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**CALIFORNIA DEPARTMENT OF WATER
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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
RESOURCES AND UNITED STATES
13 BUREAU OF RECLAMATION REQUEST
FOR A CHANGE IN POINT OF
14 DIVERSION FOR CALIFORNIA WATER
FIX
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**CALIFORNIA DEPARTMENT OF
WATER RESOURCES' OBJECTIONS
TO JOINT WATER DISTRICT BOARD
WRITTEN TESTIMONY AND
EXHIBITS SUBMITTED BY
PROTESTANTS IN SUPPORT OF
PART 1B CASE IN CHIEF AND
RELATED JOINDERS**

16 California Department of Water Resources ("DWR") submits the following
17 objections, motion to strike testimony and/or exclude testimony of the Joint Water District
18 Board (JWDB or Board), and the four water districts that are members of the Board that
19 have water rights to divert from the Feather River, namely Biggs-West Gridley Water
20 District, Butte Water District, Richvale Irrigation District, and Sutter Extension Water
21 District. Butte Water District (BWD), Biggs-West Gridley Water District (BWGWD), and
22 Richvale Irrigation District (RID) submitted written testimony from Mr. Donnie Stinnett
23 who generally describes the JWDB and its members. (See Exhibit MLF-40.) The JWDB
24 has collective rights to divert water from the Feather River that are set forth in the 1969
25 Agreement with the Department of Water Resources (DWR). (MLF-40, page 2.) Each
26 district also submitted written testimony by their general manager or other representative
27 describing the district water right permits and statements of diversion and use on file with
28

1 the SWRCB. (See BWGWD-1 (testimony of Eugene Massa Jr.), BWD-1 (testimony of
2 Mark Orme), RID-1 (testimony of Sean Earley), and Sutter Extension Water District
3 (SEWD) (SVG-20-001 to SVG-20-073 by Marc Van Camp).

4 The purpose of Mr. Stinnett's testimony is to "identify the water rights held and
5 claimed jointly by the Joint Water Districts rights that are subject to injury by the
6 proposed California WaterFix Project." (MLF-40, page 2.) Mr. Stinnett does not provide
7 any details or facts that support a showing of injury to the Joint Water Districts and
8 instead refers to the testimony of MBK Engineers for the injury suffered by the districts
9 resulting from the WaterFix Project. (MLF-40, page 3.)

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11 Mr. Massa's written testimony and exhibits identify water right permits held by
12 BWGWD. (BWGWD-1.) The purpose of his testimony is to identify the water rights by
13 BWGWD that are subject to injury by the proposed WaterFix Project. Mr. Massa does
14 not provide any details or facts that support a showing of injury to BWGWD. His
15 testimony makes this claim of injury based on testimony by MBK Engineers, submitted
16 on behalf of the Sacramento Valley Water Users (which includes BWGWD), and his
17 "understanding" that with the WaterFix Project constructed and operating, there would be
18 injury to BWGWD. (Id.)

19 Mr. Orme's written testimony and exhibits identify the BWD water rights. (MLF-50.)
20 Mr. Earley's written testimony and exhibits identify the RID water rights. (MLF-51.) Their
21 written testimony makes a claim of injury to their water rights from the WaterFix Project
22 based on testimony by MBK Engineers. However, their testimony does not offer any
23 specific details or facts to show how the CWF will injure use of water under these water
24 rights.

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26 The above claims of injury have not identified any specific facts or information to
27 show (directly or by reference) how WaterFix would injure the rights to water from the
28 Feather River. Thus, DWR objects to the JWDG testimony and testimony from the four

1 districts claiming injury from the Project as unsupported conclusions that are irrelevant
2 and should be excluded and/or stricken. See also DWR's concurrently submitted Master
3 Objections related to these issues raised by multiple parties regarding testimony making
4 legal arguments, restating policy positions, and making assertions of fact without
5 supporting foundational evidence.

6 JWDB, BWD, RID, SEWD, and BWGWD testimony and exhibits do not provide
7 evidence that is competent to support the conclusion reached by these witnesses that
8 California WaterFix (Project) will injure their uses of water. The testimony provides
9 conclusory statements without supporting evidence and refers to modeling by MBK of
10 the Project but does not specify how this modeling shows the Project injures their uses
11 of water under their water rights.

12 **CONCLUSION**

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14 For the reasons stated above and in the objections raised in the Master Objection,
15 the above testimony includes irrelevant testimony that should be excluded from this
16 hearing.

17 Dated: September 21, 2016

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