

1 MICHAEL B. JACKSON (SBN 53808)
2 P.O. Box 207
3 75 Court Street
4 Quincy, CA 95971
5 Telephone: (530) 283-1007
6 Facsimile: (530) 283-4999
7 Email: mjatty@sbcglobal.net

8 Attorneys for California Sportfishing Protection Alliance,
9 California Water Impact Network, and AquAlliance

10 OSHA R. MESERVE (SBN 204240)
11 SOLURI MESERVE, A LAW CORPORATION
12 1010 F Street, Suite 100
13 Sacramento, CA 95814
14 Telephone: (916) 455-7300
15 Facsimile: (916) 244-7300
16 Email: osha@semlawyers.com

17 Attorneys for Protestants Local Agencies of the North Delta
18 Bogle Vineyards / Delta Watershed Landowner Coalition
19 Diablo Vineyards and Brad Lange / Delta Watershed Landowner Coalition
20 Stillwater Orchards / Delta Watershed Landowner Coalition

21 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

22 **BEFORE THE**
23 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

24 HEARING IN THE MATTER OF
25 CALIFORNIA DEPARTMENT OF WATER
26 RESOURCES AND UNITED STATES
27 BUREAU OF RECLAMATION
28 REQUEST FOR A CHANGE IN POINT OF
DIVERSION FOR CALIFORNIA WATER
FIX

**JOINT MOTION TO STRIKE PORTIONS
OF THORNBERG TESTIMONY
(DWR-84)**

1 THOMAS H. KEELING (SBN 114979)
2 FREEMAN FIRM
3 1818 Grand Canal Boulevard, Suite 4
4 Stockton, CA 95207
5 Telephone: (209) 474-1818
6 Facsimile: (209) 474-1245
7 Email: tkeeling@freemanfirm.com

8 J. MARK MYLES (SBN 200823)
9 Office of the County Counsel
10 County of San Joaquin
11 44 N. San Joaquin Street, Suite 679
12 Stockton, CA 95202-2931
13 Telephone: (209) 468-2980
14 Facsimile: (209) 468-0315
15 Email: jmyles@sigov.org

16 JENNIFER SPALETTA (SBN 200032)
17 SPALETTA LAW PC
18 P.O. BOX 2660
19 LODI, CA 95241
20 Telephone: (209) 224-5568
21 Facsimile: (209) 224-5589
22 Email: jennifer@spalettalaw.com

23 Attorneys for Protestants County of San Joaquin,
24 San Joaquin County Flood Control and
25 Water Conservation District, and
26 Mokelumne River Water and Power Authority

27 NICOLE S. SUARD
28 Managing Member, Snug Harbor resorts, LLC
3356 Snug Harbor Drive
Walnut Grove, CA 95690

1 This motion to strike is jointly brought by the undersigned counsel/parties. Certain
2 portions of Dr. Thornberg's Testimony (DWR-84) respond to content that appeared in the initial
3 version of Dr. Michael's testimony (SDWA-134),¹ and was later stricken by the hearing team
4 due to being outside the scope of Part 1 of the proceedings.² (See generally, strikeout
5 in SDWA-134-R, pp. 10-11, 11-21.) These topics include the feasibility of the proposed
6 project, the statewide balancing of interests, and how the proposed project would be funded.
7 The undersigned parties request that the materials listed below³ be stricken from Dr.
8 Thornberg's testimony. The testimony is outside the scope of Part 1 as determined by the
9 Hearing Officers and is also not responsive to Rebuttal testimony provided by protestants.

10 Thornberg Testimony Requested Stricken:

- 11 • p. 34, lines 2-3 ("*or underestimate the economic benefits of the WaterFix*")
- 12 • p. 34, lines 5-8 ("*However, the perceived negative economic impact is very small,*
13 *while the expected benefits to the local economy due to the WaterFix will be very*
14 *high (construction could add substantial numbers of jobs and spending to the*
15 *Delta economy).*")
- 16 • p.34, lines 13-14 ("*The funding for each respective construction project would*
17 *actually come from different sources and could work together, as a result.*")
- 18 • p. 34, lines 15-17 ("*Fourth, Dr. Michael significantly underestimates the high*
19 *impacts on economic output, jobs, and wages to the whole economy of California*
20 *due to the multiplier effects from over \$15 billion in WaterFix construction and*
21 *operations spending.*")

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25 ¹Available at:

26 http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/CDWA%20et%20al/sdwa_134_r.pdf

27 ² See October 7, 2016 Ruling, at p. 4.


28 ³ Where the language includes only to a portion of a sentence or line, that language is included in parentheses after the citation.

- p. 38, lines 15-17 (*"The WaterFix, on the other hand, will be funded entirely by the various water agencies that receive State Water Project and Central Valley Project water supplies."*)
- p. 39, lines 12-14 (*"The WaterFix would lessen the destruction of a huge seismic event by supplying safe water to the rest of the state."*)
- p. 39, line 15 through p. 43, line 12 (entire section beginning with "Negative Outcomes Do Not Outweigh Benefits of the WaterFix")
- p. 39, line 24-26 (*"while at the same time he substantially underestimates the positive effects of the WaterFix for the Delta region and indeed the whole state of California)*
- p. 35, lines 9-17 (beginning with *"In addition...."* then including rest of paragraph.)

Respectfully submitted,

Dated: May 11, 2017

LAW OFFICE OF MICHAEL B. JACKSON

By: 
MICHAEL B. JACKSON

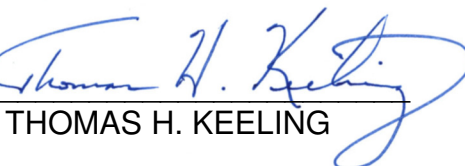
Dated: May 11, 2017

SOLURI MESERVE

By: 
OSHA R. MESERVE

Dated: May 11, 2017

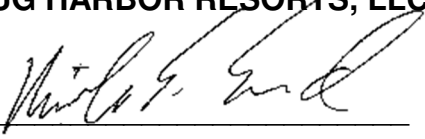
FREEMAN FIRM

By: 
THOMAS H. KEELING

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Dated: May 11, 2017

SNUG HARBOR RESORTS, LLC

By: 

NICOLE S. SUARD

STATEMENT OF SERVICE

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

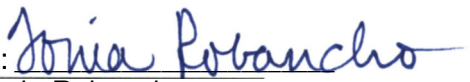
I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

JOINT MOTION TO STRIKE PORTIONS OF THORNBERG TESTIMONY

to be served by Electronic Mail upon the parties listed in Table 1 of the Current Service List for the California WaterFix Petition Hearing, dated March 30, 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

I certify that the foregoing is true and correct and that this document was executed on May 11, 2017.

Signature: 
Name: Tonia Robancho
Title: Legal Assistant for Thomas H. Keeling
Freeman Firm

Party/Affiliation:
County of San Joaquin, San Joaquin County Flood Control
and Water Conservation District, and Mokelumne River
Water and Power Authority

Address:
Freeman Firm, A Professional Law Corporation
1818 Grand Canal Blvd., Suite 4, Stockton, CA 95207