:** McGinnis, Robin C.@DWR  
**Sent:** Monday, December 07, 2015 3:35 PM  
**To:** Mona, Ernie@Waterboards; Kuenzi, Nicole@Waterboards; Tauriainen, Andrew@Waterboards; 'jzolezzi@herumcrabtree.com'; kharrigfeld@herumcrabtree.com; 'jkrattiger@herumcrabtree.com'; 'smorris@swc.org'; 'dohanlon@kmtg.com'; Akroyd, Rebecca@KMTG; 'pwilliams@westlandswater.org'; Herrick, John @aol.com; 'dean@hprlaw.net'; 'jennifer@spalettalaw.com'; ngmplcs@pacbell.net; 'dantejr@pacbell.net'; 'jonathan.knapp@sfgov.org'; 'vkincaid@olaughlinparis.com'; 'dkelly@somachlaw.com'; 'jonathan.knapp@sfgov.org'; 'rjmorat@gmail.com'; Farwell Jensen, Jane; 'lwood@olaughlinparis.com'; 'red@eslawfirm.com'; 'wrhearing@waterboards.ca.gov'  
**Subject:** WSID Draft CDO Hearing & BBID ACL Hearing: DWR Production of Documents  
**Attachments:** McGinnis, Robin C.@DWR shared »12-7-15 DWR Document Production« with you; McGinnis, Robin C.@DWR shared »8-14-15 DWR Response to BBID PRA Request« with you; McGinnis, Robin C.@DWR shared »12-7-15 Nemeth Document Production« with you

Hello,

Attached please find e-mails that contain links to DWR's production of documents in response to the Notices of Deposition of Paul Marshall and Stephen Nemeth and the Requests for Production of Documents that are included therein that were submitted by The West Side Irrigation District, ByronBethany Irrigation District, and Central and South Delta Water Agencies. The links will expire on May 1, 2016. Please let me know if you have any trouble accessing the documents.

Robin

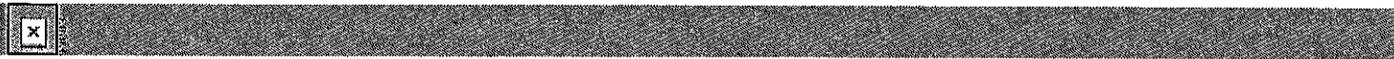
**Robin McGinnis**  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
robin.mcginns@water.ca.gov

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## McGinnis, Robin C.@DWR

---

**From:** McGinnis, Robin C.@DWR via d3\_theme <webmaster@water.ca.gov>  
**Sent:** Monday, December 07, 2015 3:27 PM  
**To:** McGinnis, Robin C.@DWR  
**Subject:** McGinnis, Robin C.@DWR shared »12-7-15 DWR Document Production« with you



Hey there,

just letting you know that McGinnis, Robin C.@DWR shared **12-7-15 DWR Document Production** with you.  
[View it!](#)

The share will expire on May 1, 2016.

Cheers!

--

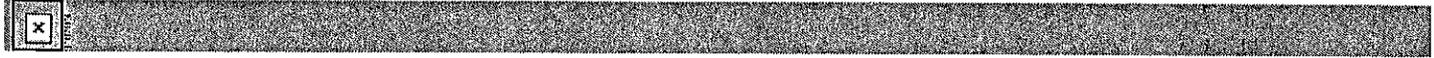
d3\_theme - Your data your way!

<https://d3.water.ca.gov>

**McGinnis, Robin C.@DWR**

---

**From:** McGinnis, Robin C.@DWR via d3\_theme <webmaster@water.ca.gov>  
**Sent:** Monday, December 07, 2015 3:26 PM  
**To:** McGinnis, Robin C.@DWR  
**Subject:** McGinnis, Robin C.@DWR shared »8-14-15 DWR Response to BBID PRA Request« with you



Hey there,

just letting you know that McGinnis, Robin [C.@DWR](mailto:Robin.C.@DWR) shared **8-14-15 DWR Response to BBID PRA Request** with you.

[View it!](#)

The share will expire on May 1, 2016.

Cheers!

--

d3\_theme - Your data your way!

<https://d3.water.ca.gov>

## McGinnis, Robin C.@DWR

---

**From:** McGinnis, Robin C.@DWR via d3\_theme <webmaster@water.ca.gov>  
**Sent:** Monday, December 07, 2015 3:27 PM  
**To:** McGinnis, Robin C.@DWR  
**Subject:** McGinnis, Robin C.@DWR shared »12-7-15 Nemeth Document Production« with you



Hey there,

just letting you know that McGinnis, Robin C.@DWR shared **12-7-15 Nemeth Document Production** with you.

[View it!](#)

The share will expire on May 1, 2016.

Cheers!

--

d3\_theme - Your data your way!

<https://d3.water.ca.gov>

# **Exhibit I**

## Farwell Jensen, Jane@Waterboards

---

**From:** McGinnis, Robin C.@DWR  
**Sent:** Tuesday, January 19, 2016 11:07 AM  
**To:** Unit, Wr\_Hearing@Waterboards  
**Cc:** Tauriainen, Andrew@Waterboards; jzolezzi@herumcrabtree.com; kharrigfeld@herumcrabtree.com; jkrattiger@herumcrabtree.com; Stefanie Morris; dohanlon@kmtg.com; Akroyd, Rebecca@KMTG; pwilliams@westlandswater.org; Herrick, John.@aol.com; S. Dean Ruiz; Jennifer Spaletta; ngmplcs@pacbell.net; dantejr@pacbell.net; jonathan.knapp@sfgov.org; vkincaid@olaughlinparis.com; dkelly@somachlaw.com; red@eslawfirm.com; rjmorat@gmail.com; lwood@olaughlinparis.com; Kuenzi, Nicole@Waterboards; ernie.mona@waterboards.ca.gov; Farwell Jensen, Jane  
**Subject:** BBID/WSID Hearings  
**Attachments:** DWR Amended NOI- BBID Hearing 1-19-16.pdf; DWR Amended NOI- WSID Hearing 1-19-16.pdf

Hello,

Attached please find California Department of Water Resources' (DWR's) Amended Notices of Intent to Appear (NOI) in the BBID and WSID hearings. The NOIs that DWR filed previously indicated that it would submit a case-in-chief at each hearing. DWR now intends to participate by cross-examination and/or rebuttal only. Thank you.

Robin

**Robin McGinnis**  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
robin.mcginis@water.ca.gov

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**AMENDED  
NOTICE OF INTENT TO APPEAR**

California Department of Water Resources plans to participate in the water right hearing regarding  
(name of party or participant)

Administrative Civil Liability  
against  
Byron-Bethany Irrigation District

**1) Check only one (1) of the following:**

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(If more space is required, please add additional pages or use reverse side.)

**2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:**

Name (Print): Robin McGinnis, Attorney

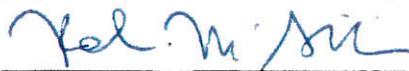
Mailing  
Address: PO Box 942836, Sacramento, CA 94236-0001

Phone Number: (916) 657-5400 Fax Number: ( )

E-mail: robin.mcginis@water.ca.gov

Optional:

- I/we decline electronic service of hearing-related materials.

Signature:  Dated: 1/19/16

**AMENDED  
NOTICE OF INTENT TO APPEAR**

California Department of Water Resources plans to participate in the water right hearing regarding  
(name of party or participant)

Draft Cease and Desist Order  
Against  
West Side Irrigation District

1) Check only one (1) of the following:

- I/we intend to present a policy statement only.  
 I/we intend to participate by cross-examination or rebuttal only.  
 I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(If more space is required, please add additional pages or use reverse side.)

2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): Robin McGinnis, Attorney

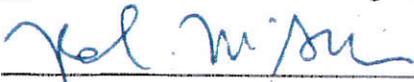
Mailing  
Address: PO Box 942836, Sacramento, CA 94236-0001

Phone Number: (916) 657-5400 Fax Number: ( )

E-mail: robin.mcginis@water.ca.gov

Optional:

- I/we decline electronic service of hearing-related materials.

Signature:  Date: 1/19/16

# **Exhibit J**

**McGinnis, Robin C.@DWR**

---

**From:** Jeanne Zolezzi <JZOLEZZI@herumcrabtree.com>  
**Sent:** Thursday, January 28, 2016 3:10 PM  
**To:** McGinnis, Robin C.@DWR; Dan Kelly; S. Dean Ruiz; Jennifer Spaletta  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Yes – I agree.

*Jeanne M. Zolezzi*

HERUM \ CRABTREE \ SUNTAG  
ATTORNEYS

Jeanne M. Zolezzi  
Attorney-at-Law

T: 209.472.7700 \ F: 209.472.7986  
5757 PACIFIC AVENUE, SUITE 222 STOCKTON, CA 95207  
www.herumcrabtree.com \ jzolezzi@herumcrabtree.com

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---

**From:** McGinnis, Robin C.@DWR [mailto:Robin.McGinnis@water.ca.gov]  
**Sent:** Thursday, January 28, 2016 3:02 PM  
**To:** Dan Kelly; S. Dean Ruiz; Jennifer Spaletta; Jeanne Zolezzi  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Thanks Dan, Dean, and Jen. That just leaves Jeanne. Would you also like to cancel Paul's deposition, Jeanne?

Robin McGinnis  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
robin.mcginis@water.ca.gov

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---

**From:** Dan Kelly [mailto:dkelly@somachlaw.com]  
**Sent:** Thursday, January 28, 2016 6:18 AM  
**To:** S. Dean Ruiz  
**Cc:** Jennifer Spaletta; McGinnis, Robin C.@DWR; Jeanne Zolezzi  
**Subject:** Re: Deposition Scheduling for Paul Marshall

Same for BBID.

Regards,  
Dan

On Jan 27, 2016, at 10:58 PM, S. Dean Ruiz <[dean@hprlaw.net](mailto:dean@hprlaw.net)> wrote:

I agree on behalf of SDWA.

S. Dean Ruiz, Esq.  
HARRIS, PERISHO & RUIZ  
ATTORNEYS AT LAW  
Telephone: (209) 957-4254  
Facsimile: (209) 957-5338  
[www.harrisperishoruiz.com](http://www.harrisperishoruiz.com)

---

**From:** Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]  
**Sent:** Wednesday, January 27, 2016 6:05 PM  
**To:** McGinnis, Robin C.@DWR  
**Cc:** Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com); S. Dean Ruiz  
**Subject:** Re: Deposition Scheduling for Paul Marshall

Hi Robin: I do not see a need to depose Paul at this point. I will let the others speak for their clients. If Paul submits rebuttal testimony, we may seek a deposition then.

Thanks, Jen

Jennifer L. Spaletta  
SPALETTA LAW PC  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

Sent from iPhone, please excuse typos

On Jan 25, 2016, at 11:02 AM, McGinnis, Robin C.@DWR <[Robin.McGinnis@water.ca.gov](mailto:Robin.McGinnis@water.ca.gov)> wrote:

Jen,

Thanks for talking to me last week about Paul's deposition. You mentioned that you and the other parties that noticed the deposition were thinking about cancelling it, because DWR is no longer submitting a case-in-chief. Do you have an update?

Robin

Robin McGinnis  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
[robin.mcginis@water.ca.gov](mailto:robin.mcginis@water.ca.gov)

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---

**From:** Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]  
**Sent:** Saturday, January 16, 2016 4:14 PM  
**To:** McGinnis, Robin C.@DWR  
**Cc:** Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com); [dean@hpriaw.net](mailto:dean@hpriaw.net)  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Robin – We will be sending out an updated notice for Feb. 2<sup>nd</sup>. Thanks, Jen

**JENNIFER L. SPALETTA**  
Attorney-at-Law  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

**SPALETTA LAW PC**  
T: 209-224-5568  
F: 209-224-5589  
C: 209-481-9795  
Mailing: PO Box 2660 Lodi CA 95241  
Office: 225 W. Oak Lodi, CA 95240

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---

**From:** McGinnis, Robin C.@DWR [<mailto:Robin.McGinnis@water.ca.gov>]  
**Sent:** Wednesday, December 09, 2015 1:46 PM  
**To:** Jennifer Spaletta  
**Cc:** Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Jen,

He's available any day during those two weeks.

Robin

Robin McGinnis  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
[robln.mcginis@water.ca.gov](mailto:robln.mcginis@water.ca.gov)

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---

**From:** Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]  
**Sent:** Wednesday, December 09, 2015 11:23 AM  
**To:** McGinnis, Robin C.@DWR  
**Cc:** Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Robin – Let's see what other dates are options. What is Paul's availability the last week in January or first week in February? Thanks, Jen

**JENNIFER L. SPALETTA**

Attorney-at-Law

[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

**SPALETTA LAW PC**

T: 209-224-5568

F: 209-224-5589

C: 209-481-9795

Mailing: PO Box 2660 Lodi CA 95241

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**From:** McGinnis, Robin C.@DWR [<mailto:Robin.McGinnis@water.ca.gov>]

**Sent:** Wednesday, December 09, 2015 11:16 AM

**To:** Jennifer Spaletta

**Cc:** Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)

**Subject:** RE: Deposition Scheduling for Paul Marshall

Jen,

Paul Marshall is no longer available to be deposed on December 30. Do you want to reschedule now, or do you want to wait until after the hearing teams finalize the new hearing schedules? I remember we rescheduled so that the deposition would take place after the cases-in-chief were due, and now it appears they will be due on January 19, but this is not a set deadline yet.

Robin

**Robin McGinnis**

Attorney

Office of the Chief Counsel

Department of Water Resources

Direct: (916) 657-5400

[robin.mcginis@water.ca.gov](mailto:robin.mcginis@water.ca.gov)

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---

**From:** Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]

**Sent:** Monday, November 23, 2015 3:06 PM

**To:** McGinnis, Robin C.@DWR; Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)

**Cc:** Tauriainen, Andrew@Waterboards; [dantejr@pacbell.net](mailto:dantejr@pacbell.net); [dean@hpriaw.net](mailto:dean@hpriaw.net);

[dohanlon@kmtg.com](mailto:dohanlon@kmtg.com); [ernie.mona@waterboards.ca.gov](mailto:ernie.mona@waterboards.ca.gov); [Frances.Spivy-](mailto:Frances.Spivy-Weber@waterboards.ca.gov)

[Weber@waterboards.ca.gov](mailto:Weber@waterboards.ca.gov); [Jherllaw@aol.com](mailto:Jherllaw@aol.com);

[jonathan.knapp@sfgov.org](mailto:jonathan.knapp@sfgov.org); [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net);

[pwilliams@westlandswater.org](mailto:pwilliams@westlandswater.org); [rakroyd@kmtg.com](mailto:rakroyd@kmtg.com); [robin.mcginis@water.ca.gov](mailto:robin.mcginis@water.ca.gov);

[smorris@swc.org](mailto:smorris@swc.org); [vkincaid@olaughlinparis.com](mailto:vkincaid@olaughlinparis.com); Unit, Wr\_Hearing@Waterboards  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Robin – This will confirm that Mr. Marshall's deposition will be at 9:30am on December 30<sup>th</sup> at the Somach office. The deadline for production will also be extended to that same time. However, if you can produce some or all of the documents in advance, it would be greatly appreciated and will make the deposition go much faster. Thank you for your cooperation regarding this matter, it is greatly appreciated.

Jen

**JENNIFER L. SPALETTA**  
Attorney-at-Law  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

**SPALETTA LAW PC**  
T: 209-224-5568  
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Mailing: PO Box 2660 Lodi CA 95241  
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**From:** McGinnis, Robin C.@DWR [<mailto:Robin.McGinnis@water.ca.gov>]  
**Sent:** Monday, November 23, 2015 2:40 PM  
**To:** Jennifer Spaletta; Jeanne Zolezzi; [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com)  
**Cc:** Tauriainen, Andrew@Waterboards; [dantejr@pacbell.net](mailto:dantejr@pacbell.net); [dean@hprlaw.net](mailto:dean@hprlaw.net); [dohanlon@kmtg.com](mailto:dohanlon@kmtg.com); [ernie.mona@waterboards.ca.gov](mailto:ernie.mona@waterboards.ca.gov); [Frances.Spivy-Weber@waterboards.ca.gov](mailto:Frances.Spivy-Weber@waterboards.ca.gov); Janelle Krattiger; [Jherrlaw@aol.com](mailto:Jherrlaw@aol.com); [jonathan.knapp@sfgov.org](mailto:jonathan.knapp@sfgov.org); [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net); [pwilliams@westlandswater.org](mailto:pwilliams@westlandswater.org); [rakroyd@kmtg.com](mailto:rakroyd@kmtg.com); [robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov); [smorris@swc.org](mailto:smorris@swc.org); [vkincaid@olaughlinparis.com](mailto:vkincaid@olaughlinparis.com); Unit, Wr\_Hearing@Waterboards  
**Subject:** RE: Deposition Scheduling for Paul Marshall

Dan, Jeanne, and Jennifer,

DWR does not need amended deposition notices, but please confirm the starting time, location, and that DWR's deadline for producing documents is also extended to December 30. We plan to make documents available before then.

Robin

**Robin McGinnis**  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
[robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov)

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---

**From:** Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]  
**Sent:** Monday, November 23, 2015 2:09 PM  
**To:** McGinnis, Robin C. @DWR  
**Cc:** Jeanne Zolezzi; Tauriainen, Andrew@Waterboards; [dantejr@pacbell.net](mailto:dantejr@pacbell.net);  
[dean@hprlaw.net](mailto:dean@hprlaw.net); [dkelly@somachlaw.com](mailto:dkelly@somachlaw.com); [dohanlon@kmtg.com](mailto:dohanlon@kmtg.com);  
[ernie.mona@waterboards.ca.gov](mailto:ernie.mona@waterboards.ca.gov); [Frances.Spivy-Weber@waterboards.ca.gov](mailto:Frances.Spivy-Weber@waterboards.ca.gov); Janelle  
Krattiger; [Jherrlaw@aol.com](mailto:Jherrlaw@aol.com); [jonathan.knapp@sfgov.org](mailto:jonathan.knapp@sfgov.org);  
[kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net); [pwilliams@westlandswater.org](mailto:pwilliams@westlandswater.org);  
[rakroyd@kmtg.com](mailto:rakroyd@kmtg.com); [robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov); [smorris@swc.org](mailto:smorris@swc.org);  
[vkincaid@olaughlinparis.com](mailto:vkincaid@olaughlinparis.com); Unit, Wr\_Hearing@Waterboards  
**Subject:** Re: Deposition Scheduling for Paul Marshall

All:

WSID, BBID and the Delta Agencies have decided to reset the Marshall deposition for December 30th. Please be advised there will not be a deposition tomorrow. We are still scheduled for the continuation of Mr. Howard on Wednesday at 8am.

Thank you,

Jennifer L. Spaletta  
SPALETTA LAW PC  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

Sent from iPhone, please excuse typos

On Oct 30, 2015, at 11:48 AM, McGinnis, Robin C. @DWR  
<[Robin.McGinnis@water.ca.gov](mailto:Robin.McGinnis@water.ca.gov)> wrote:

<image002.gif>

Jeanne,

Paul Marshall is available November 23, 24, and 30.

Robin

Robin McGinnis  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
[robin.mcginnis@water.ca.gov](mailto:robin.mcginnis@water.ca.gov)

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---

**From:** Jeanne Zolezzi [mailto:[JZOLEZZI@herumcrabtree.com](mailto:JZOLEZZI@herumcrabtree.com)]  
**Sent:** Thursday, October 29, 2015 5:58 PM  
**To:** McGinnis, Robin C.@DWR  
**Cc:** Tauriainen, Andrew@Waterboards; dantejr@pacbell.net;  
dean@hprlaw.net; dkelly@somachlaw.com; 'dohanlon@kmtg.com';  
'ernie.mona@waterboards.ca.gov'; 'Frances.Spivy-  
Weber@waterboards.ca.gov'; Janelle Krattiger;  
jennifer@spalettalaw.com; 'Jherrlaw@aol.com';  
'jonathan.knapp@sfgov.org'; kharrigfeld@herumcrabtree.com;  
ngmplcs@pacbell.net; 'pwilliams@westlandswater.org';  
'rakroyd@kmtg.com'; 'robin.mcginnis@water.ca.gov'; 'smorris@swc.org';  
vkincaid@olaughlinparis.com; Unit, Wr\_Hearing@Waterboards  
**Subject:** Deposition Scheduling for Paul Marshall  
**Importance:** High

Robin,

Can you please provide possible dates when Paul Marshall would be available for deposition? The following dates in November are unavailable: 5, 9, 12, 13, 16, 18, 19, 20 and 25. I look forward to hearing from you at your earliest convenience.

*Jeanne M. Zolezzi*

<image003.jpg>  
Jeanne M. Zolezzi  
Attorney-at-Law

T: 209.472.7700 | F: 209.472.7986  
5757 PACIFIC AVENUE, SUITE 222 STOCKTON, CA 95207  
[www.herumcrabtree.com](http://www.herumcrabtree.com) | [jzolezzi@herumcrabtree.com](mailto:jzolezzi@herumcrabtree.com)

Connect to Us: <image004.jpg><image005.jpg>

*CONFIDENTIALITY NOTICE: This communication and any accompanying attachment(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication or accompanying document(s) is strictly prohibited, and the message should be immediately deleted with any attachment(s). Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege or confidentiality as to this communication or otherwise. If you have received this communication in error, please contact the sender immediately by return electronic mail or by telephone at (209) 472-7700. Thank you.*

# **Exhibit K**

1 JENNIFER L. SPALETTA (SBN 200032)  
2 SPALETTA LAW PC  
3 Post Office Box 2660  
4 Lodi, California 95241  
5 Jennifer@spalettalaw.com  
6 T: 209-224-5568  
7 F: 209-224-5589

8 Attorneys for Central Delta Water Agency

9 S. DEAN RUIZ (SBN 213515)  
10 HARRIS, PERISHO & RUIZ  
11 3439 Brookside Road, Suite 210  
12 Stockton, CA 95219  
13 Telephone: (209) 957-4254  
14 Facsimile: (209) 957-5338

15 Attorney for South Delta Water Agency

16 **STATE WATER RESOURCES CONTROL BOARD**

17 IN RE THE MATTERS OF

18 WEST SIDE IRRIGATION DISTRICT  
19 CEASE AND DESIST ORDER  
20 HEARING

21 AND

22 BYRON BETHONY IRRIGATION  
23 DISTRICT ADMINISTRATIVE CIVIL  
24 LIABILITY HEARING

**NOTICE OF TAKING DEPOSITION  
OF PAUL MARSHALL;  
DESIGNATED REBUTALL EXPERT  
WITNESS OF DEPARTMENT OF  
WATER RESOURCES**

Date: March 3, 2016

Time: 9:30 a.m.

Location: 500 Capitol Mall, Suite 1000,  
Sacramento, CA 95814

25 TO PAUL MARSHALL, AND HIS ATTORNEY OF RECORD:

26 PLEASE TAKE NOTICE pursuant to California Water Code section 1100 and California  
27 Code of Civil Procedure Section 2025.220 that Parties Central Delta Water Agency ("CDWA")  
28 and South Delta Water Agency ("SDWA") will conduct the deposition of Paul Marshall  
("Deponent") on March 3, 2016, at 9:30 a.m. at 500 Capitol Mall, Suite 1000, Sacramento, CA  
95814, before a certified shorthand reporter and/or notary public duly authorized by laws of the  
State of California to administer oaths.

1 If, for any reason, the taking of said deposition is not completed on March 3, 2016, the  
2 deposition will be continued, at the option of the noticing party, from day-to-day thereafter at the  
3 same place, excluding weekends and legal holidays, until completed. Notice is further given that  
4 under Code of Civil Procedure Section 2025.330 the deposition testimony may be recorded by  
5 video technology.

6 CDWA and SDWA request that Deponent bring and have for production, inspection, and  
7 copying at the time and place of the deposition, or prior thereto, the following documents, or  
8 copies of said documents, if the originals are not in his possession, custody, or control.  
9 Electronic form documents are preferred and can be produced on a removable drive.

10 The term "DOCUMENTS," as used herein, is as defined by California Evidence Code  
11 section 250, and includes any writing, book, document, or other thing and includes the originals  
12 and non-identical copies (e.g., because handwritten or "blind" notes may appear thereon) of all of  
13 the following: (a) all writings of any kind, including, but not limited to, letters, telegrams,  
14 memoranda, reports, studies, calendar and diary entries, notes, recordings, records of meetings  
15 and conversations, tabulations, analyses, statistical or other accumulations of information, raw  
16 and refined data, drawings graphs, surveys, charts, view graphs and other illustrations of any  
17 kind, including all drafts of any such writing; (b) photographs, films, slides, and other  
18 photographic material of any kind, including sound recordings; (c) bills, contracts, invoices,  
19 brochures, advertisements, certificates, checks, transcripts, and other mechanical, magnetic, and  
20 electronic records of any kind, including sound recordings; (d) all documents stored in or  
21 retrievable by computer; (e) any other data compilations not covered by (a) through (d) herein.

22 If any DOCUMENT is withheld under a claim of privilege or other protection, please  
23 provide the following information with respect to such DOCUMENTS: (a) an identification of  
24 the DOCUMENT with reasonable specificity and particularity, including its nature (memo, letter,  
25 etc.), title, and date; (b) the parties, individuals, and entities that the communication is between or  
26 references; (c) the exact nature of the privilege asserted; and (d) all of the facts upon which your  
27 claim of privilege is based or which supports said claim.

1 The DOCUMENTS requested do not include any documents previously produced.

2 **DOCUMENTS TO BE PRODUCED**

- 3 1. All DOCUMENTS, including but not limited to source code, data and parameter inputs,  
4 related to the modeling referred in your testimony dated February 22, 2016 (“Testimony”).
- 5 2. All DOCUMENTS relied on to form the opinions set forth in your testimony dated February  
6 22, 2016 (“Testimony”).
- 7 3. The DOCUMENTS containing the source data for any summaries or compilations of data  
8 including in your Testimony dated February 22, 2016 (“Testimony”).
- 9 4. All DOCUMENTS describing the “controlling factor” for State Water Project Delta  
10 Operations for each day from January 1, 2015 through December 31, 2015. “Controlling  
11 factor” has the meaning that DWR assigns to the term for purposes of its Executive  
12 Operations Summary, a sample of which may be found at:  
13 <http://www.water.ca.gov/swp/operationscontrol/docs/delta/deltaops.pdf>.
- 14 5. All DOCUMENTS explaining or computing “Net Channel Depletions to meet Delta  
15 Consumptive Use” as that term is used in your Testimony.
- 16 6. All DOCUMENTS explaining or identifying “authorized in-basin needs” as that term is used  
17 in your Testimony.
- 18 7. All DOCUMENTS relating to how “Project operates adjust the exports scheduled at the SWP  
19 and CVP pumping plans to further prevent salinity incursion into the Delta” as that concept is  
20 referred to in your Testimony.
- 21 8. All DOCUMENTS explaining when, during 2014 and 2015, DWR failed to meet the  
22 “modified salinity objectives” as that term is used in your Testimony.
- 23 9. All DOCUMENTS relating to how “in-Delta users will continue to impact delta water quality  
24 despite the tools available to Project operators” as that concept is used in your Testimony.  
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28

1 10. All DOCUMENTS relating to "unauthorized diversions" as that term is used in your  
2 Testimony.

3 11. All DOCUMENTS related to communications between YOU and any Board or staff member  
4 of the State Water Resources Control Board in 2014 or 2015 related to water availability  
5 determinations.  
6

7 12. All DOCUMENTS related to communications between YOU and any Board, staff member or  
8 agent of the State Water Contractors in 2014 or 2015 related to water availability  
9 determinations.

10 13. All DOCUMENTS related to communications between any representative of the Department  
11 of Water Resources and any Board or staff member of the State Water Resources Control  
12 Board in 2014 or 2015 related to water availability determinations.  
13

14 All of the above requests should be construed to request only those DOCUMENTS that have not  
15 previously been produced. In addition, if the requested documents can be produced in advance of  
16 your deposition it will greatly aid in making your deposition more expeditious.  
17

18 Dated: February 23, 2016

**SPALETTA LAW PC**

19  
20 By: 

JENNIFER SPALETTA

Attorney for Central Delta Water Agency  
21  
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# **Exhibit L**

SOMACH SIMMONS & DUNN  
A Professional Corporation

1 SOMACH SIMMONS & DUNN  
A Professional Corporation  
2 DANIEL KELLY, ESQ. (SBN 215051)  
MICHAEL E. VERGARA, ESQ. (SBN 137689)  
3 THERESA C. BARFIELD (SBN 185568)  
500 Capitol Mall, Suite 1000  
4 Sacramento, California 95814-2403  
Telephone: (916) 446-7979  
5 Facsimile: (916) 446-8199

6 Attorneys for Petitioner/Plaintiff BYRON-  
BETHANY IRRIGATION DISTRICT  
7

8 BEFORE THE

9 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

10 ENFORCEMENT ACTION ENF01949  
11 DRAFT CEASE AND DESIST ORDER  
REGARDING UNAUTHORIZED  
12 DIVERSIONS OR THREATENED  
UNAUTHORIZED DIVERSIONS OF WATER  
13 FROM OLD RIVER IN SAN JOAQUIN  
COUNTY

SWRCB Enforcement Action  
ENF01951 and ENF01949

**AMENDED NOTICE OF DEPOSITION  
OF PAUL MARSHALL AND REQUEST  
FOR PRODUCTION OF DOCUMENTS  
(Wat. Code, § 1100)**

14 In the Matter of ENFORCEMENT ACTION  
15 ENF01951 – ADMINISTRATIVE CIVIL  
LIABILITY COMPLAINT REGARDING  
16 UNAUTHORIZED DIVERSION OF WATER  
FROM THE INTAKE CHANNEL TO THE  
17 BANKS PUMPING PLANT (FORMERLY  
ITALIAN SLOUGH) IN CONTRA COSTA  
18 COUNTY

19  
20 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE THAT, under to Water Code section 1100 and Code of  
22 Civil Procedure section 2025.210 et seq., YOU ARE HEREBY NOTIFIED that attorneys  
23 for Byron Bethany Irrigation District (BBID) will take the deposition of **Paul Marshall on**  
24 **March 3, 2016 at 9:30 a.m.** Said deposition will take place at the offices of **Somach**  
25 **Simmons & Dunn, 500 Capitol Mall, Suite 1000, Sacramento, California 95814.**

26 The deposition of Paul Marshall is in regards to the following:

27 1. Any and all facts, opinions and/or documents referring or relating to the  
28 Deponent's testimony filed in the subject proceedings.

AMENDED NOTICE OF DEPOSITION OF PAUL MARSHALL AND REQUEST FOR PRODUCTION OF  
DOCUMENTS

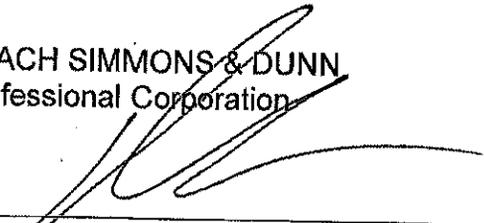
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YOU ARE FURTHER NOTIFIED THAT:

The Deponent, Paul Marshall is required to produce at said deposition the documents, records or other materials as set forth in Attachment A to this deposition notice.

Dated: February 24, 2016

SOMACH SIMMONS & DUNN  
A Professional Corporation

By: 

Daniel Kelly  
Attorneys for Petitioner/Plaintiff BYRON-  
BETHANY IRRIGATION DISTRICT

## ATTACHMENT A

### DOCUMENTS TO BE PRODUCED

1. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to the State Water Resources Control Board's determination of water availability in the Sacramento and San Joaquin River Watersheds and the Delta for 2015.
2. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to water right curtailments in 2015.
3. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to the diversion(s) (current and/or historical) of water by Byron-Bethany Irrigation District.
4. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, concerning or relating to the Deponent's testimony filed in the subject proceedings.
5. All WRITINGS, as that term is defined in California Evidence Code section 250, in the possession or control of the California Department of Water Resources, relied upon by the Deponent in preparing any and all testimony filed in the subject proceedings.

If any document is withheld under a claim of privilege or other protection, please provide a privilege log containing the following information with respect to such documents: (a) an identification of the document with reasonable specificity and particularity, including its nature (memorandum, letter, etc.), title, and date; (b) the parties, individuals, and entities that the communication is between or references; (c) the exact nature of the privilege asserted; and (d) all of the facts upon which your claim of privilege is based or which supports said claim of privilege.

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**PROOF OF SERVICE**

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

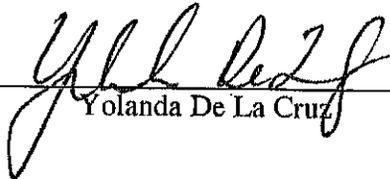
On February 24, 2016, I served the following document(s):

**AMENDED NOTICE OF DEPOSITION OF PAUL MARSHALL  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

X (via electronic mail) by causing to be delivered a true copy thereof to the person(s) and at the email addresses set forth below:

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 24, 2016 at Sacramento, California.

  
\_\_\_\_\_  
Yolanda De La Cruz

**SERVICE LIST OF PARTICIPANTS  
BYRON-BETHANY IRRIGATION DISTRICT  
ADMINISTRATIVE CIVIL LIABILITY HEARING  
(Revised 9/2/15; Revised: 9/11/15)**

SOMACH SIMMONS & DUNN  
A Professional Corporation

<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Division of Water Rights Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 <a href="mailto:andrew.tauriainen@waterboards.ca.gov">andrew.tauriainen@waterboards.ca.gov</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Byron-Bethany Irrigation District Daniel Kelly Somach Simmons &amp; Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 <a href="mailto:dkelly@somachlaw.com">dkelly@somachlaw.com</a></p>
<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Patterson Irrigation District Banta-Carbona Irrigation District The West Side Irrigation District Jeanne M. Zolezzi Herum\Crabtree\Suntag 5757 Pacific Avenue, Suite 222 Stockton, CA 95207 <a href="mailto:jzolezzi@herumcrabtree.com">jzolezzi@herumcrabtree.com</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>City and County of San Francisco Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 <a href="mailto:jonathan.knapp@sfgov.org">jonathan.knapp@sfgov.org</a></p>
<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Central Delta Water Agency Jennifer Spaletta Law PC P.O. Box 2660 Lodi, CA 95241 <a href="mailto:jennifer@spalettalaw.com">jennifer@spalettalaw.com</a></p> <p>Dante John Nomellini Daniel A. McDaniel Dante John Nomellini, Jr. NOMELLINI, GRILLI &amp; MCDANIEL 235 East Weber Avenue Stockton, CA 95202 <a href="mailto:ngmpics@pacbell.net">ngmpics@pacbell.net</a> <a href="mailto:dantejr@pacbell.net">dantejr@pacbell.net</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>California Department of Water Resources Robin McGinnis, Attorney P.O. Box 942836 Sacramento, CA 94236-0001 <a href="mailto:robin.mcginnis@water.ca.gov">robin.mcginnis@water.ca.gov</a></p>
<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>Richard Morat 2821 Berkshire Way Sacramento, CA 95864 <a href="mailto:rmorat@gmail.com">rmorat@gmail.com</a></p>	<p><b><u>VIA ELECTRONIC MAIL</u></b></p> <p>San Joaquin Tributaries Authority Tim O'Laughlin Valerie C. Kincaid O'Laughlin &amp; Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95816 <a href="mailto:towater@olaughlinparis.com">towater@olaughlinparis.com</a> <a href="mailto:vkincaid@olaughlinparis.com">vkincaid@olaughlinparis.com</a></p>

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<u>VIA ELECTRONIC MAIL</u>	<u>VIA ELECTRONIC MAIL</u>
South Delta Water Agency John Herrick Law Offices of John Herrick 4255 Pacific Avenue, Suite 2 Stockton, CA 95207 Email: Jherlaw@aol.com	State Water Contractors Stefani Morris 1121 L Street, Suite 1050 Sacramento, CA 95814 smorris@swc.org

**SERVICE LIST  
WEST SIDE IRRIGATION DISTRICT  
CEASE AND DESIST ORDER HEARING**

**SOMACH SIMMONS & DUNN**  
A Professional Corporation

<p>1 2 3 4 5 6 7</p>	<p>Division of Water Rights Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 <a href="mailto:andrew.tauriainen@waterboards.ca.gov">andrew.tauriainen@waterboards.ca.gov</a></p>	<p>The West Side Irrigation District Jeanne M. Zolezzi Karna Harringfeld Janelle Krattiger Herum\Crabtree\Suntag 5757 Pacific Avenue, Suite 222 Stockton, CA 95207 <a href="mailto:jzolezzi@herumcrabtree.com">jzolezzi@herumcrabtree.com</a> <a href="mailto:kharringfeld@herumcrabtree.com">kharringfeld@herumcrabtree.com</a> <a href="mailto:jkrattiger@herumcrabtree.com">jkrattiger@herumcrabtree.com</a></p>
<p>8 9 10 11 12 13</p>	<p>State Water Contractors Stefani Morris 1121 L Street, Suite 1050 Sacramento, CA 95814 <a href="mailto:smorris@swc.org">smorris@swc.org</a></p>	<p>Westlands Water District Daniel O'Hanlon Rebecca Akroyd Kronick Moskovitz Tiedemann &amp; Girad 400 Capitol Mall, 27<sup>th</sup> Floor Sacramento, CA 95814 <a href="mailto:dohanlon@kmtg.com">dohanlon@kmtg.com</a> <a href="mailto:rakroyd@kmtg.com">rakroyd@kmtg.com</a>  Phillip Williams of Westlands Water District <a href="mailto:pwilliams@westlandswater.org">pwilliams@westlandswater.org</a></p>
<p>14 15 16 17 18 19</p>	<p>South Delta Water Agency John Herrick Law Offices of John Herrick 4255 Pacific Avenue, Suite 2 Stockton, CA 95207 Email: <a href="mailto:Jherrlaw@aol.com">Jherrlaw@aol.com</a></p>	<p>Central Delta Water Agency Jennifer Spaletta Law PC P.O. Box 2660 Lodi, CA 95241 <a href="mailto:jennifer@spalettalaw.com">jennifer@spalettalaw.com</a>  Dante Nomellini and Dante Nomellini, Jr. NOMELLINI, GRILLI &amp; MCDANIEL <a href="mailto:ngmplcs@pacbell.net">ngmplcs@pacbell.net</a> <a href="mailto:dantejr@pacbell.net">dantejr@pacbell.net</a></p>
<p>20 21 22 23</p>	<p>City and County of San Francisco Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 <a href="mailto:jonathan.knapp@sfgov.org">jonathan.knapp@sfgov.org</a></p>	<p>San Joaquin Tributaries Authority Valerie C. Kincaid O'Laughlin &amp; Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95816 <a href="mailto:vkincaid@olaughlinparis.com">vkincaid@olaughlinparis.com</a></p>
<p>24 25 26 27 28</p>	<p>Byron-Bethany Irrigation District Daniel Kelly Somach Simmons &amp; Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 <a href="mailto:dkelly@somachlaw.com">dkelly@somachlaw.com</a></p>	<p>California Department of Water Resources Robin McGinnis, Attorney P.O. Box 942836 Sacramento, CA 94236-0001 <a href="mailto:robin.mcginis@water.ca.gov">robin.mcginis@water.ca.gov</a></p>

# **Exhibit M**

## McGinnis, Robin C.@DWR

---

**From:** McGinnis, Robin C.@DWR  
**Sent:** Wednesday, February 24, 2016 5:36 PM  
**To:** 'Jennifer Spaletta'; 'dkelly@somachlaw.com'  
**Cc:** 'wrhearing@waterboards.ca.gov'; Kuenzi, Nicole@Waterboards;  
'ernie.mona@waterboards.ca.gov'; Jane Farwell-Jensen; Tauriainen,  
Andrew@Waterboards; 'jzolezzi@herumcrabtree.com'; kharrigfeld@herumcrabtree.com;  
'jkrattiger@herumcrabtree.com'; Stefanie Morris; 'dohanlon@kmtg.com'; 'Akroyd,  
Rebecca'; 'pwilliams@westlandswater.org'; Herrick, John @aol.com; 'S. Dean Ruiz';  
ngmplcs@pacbell.net; 'dantejr@pacbell.net'; 'jonathan.knapp@sfgov.org';  
'vkincaid@olaughlinparis.com'; 'red@eslawfirm.com'; 'rjmorat@gmail.com';  
'lwood@olaughlinparis.com'  
**Subject:** BBID/WSID Hearings: meet and confer regarding depositions of Paul Hutton and Paul Marshall

Mr. Kelly and Ms. Spaletta:

This e-mail is DWR's and SWC's meet and confer on the proposed depositions of Paul Hutton and Paul Marshall. In order to avoid filing motions for protective orders, DWR and SWC would like the parties to enter a stipulation and seek an order from the Hearing Officers regarding the proposed depositions. The hearing dates are fast approaching and the purpose of the proposed depositions should be to collect information for the noticing parties to prepare cross examination of these rebuttal witnesses and determine whether to submit any additional rebuttal.

Therefore, DWR and SWC would like all of the parties to stipulate that:

1. The scope of the depositions will be limited to the matters in the witnesses' written rebuttal testimony and exhibits relied on;
2. Transcripts from the depositions cannot be used in any future proceedings; and
3. The parties will submit the stipulation to the Hearing Officers with a request that they issue an order based on it.

Please let me know if we can get started working on a stipulation. Also, Paul Marshall is not available March 3-11 and SWC are not available on March 7, but are available March 8, 9, and 10. Thank you.

Robin

**Robin McGinnis**  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
robin.mcginis@water.ca.gov

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# **Exhibit N**

**McGinnis, Robin C.@DWR**

---

**From:** McGinnis, Robin C.@DWR  
**Sent:** Friday, February 26, 2016 9:34 AM  
**To:** 'Jennifer Spaletta'; Dan Kelly; 'mvergara@somachlaw.com'  
**Cc:** Stefanie Morris; Morrow, Michelle@DWR  
**Subject:** RE: Call re depos

Dan, Jen, and Mike,

I checked in with Paul about his availability for the deposition. The best day is March 15. If we can get the protective order in place before March 3, we can do it then, but I prefer to schedule it for March 15. Thanks.

Robin

Robin McGinnis  
Attorney  
Office of the Chief Counsel  
Department of Water Resources  
Direct: (916) 657-5400  
robin.mcginis@water.ca.gov

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---

**From:** Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]  
**Sent:** Thursday, February 25, 2016 1:02 PM  
**To:** Stefanie Morris  
**Cc:** Dan Kelly; McGinnis, Robin C.@DWR  
**Subject:** Re: Call re depos

Let's plan on 4pm Thx

1-877-746-4263  
Participant: 0239525#

Jennifer L. Spaletta  
SPALETTA LAW PC  
[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

Sent from iPhone, please excuse typos

On Feb 25, 2016, at 12:59 PM, Stefanie Morris <[SMorris@swc.org](mailto:SMorris@swc.org)> wrote:

After 4:00 pm. If we do not resolve this today, I will be filing a motion for protective order in the morning. Looking forward to a discussion.

Stef

-----Original Message-----

From: Dan Kelly [<mailto:dkelly@somachlaw.com>]

Sent: Thursday, February 25, 2016 12:58 PM

To: Jennifer L. Spaletta <[jennifer@spalettalaw.com](mailto:jennifer@spalettalaw.com)>

Cc: Robbins McGinnis <[robin.mcginis@water.ca.gov](mailto:robin.mcginis@water.ca.gov)>; Stefanie Morris <[SMorris@swc.org](mailto:SMorris@swc.org)>

Subject: Re: Call re depos

I am in a meeting from 1:30 - 3:30 and can make time afterwards.

Dan

On Feb 25, 2016, at 12:46 PM, Jennifer Spaletta <[jennifer@spalettalaw.com](mailto:jennifer@spalettalaw.com)> wrote:

Do you have time for a call today to meet and confer re the depositions?

Thx Jen

Jennifer L. Spaletta

SPALETTA LAW PC

[Jennifer@spalettalaw.com](mailto:Jennifer@spalettalaw.com)

Sent from iPhone, please excuse typos

1 **SERVICE LISTS (VIA E-MAIL)**

2 **PARTIES**  
3 **THE WEST SIDE IRRIGATION DISTRICT**  
4 **CEASE AND DESIST ORDER HEARING**

4 <b>Division of Water Rights</b> 5 Prosecution Team 6 Andrew Tauriainen, Attorney III 7 SWRCB Office of Enforcement 8 1001 I Street, 9 16th Floor 10 Sacramento, CA 95814 11 Andrew.Tauriainen@waterboards.ca.gov	<b>The West Side Irrigation District</b> Jeanne M. Zolezzi Karna Harrigfeld Janelle Krattiger Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 jzolezzi@herumcrabtree.com kharrigfeld@herumcrabtree.com jkrattiger@herumcrabtree.com
10 <b>Westlands Water District</b> 11 Daniel O'Hanlon 12 Rebecca Akroyd 13 Kronick Moskovitz Tiedemann & Girard 14 400 Capitol Mall, 27th Floor 15 Sacramento, CA 95814 16 dohanlon@kmtg.com 17 rakroyd@kmtg.com  18 Philip Williams of Westlands Water District 19 pwilliams@westlandswater.org	<b>South Delta Water Agency</b> John Herrick, Esq. Dean Ruiz 4255 Pacific Ave., Suite 2 Stockton, CA 95207 jherrlaw@aol.com dean@hprlaw.net
17 <b>Central Delta Water Agency</b> 18 Jennifer Spaletta 19 Spaletta Law PC 20 PO Box 2660 21 Lodi, CA 95241 22 jennifer@spalettalaw.com  23 Dante Nomellini and Dante Nomellini, Jr. 24 Nomellini, Grilli & McDaniel 25 ngmplcs@pacbell.net 26 dantejr@pacbell.net	<b>City and County of San Francisco</b> Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org
23 <b>San Joaquin Tributaries Authority</b> 24 Valerie Kincaid 25 O'Laughlin & Paris LLP 26 2617 K Street, Suite 100 27 Sacramento, CA 95814 28 vkincaid@olaughlinparis.com towater@olagghlinparis.com	<b>State Water Contractors</b> Stephanie Morris 1121 L Street, Suite 1050 Sacramento, CA 95814 smorris@swc.org

1	<p><b>Byron Bethany Irrigation District</b>  Daniel Kelly  Somach Simmons &amp; Dunn  500 Capitol Mall, Suite 1000  Sacramento, CA 95814  dkelly@somachlaw.com</p>	
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<p><b>PARTIES</b>  <b>BYRON-BETHANY IRRIGATION DISTRICT</b>  <b>ADMINISTRATIVE CIVIL LIABILITY HEARING</b></p>
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8	<p><b>Division of Water Rights</b>  Prosecution Team  Andrew Tauriainen, Attorney III  SWRCB Office of Enforcement  1001 I Street  16<sup>th</sup> Floor  Sacramento, CA 95814  andrew.tauriainen@waterboards.ca.gov</p>	<p><b>Byron Bethany Irrigation District</b>  Daniel Kelly  Somach Simmons &amp; Dunn  500 Capitol Mall, Suite 1000,  Sacramento, CA 95814  dkelly@somachlaw.com</p>
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13	<p><b>Patterson Irrigation District</b>  <b>Banta-Carbona Irrigation District</b>  <b>The West Side Irrigation District</b>  Jeanne M. Zolezzi  Herum\Crabtree\Suntag  5757 Pacific Ave., Suite 222  Stockton, CA 95207  jzolezzi@herumcrabtree.com</p>	<p><b>City and County of San Francisco</b>  Jonathan Knapp  Office of the City Attorney  1390 Market Street, Suite 418  San Francisco, CA 94102  jonathan.knapp@sfgov.org</p> <p>Robert E. Donlan  Ellison, Schneider &amp; Harris L.L.P.  2600 Capitol Avenue, Suite 400  Sacramento, CA 95816  (916) 447-2166  red@eslawfirm.com</p>
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21	<p><b>Central Delta Water Agency</b>  Jennifer Spaletta  Spaletta Law PC  PO Box 2660  Lodi, CA 95241  jennifer@spalettalaw.com</p> <p>Dante Nomellini and Dante Nomellini, Jr.  Nomellini, Grilli &amp; McDaniel  ngmplcs@pacbell.net  dantejr@pacbell.net</p>	<p><b>State Water Contractors</b>  Stephanie Morris  1121 L Street, Suite 1050  Sacramento, CA 95814  smorris@swc.org</p>
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<p><b>Richard Morat</b> 2821 Berkshire Way Sacramento, CA 95864 rjmorat@gmail.com</p>	<p><b>San Joaquin Tributaries Authority</b> Valerie Kincaid O'Laughlin &amp; Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95814 vkincaid@olaughlinparis.com towater@olaughlinparis.com lwood@olaughlinparis.com</p>
<p><b>South Delta Water Agency</b> John Herrick, Esq. 4255 Pacific Ave., Suite 2 Stockton, CA 95207 jherrlaw@aol.com</p> <p>Dean Ruiz, Esq. Harris, Perisho &amp; Ruiz, Attorneys at Law 3439 Brookside Road, Suite 210 Stockton, CA 95219 dean@hprlaw.net</p>	