

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



July 24, 2017

Tam Doduc, Hearing Officer  
Felicia Marcus, Hearing Officer  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 94596

Dear Hearing Officers,

On June 29, 2017, at a time prior to when the sur-rebuttal testimony concluded, Department of Water Resources (DWR) served a subpoena upon Dr. Michelle Leinfelder-Miles in response to the continued withholding of data underlying her reports that form the basis of her opinions in this Hearing. Since that time, DWR has had several meet-and-confer calls with Protestants LAND et al., SDWA et al., and the attorney for the University of California ("UC"). Despite early indications by the UC that there may be a subset of data that could be produced without compromising the confidentiality of her study participants, attorneys for Protestants and the UC have since determined this is not possible.

At the same time, sur-rebuttal testimony has concluded and DWR has filed an opposition to holding Part 1 of the hearing open to consider additional testimony. In order to remain consistent with this opposition and so as to not unduly delay this Hearing moving forward into Part 2, DWR is not seeking an order to enforce and does not intend to pursue the subpoena served upon Dr. Leinfelder-Miles. Cross-examination of Dr. Leinfelder-Miles exposed the tenuous and draft nature of the reports that formed the basis of her testimony.<sup>1</sup>

Sincerely,

A handwritten signature in blue ink, appearing to read "Tripp Mizell".

Tripp Mizell  
Sr. Attorney  
CA Department of Water Resources

<sup>1</sup> Hearing Transcripts, Volume 27, November 4, 2016; Volume 46, May 19, 2017; Volume 52, June 23, 2017.

**STATEMENT OF SERVICE**

**CALIFORNIA WATERFIX PETITION HEARING  
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

**DWR's Letter Regarding Subpoena of Dr. Michelle Leinfelder-Miles**

to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated July 3, 2017, posted by the State Water Resources Control Board at

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/service\\_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml):

*Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.*

**For Petitioners Only:**

	I caused a true and correct <b>hard copy</b> of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818:
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	<b>Method of Service:</b> <u>U.S. Postal</u>
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I certify that the foregoing is true and correct and that this document was executed on July 24, 2017  
Date

Signature: 

Name: Valentina German

Title: Legal Analyst

Party/Affiliation: DWR

Address: 1416 Ninth Street 1104

Sacramento, CA 95814