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**CALIFORNIA DEPARTMENT OF WATER  
3 RESOURCES**

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9 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

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11 **HEARING IN THE MATTER OF**  
12 **CALIFORNIA DEPARTMENT OF WATER**  
13 **RESOURCES AND UNITED STATES**  
14 **BUREAU OF RECLAMATION REQUEST**  
15 **FOR A CHANGE IN POINT OF**  
16 **DIVERSION FOR CALIFORNIA WATER**  
17 **FIX**

**CALIFORNIA DEPARTMENT OF**  
**WATER RESOURCES' OBJECTIONS**  
**TO CITY OF ANTIOCH'S PART 1B**  
**WRITTEN TESTIMONY AND**  
**EXHIBITS**


18 California Department of Water Resources (DWR) submits the following objections  
19 and moves to exclude aspects of the written testimony of the City of Antioch (Antioch),  
20 specifically parts of the testimony of Ron Bernal (Antioch Exhibit 100), and certain  
21 technical exhibits that lack proper foundation. Bernal is employed as Assistant City  
22 Manager/Public Works Director/City Engineer for the City of Antioch. (Antioch Exhibit  
23 100a.) Antioch has not demonstrated that he is qualified to offer legal opinions or  
24 opinions about predicted water quality impacts in the Delta caused by the WaterFix. The  
25 reasons for these objections are set forth below and in DWR's Master Objections to  
26 Protestants' Cases-in-Chief Collectively (Master Objections), filed simultaneously with  
27 these objections. These objections incorporate the arguments and reasoning in the  
28 Master Objections.

1 The Master Objections set forth the reasons that legal opinions and argument and  
2 testimony outside the expertise of a witness should be excluded from the record. DWR  
3 objects and moves to exclude parts of Bernal's testimony on the basis that they are  
4 outside his expertise as a witness and are making legal conclusions. These parts  
5 provide legal opinions and conclusions of law about the ultimate meaning of the 1968  
6 Contract between DWR and Antioch, and further provide legal opinions about DWR's  
7 obligations under the contract. Furthermore, Bernal provides testimony about the  
8 WaterFix's predicted water quality impacts from bromides and chlorides in the Delta that  
9 are likewise beyond his expertise. Specifically, DWR objects to the following parts of  
10 Bernal's testimony: Page 7, lines 24-28, Page 8, lines 1-24, Page 9, lines 9-16. Under  
11 the rules for this hearing, this testimony does not meet the relevancy standard and thus  
12 should be excluded from the record for the reasons stated herein and in the Master  
13 Objections. (Govt. Code, § 11513(c).)

14 DWR objects to certain of Antioch's exhibits that are technical reports and articles  
15 that lack proper foundation for their admission. None of these reports and articles has  
16 been prepared by Antioch's witnesses or has been demonstrated to be reliable. DWR  
17 objects to Antioch Exhibits 216, 226, 227, 228, and 229. These exhibits should be  
18 excluded from record.

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20 Dated: September 21, 2016

CALIFORNIA DEPARTMENT OF WATER  
RESOURCES



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