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11 **STATE WATER RESOURCES CONTROL BOARD OF THE STATE OF**  
12 **CALIFORNIA**

13 IN THE MATTER OF WATER RIGHT  
14 APPLICATIONS 31487 LITTLE  
15 TRUCKEE RIVER, and 31488  
16 PROSSER CREEK AND PETITIONS  
17 TO CHANGE APPLICATION NOS.  
18 5169 BOCA RESERVOIR, 9247  
19 INDEPENDENCE LAKE, 15673,  
20 STAMPEDE RESERVOIR, 18006  
21 PROSSER CREEK RESERVOIR,  
22 FILED BY THE UNITED STATES  
23 DEPARTMENT OF THE INTERIOR,  
24 BUREAU OF RECLAMATION,  
25 TRUCKEE MEADOWS WATER  
26 AUTHORITY, AND WASHOE  
27 COUNTY WATER CONSERVATION  
28 DISTRICT TO IMPLEMENT THE  
TRUCKEE RIVER OPERATING  
AGREEMENT

**TRUCKEE-CARSON IRRIGATION  
DISTRICT'S RESPONSE TO JOINT  
OBJECTIONS TO TRUCKEE-CARSON  
IRRIGATIONS DISTRICTS EXHIBITS**

Dated: August 4, 2010

HANSON BRIDGETT LLP

By:   
Michael J. Van Zandt (SB # 96777)  
Attorneys for Protestant Truckee-Carson  
Irrigation District

TCID's Response to Joint Objections to TCID's Exhibits

<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-33	RESERVED	TCID-33 submitted as TCID-34	Exhibit # reserved--objection does not match our list.
TCID-44	Indenture: Donner Lake Company and Sierra Pacific Power Company and Truckee Carson Irrigation District, May 3, 1943	Not relevant	Relevant as related to use of Donner Lake water, discussed in the testimony of Mr. Schank and Mr. McConnell in regards to changes in Truckee River management under TROA and the issue of the scope and effect of the Orr Ditch Court's jurisdiction. Evid. Code § 201. The State Water Board has already determined that this issue is relevant to the present proceedings and evidence related thereto admissible, as reflected in its July 27, 2010 letter.
TCID-45	Agreement: Sierra Pacific Power Company and Truckee Carson Irrigation District Re: Donner Lake, May 3, 1943 Alpine Decree Excerpts, December 20, 1980.	Not relevant	Relevant as related to Donner Lake, which was discussed in the testimony of Mr. Schank and Mr. McConnell in regards to changes in Truckee River management under TROA and the issue of the scope and effect of the Orr Ditch Court's jurisdiction. Evid. Code § 201. The State Water Board has already determined that this issue is relevant to the present proceedings and evidence related thereto admissible, as reflected in its July 27, 2010 letter.
TCID-134		Entire decree should be included	TCID will provide entire decree

TCID's Response to Joint Objections to TCID's Exhibits

<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-138	BOR memorandum re: request for services from Robertson Software and attached statement of work, dated 2/24/1994	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Testimony of Dr. Willem Schrueder.</p> <p>Authentication: Formal authentication under the Evidence Code not required in SWRCB hearings. 23 Cal. Code Regs. § 648.5.1; Gov. Code § 11513(c). This applies to all authentication issues raised in the Joint Objections. Authenticated by official seal and signature of public official. Evid. Code §§ 1452, 1453. Gov. Code § 11513(c). Self authenticating; party admission.</p> <p>Hearsay: Hearsay evidence is admissible in SWRCB hearings to supplement or explain other evidence. 23 Cal. Code Regs. § 648.5.1; Gov. Code § 11513(d). This applies to all hearsay issues raised in the Joint Objections. Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-140	Agreement Concerning Applications To Appropriate the waters of the Truckee River and its tributaries Among (the Tribe, SPPC, WCVCD, Reno, Sparks, Washoe County) May 31, 1994	Duplicate of TCID-262; Not relevant	<p>TCID 262 Withdrawn</p> <p>TCID-140 and TCID-262 do appear to be different copies of the same document. One can probably be withdrawn. Relevant as related to unappropriated Truckee River water and BOR Applications 31487 and 31488. Evid. Code § 210.</p>

TCID's Response to Joint Objections to TCID's Exhibits

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-143	Comments on 12-29-1994 TROA Alternatives Matrix, dated 12/29/1994	Not authenticated; Hearsay, Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: Request to California Department of Water Resources Public Records Act Authenticated by party admission and adoptive admission. Evid. Code §§ 1220, 1221. Document came from John Sarna, Cal DWR Sec § 3 of TCID 143</p> <p>Hearsay: Admissible as party admission and adoptive admission. Evid. Code §§ 1220, 1221.</p>
TCID-145	Note from John Sarna re: major problem in Calfirm TC model run	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: Authenticated by Cal. Department of Water Resources Authenticated by party admission and adoptive admission. Evid. Code §§ 1220, 1221. John Sarna Author</p> <p>Hearsay: Admissible as hearsay 'exception' by party admission and adoptive admission. Evid. Code §§ 1220, 1221.</p>
TCID-146	Draft Response to Request for Clarification of CEQA requirements for TROA EIS/EIR Alternatives, dated 2/9/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA environmental impact report. Evid. Code § 210.</p> <p>Authentication: Authenticated by Public Records Act Request Self Authenticating</p> <p>Hearsay: Party admission Evid Cod 1220, 1221</p>

TCID's Response to Joint Objections to TCID's Exhibits

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-147	Response to Request for Clarification of CEQA Requirements for TROA EIS/EIR Alternatives - DRAFT, 2/9/1996	Not authenticated; Hearsay; Not relevant	Withdrawn
TCID-148	Fax from Bill Sikonia to Russ Armstrong, TCID, re: Truckee-Carson activities, dated March 14, 1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Listed as reference in TCID 275 B, Dr. Schrueder Testimony Authentication: Authenticated by admission. Evid. Code § 1414.. Testimony of John Sanna re Bill Sikonia</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as party admission and adoptive admission. Evid. Code §§ 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-149	Letter from Bill Sikonia re: Truckee-Carson activities for March 14-26, 1996, dated 3/27/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: TCID business records Authenticated by admission. Evid. Code § 1414. Testimony of John Sama.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as party admission and adoptive admission. Evid. Code §§ 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>

TCID's Response to Joint Objections to TCID's Exhibits

<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-150	Email from Bill Sikonia re: TROA negotiations and modeling, dated 5/15/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: TCID business records. Authenticated by admission. Evid. Code § 1414. Testimony of John Sarna</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p> <p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Listed as reference TCID 152 in TCID 275B</p> <p>Authentication: Authenticated by John Sanna testimony Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code §§ 801(b), 804.</p>
TCID-151	Letter from Bill Sikonia re: Negotiation Model Work, 7/26/1996	Not authenticated; Hearsay; Not relevant	
TCID-152	RESERVED	Not authenticated; Hearsay; Not relevant	Should be TCID 151

TCID's Response to Joint Objections to TCID's Exhibits

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-153	Letter from Bill Sikonia re: TROA, Simplified, 7/30/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275B, Dr. Schreuder testimony.</p> <p>Authentication: Authenticated by John Sarna Testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-154	Memorandum to interested persons from Bill Greer re: documentation and quality-assurance work on the Truckee River Negotiation Model, dated 8/5/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275 B, Dr. Schreuder testimony.</p> <p>Authentication: Authenticated by John Sarna Testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>

TCID's Response to Joint Objections to TCID's Exhibits

Exhibit	Exhibit Description	Objection	Response
TCID-155	Memo from Bill Sikonia re: Examples of Problems in code of the Negotiations Model, 8/20/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275 B, Dr. Schrueder testimony.</p> <p>Authentication: Authenticated by John Sarna testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-156	Email from Morris Israel to Bill Sikonia re: Memo on a simple TROA, dated 8/25/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275 B, Dr. Schrueder testimony.</p> <p>Authentication: Authenticated by John Sarna testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>



TCID's Response to Joint Objections to TCID's Exhibits

<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-157	Memo from Bill Sikonia re: Truckee River Operating Agreement, 10/11/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275 B, Dr. Schrueder testimony.</p> <p>Authentication: John Sarna testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-158	Letter to W. Bettenberg from K. Cartier, dated 11/12/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275 B, Dr. Schrueder testimony.</p> <p>Authentication: Authenticated by John Sarna testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>

TCID's Response to Joint Objections to TCID's Exhibits

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-159	Letter to W. Bettenberg from David Robertson, dated 11/12/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275 B, Dr. Schrueder testimony.</p> <p>Authentication: Authenticated by John Sarna testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-160	Letter from Bill Sikonia titled "Politics and Science," dated 11/14/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: Authenticated by John Sarna. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>

TCID's Response to Joint Objections to TCID's Exhibits

Exhibit	Exhibit Description	Objection	Response
TCID-163	Letter from Bill Sikonia to John Sarna re: Negotiation Model routines, dated 12/5/1996	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Referenced in TCID 275 B, Dr. Schrueder testimony.</p> <p>Authentication: Authenticated by John Sarna testimony. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-164	1997 Update to 1988 OCAP	Duplicate of TCID-222 and Pet./App. Joint-9	TCID 164 is the actual published version of OCAP.
TCID-165	Michael Van Zandt comment letter re: Truckee River Operating Agreement Draft EIS/EIR, dated 6/29/1998	Not relevant; Hearsay	<p>Not in SWRCB - 7. Comments on original DRAFT EIS/EIR. Relevant to EIS/EIR testimony on impacts to water rights.</p> <p>Relevance: Admits potential impacts to Newlands Project water rights from TROA.</p> <p>Authentication: Self Authenticated Authenticated by admission. Evid. Code § 1414.</p>
TCID-166	Email from Steve Alcorn re: TROA impacts and mitigation, dated 12/14/1998	Not authenticated; Hearsay; Not relevant	<p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>

TCID's Response to Joint Objections to TCID's Exhibits

<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-168	Email from John Sarna to Cal-TROA Team re: TROA derailment issue	Not authenticated; Hearsay; Not relevant	Relevance: Relevant as related to TROA model. Evid. Code § 210.  Authentication: Authenticated by John Sarna testimony. Authenticated by admission. Evid. Code § 1414.
TCID-169	California Comments on 12/28/99 Draft TROA	Not authenticated; Hearsay; Not relevant	Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as party admission and adoptive admission. Evid. Code §§ 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.  Withdrawn
TCID-170	Memo titled "Background information for Attached Model Results"	Not authenticated; Hearsay; Not relevant	Withdrawn
TCID-171	Email from C. Buchanan to John Sarna re: hypothetical flow regimes, dated 1/18/2001	Not authenticated; Hearsay; Not relevant	Relevance: Relevant as related to TROA model. Evid. Code § 210.  Authentication: Self Authenticated by John Sarna. Authenticated by admission. Evid. Code § 1414.  Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.

TCID's Response to Joint Objections to TCID's Exhibits

<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-172	<p>Letter to W. Bettenberg and C. Harmon from R.M. Turnipseed transmitting attached table analyzing effect of TROA amendments to the Orr Ditch Decree, dated 1/30/2002</p>	<p>Not authenticated; Hearsay; Not relevant</p>	<p>Relevance: Relevant as related to jurisdiction of Orr Ditch Court, and how TROA changed the Truckee River Agreement. Evid. Code § 210.</p> <p>Authentication: Self Authenticated by State of Nevada letterhead. Authenticated by official seal and signature of public official. Evid. Code §§ 1452, 1453. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-173	<p>TROA Implementation Planning Committee - Final Synopsis, Meeting #16 re: RiverWare TROA accounting system, 2/12/2002</p>	<p>Not authenticated; Hearsay; Not relevant</p>	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: Self Authenticated by TROA and committee. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>

TCID's Response to Joint Objections to TCID's Exhibits

<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-174	Draft Agenda for June 17, 2003 Meeting re TROM-WARMF-DSSAMt modeling	Not authenticated; Hearsay; Not relevant	TCID-174 Relevance: Relevant as related to TROA model and RiverWare Evid. Code § 210.  Authentication: Self Authenticated by BOR attendees. Authenticated by admission. Evid. Code § 1414.  Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
TCID-175	Memorandum to Mary Jo Elpers from Roderick Hall re: Truckee River Operations Model Lower Truckee Flow Regime Criteria, dated 6/26/2003	Not authenticated; Hearsay; Not relevant	Relevance: Relevant as related to TROA model. Evid. Code § 210.  Authentication: Authenticated by State Water Resources Control Board pursuant to document request. Authenticated by admission. Evid. Code § 1414.  Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.

TCID's Response to Joint Objections to TCID's Exhibits

Exhibit	Exhibit Description	Objection	Response
TCID-176	Note from Rod Hall to Tom Scott re: Carson Division Supply, dated 8/6/2003	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: Authenticated by admission of Tom Scott, BOR modeler Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-177	Email to John Renning from Tom Scott re: Prosser storage, dated 11/13/2003 Memorandum to Tom Scott from Rod Hall re: Prosser Reservoir - Minimum Storage and 5,000 acre-foot Objective Under TROA Conditions, dated 2/25/2004	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Party admission to water shortage in Newlands Project.</p> <p>Authentication: Authenticated by Tom Scott, BOR modeler. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-178		Not authenticated; Hearsay; Not relevant	Withdrawn

TCID's Response to Joint Objections to TCID's Exhibits

TCID-179	Letter to J. Renning, D. Casazza and S. Oldham from S. Herrera, Water Rights Permitting Section, dated 3/4/2004	Not authenticated; Hearsay; Not relevant	Withdrawn
<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-180	Email from Tom Scott to Tom Strekal re: Newlands & Chap 4, dated 6/22/2004	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related to shortages caused by TROA applications. Evid. Code § 210. Party Admissions.</p> <p>Authentication: Authenticated by Tom Strekal Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-182	Memo from Rod Hall to Tom Scott re Comments on October 7, 2004 Request for information from TCID dated 11/16/04	Not authenticated; Hearsay; Not relevant	<p>Relevance: Relevant as related TROA model. Evid. Code § 210. Party admissions as to water shortages in Carson Division of Newlands Project</p> <p>Authentication: Authenticated by Tom Scott, BOR modeler. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>



TCID's Response to Joint Objections to TCID's Exhibits

TCID-183	Principia, Kenneth Parr Comment letter re: Draft Truckee River Operating Agreement EIS/EIR, dated December 27, 2004.	Duplicate of SWRCB-7; Hearsay	Stipulated if contained verbatim in SWRCB - 7. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
TCID-184	Churchill County Comment letter re: the Revised Draft EIS/EIR. To Kenneth Parr, from Brad Goetsch dated December 27, 2004	Duplicate of SWRCB-7; Hearsay	Stipulated if contained verbatim in SWRCB - 7. Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-185	Charles Binder comment letter to Mr. Kenneth Parr, re: Comments on August 2004 Revised Draft EIS/EIR for TROA, dated December 28, 2004	Duplicate of SWRCB-7; Hearsay	Stipulated if contained verbatim in SWRCB - 7. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
TCID-186	Letter to Kenneth Parr and Michael Cooney from James Kassel, dated 12/28/2004	Duplicate of SWRCB-7; Hearsay	Stipulated if contained verbatim in SWRCB - 7. Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
TCID-187	Michael Van Zandt letter re: Truckee-Carson Irrigation District's Comments on Draft Truckee River Operating Agreement EIS/EIR, dated December 30, 2004	Duplicate of SWRCB-7; Hearsay	Stipulated if contained verbatim in SWRCB - 7. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
TCID-188	SWRCB Contact Report re: TROA Applications and Petitions for Change, dated 3/30/2005	Not relevant; Hearsay	Withdrawn
TCID-192	May 24, 2006 Order from the Nevada Third Judicial District Court in Case No. 25219/25227	Not relevant	Relevant as related to unappropriated Truckee River water and BOR Applications 31487 and 31488. Evid. Code § 210.
TCID-198	Notice of Petitions for Change (Applications 5169, 9247, and 15673) and Applications to Appropriate (31487 and 31488), dated January 30, 2007	Duplicate of SWRCB-1, SWRCB-2, SWRCB-3, SWRCB-4, SWRCB-5 and SWRCB-6	Withdrawn if duplicate

TCID's Response to Joint Objections to TCID's Exhibits

	<u>Exhibit</u>	<u>Exhibit Description</u>	<u>Objection</u>	<u>Response</u>
TCID-199	Protest to petition for change under Application 9247, License 4196 by TCID et al., supporting documents attached, dated 4/2/2007	Duplicate of SWRCB-1, SWRCB-2, SWRCB-3, SWRCB-4, SWRCB-5 and SWRCB-6; Pleadings - Hearsay	Withdrawn if duplicate. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.	
TCID-200	Protest to Application 31487 by TCID et al., supporting documents attached, dated 4/2/2007	Duplicate of SWRCB-1, SWRCB-2, SWRCB-3, SWRCB-4, SWRCB-5 and SWRCB-6; Pleadings - Hearsay	Withdrawn if duplicate. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.	
TCID-201	Protest to petition for change under Application 15673, Permit 11605, by TCID et al., supporting documents attached, dated 4/2/2007	Duplicate of SWRCB-1, SWRCB-2, SWRCB-3, SWRCB-4, SWRCB-5 and SWRCB-6; Pleadings - Hearsay	Withdrawn if duplicate. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.	
TCID-202	Protest to petition for change under Application 18006, License 10180 by TCID et al., supporting documents attached, dated 4/2/2007	Duplicate of SWRCB-1, SWRCB-2, SWRCB-3, SWRCB-4, SWRCB-5 and SWRCB-6; Pleadings - Hearsay	Withdrawn if duplicate. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.	
TCID-203	Protest to Application 31488 by TCID et al., supporting documents attached, dated 4/2/2007	Duplicate of SWRCB-1, SWRCB-2, SWRCB-3, SWRCB-4, SWRCB-5 and SWRCB-6; Pleadings - Hearsay	Withdrawn if duplicate. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.	
TCID-204	Protest to petition for change under Application 5169, License 3723 by TCID et al., supporting documents attached, dated 4/2/2007	Duplicate of SWRCB-1, SWRCB-2, SWRCB-3, SWRCB-4, SWRCB-5 and SWRCB-6; Pleadings - Hearsay	Withdrawn if duplicate. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.	Relevant as related to unappropriated Truckee River water and BOR Applications 31487 and 31488. Evid. Code § 210. See p. 9 & 10.
TCID-205	In the Office of the State Engineer of the State of Nevada Ruling #5747, dated 6/27/2007	Not relevant		

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TCID-206	Email from John Sarna to Steve Herrera re: TROA water right petitions and applications proposed write-up for FEIS/EIR, dated 7/5/2007	Not authenticated; Hearsay; Not relevant	Withdrawn
TCID-210	Letter to Kenneth Parr from Michael Van Zandt dated November 14, 2008 re: Comments on TROA Rulemaking (RIN 1006-AA48), dated November 14, 2008	Not relevant; Hearsay	Relevant as related to impacts of TROA application on environment and existing water rights. Evid. Code § 210. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-213	<i>Churchill County, City of Fallon and TCID v. U.S. Department of Interior, et al.</i> , Complaint for Declaratory and Injunctive Relief, dated April 2, 2009	Not relevant; Hearsay	Relevant as related to impacts of TROA application on environment and existing water rights. Evid. Code § 210. Proof of related challenge to TROA in Federal District Court in Nevada. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.

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TCID-214	Email from John Sarna to Dave re: sensitivity analysis on "other water"	Not authenticated; Hearsay, Not relevant Duplicate of TCID-145;	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Admits to doing only qualitative analysis of water impacts. See p. 2</p> <p>Authentication: Authenticated by John Sarna, DWR. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as party admission and adoptive admission. Evid. Code § 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-215	Note from John Sarna re: major problem in Calfirm TC model run	Not authenticated; Hearsay	Withdrawn
<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>

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<p>TCID-216</p>	<p>Issue raised by John Sarna: Will the TROA EIR be adequate given the new approach to validation of the operations model? Email to Cal-TROA Team from John Sarna. Re TROA derailment issue - Summary of initial operation studies from Rod Hall</p>	<p>Not authenticated; Hearsay; Not relevant</p>	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Party admission that Truckee River Operating Model used to evaluate environmental impacts of TROA.  Authentication: Authenticated by John Sarna. Authenticated by admission. Evid. Code § 1414.  Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as party admission and adoptive admission. Evid. Code § 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
<p>TCID-217</p>	<p>Withdrawn</p>	<p>Withdrawn</p>	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Party admission that Newlands Project credit water not modeled.  Authentication: Authenticated by John Sarna. Authenticated by admission. Evid. Code § 1414.  Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as party admission and adoptive admission. Evid. Code § 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
<p>TCID-218</p>	<p>List of More Potential Updates to the Model based on TROA Negotiations since 1996</p>	<p>Not authenticated; Hearsay; Not relevant</p>	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Party admission that Newlands Project credit water not modeled.  Authentication: Authenticated by John Sarna. Authenticated by admission. Evid. Code § 1414.  Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as party admission and adoptive admission. Evid. Code § 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>

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TCID-219	2 page document with various subject matters, including: Fish management LCT/cui-ui, Newlands Project Credit Water and Claims 1 & 2 rights below Derby Dam	Not authenticated; Hearsay, Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210. Admissions that Newlands Projects credit water is to be used in July.</p> <p>Authentication: Authenticated by Public Records Act Request to DWR. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-220	Truckee River Operation Model General Discussion of Model Type	Not authenticated; Hearsay, Not relevant	<p>Relevance: Relevant as related to TROA model. Evid. Code § 210.</p> <p>Authentication: Authenticated by Public Records Request to DWR. Authenticated by admission. Evid. Code § 1414.</p> <p>Hearsay: Admissible as adoptive admission. Evid. Code § 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.</p>
TCID-221	Public Law 101-618, dated 11/16/1990	Duplicate of Admitted Joint Applicant Exhibit 16	Withdrawn
TCID-223	John Sarna notes re: Supplemental Analyses	Not authenticated; Hearsay, Not relevant	Withdrawn

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Exhibit	Exhibit Description	Objection	Response
TCID-224	Memorandum re: Impact to Carson Division Supply for EIS/EIR runs Email from Tom Scott to Susan Levitzky re: CDFG Maximum Flow Limits on Newlands Project Credit, dated May 5, 2003	Not authenticated; Hearsay; Not relevant	Relevance: Relevant as related to TROA model. Evid. Code § 210. Party Admissions as to water shortages in Newslands Project.  Authentication: Authenticated by Public Records Act Request. Authenticated by admission. Evid. Code § 1414.
TCID-225	Final TROA EIR/EIS excerpts highlighting use of the Truckee River Operations Model, January 2008	Not authenticated; Hearsay; Not relevant	Hearsay: Records by public employees are not inadmissible hearsay. Evid. Code § 1280. Admissible as adoptive admission. Evid. Code § 1220, 1221. Experts may rely upon hearsay. Evid. Code §§ 801(b), 804.
TCID-226	Truckee River Operating Agreement (Signed), September 2008	Duplicate of SWRCB-7 portions with highlights added	Withdrawn
TCID-227	TMWA Nevada Change Application 73783 to implement TROA, February 1, 2006	Duplicate of Pet./App. Joint-19	Highlighted portions indicate locations of relevant and important references to the TRO model--thus, this should stand as a separate exhibit from SWRCB-7
TCID-233	TMWA Nevada Change Application 73783S1 to implement TROA, December 13, 2006	Duplicate of Pet./App. Joint-19	Withdrawn
TCID-234	TMWA Nevada Change Application 73783S1 to implement TROA, December 13, 2006	Not relevant	Relevant as to impact of TROA-related change applications on environment and existing water rights. Evid. Code § 210. TWMA M&I change applications to be stored in Stampede under California Change Petitions.
		Not relevant	Relevant as to impact of TROA-related change applications on environment and existing water rights. Evid. Code § 210. TWMA M&I change applications to be stored in Stampede under California Change Petitions.

TCID's Response to Joint Objections to TCID's Exhibits

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Objection</b>	<b>Response</b>
TCID-235	TMWA Nevada Change Application 73783S2 to implement TROA, December 13, 2006	Not relevant	Relevant as to impact of TROA-related change applications on environment and existing water rights. Evid. Code § 210.
TCID-236	TMWA Nevada Change Application 73783S3 to implement TROA, January 4, 2008	Not relevant	Relevant as to impact of TROA-related change applications on environment and existing water rights. Evid. Code § 210. TWMA M&I change applications to be stored in Stampede under California Change Petitions.
TCID-237	TMWA Nevada Change Application 73783S4 to implement TROA, October 3, 2008 Judgment and Decree - Petition Confirming Proceedings Authorizing TCID to enter the TRA, October 11, 1937	Not relevant	Relevant as to impact of TROA-related change applications on environment and existing water rights. Evid. Code § 210. TWMA M&I change applications to be stored in Stampede under California Change Petitions.
TCID-238		Not relevant	Relevant as to continued binding nature of Truckee River Agreement, as addressed in testimony of Lyman McConnell. Evid. Code § 210.
TCID-242	BOR map of the Newlands Project, dated August 1990	Not relevant	Relevant to depict regional relationship of TCID's water use and the use under the applications and change petitions at issue. Evid. Code § 210.
TCID-243	Letter to Bill Bettenberg from David Robertson re: validation of the TROA model, dated 9/10/1996	Duplicate of TCID-159; Not authenticated; Not relevant; Hearsay	Withdrawn
TCID-245	State Engineer Ruling #5791, dated 10/23/2007	Objections as set forth in TMWA Motion to Exclude; Not relevant; Hearsay	Objections raised in TMWA Motion to Exclude were overruled; exhibit accepted as relevant and admissible evidence bearing on the issue of consumptive use, as stated in SWRCB's letter dated July 27, 2010.
TCID-246	State Engineer Ruling #5823, dated 3/18/2008	Objections as set forth in TMWA Motion to Exclude; Not relevant; Hearsay	Objections raised in TMWA Motion to Exclude were overruled; exhibit accepted as relevant and admissible evidence bearing on the issue of consumptive use, as stated in SWRCB's letter dated July 27, 2010.



