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18 Attorneys for State Water Contractors

19 **BEFORE THE**
20 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

21 ENFORCEMENT ACTION ENF01949 -
22 DRAFT CEASE AND DESIST ORDER
23 REGARDING UNAUTHORIZED OR
24 THREATENED UNAUTHORIZED
25 DIVERSIONS OF WATER FROM OLD
26 RIVER IN SAN JOAQUIN

27 DECLARATION OF JOLIE-ANNE S.
28 ANSLEY IN SUPPORT OF STATE
WATER CONTRACTORS' MOTION TO
QUASH SUBPOENA DUCES TECUM,
OR, IN THE ALTERNATIVE, MOTION
FOR PROTECTIVE ORDER

REQUEST TO CLOSE DISCOVERY

29 In the Matter of ENFORCEMENT ACTION
30 ENF01951 - ADMINISTRATIVE CIVIL
31 LIABILITY COMPLAINT REGARDING
32 UNAUTHORIZED DIVERSION OF WATER
33 FROM THE INTAKE CHANNEL TO THE
34 BANKS PUMPING PLANT (FORMERLY
35 ITALIAN SLOUGH) IN CONTRA COSTA
36 COUNTY

37 I, Jolie-Anne S. Ansley, do hereby declare:

38 1. I am an attorney at law licensed to practice before the courts of the State of
California, and a partner with the law firm of Duane Morris LLP. I am the attorney with
primary responsibility for this matter in my firm, and am familiar with the above-referenced

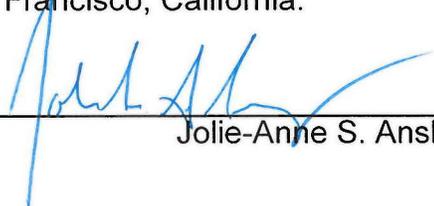
1 proceedings and all documents related thereto, including all notices, rulings and filings. I
2 have personal knowledge of the matters stated herein, and, if called upon, could
3 competently testify thereto.

4 2. On March 1, 2016, attorneys for Byron-Bethany Irrigation District served a
5 subpoena duces tecum, issued March 1, 2016, on State Water Contractors ordering the
6 production of documents by March 11, 2016. A true and correct copy of the subpoena
7 duces tecum served on State Water Contractors on March 1, 2016 is attached hereto as
8 **Exhibit 1.**

9 3. On March 9, 2016 at 9:20 a.m., on behalf of the State Water Contractors, I
10 sent an email to Daniel Kelly and Michael Vergara, attorneys for Byron-Bethany Irrigation
11 District, requesting a telephonic meet-and-confer conference that afternoon concerning
12 issues raised by the subpoena duces tecum to State Water Contractors. A true and correct
13 copy of the email dated March 9, 2016 from Jolie-Anne Ansley to Daniel Kelly and Michael
14 Vergara is attached hereto as **Exhibit 2.** As of 4:30 p.m., on March 9, 2016, I had received
15 no response to my request to meet and confer either agreeing to a telephone conference
16 that afternoon or scheduling a different date. Given the posture of the parties in the meet
17 and confer previously conducted on February 29, 2016 concerning subpoenas issued to
18 CH2M Hill employees Chandra Chilmakuri and Kyle Winslow, which contained similar
19 document requests and the parties' inability to resolve any of their differences, it is my
20 belief that a meet-and-confer conference on the subpoena duces tecum served on State
21 Water Contractors would similarly result in no resolution of issues between the parties.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed on 9 day of March, 2016 in San Francisco, California.

25 
26 _____
27 Jolie-Anne S. Ansley

28 DM2\6603396.1

EXHIBIT 1

PROOF OF SERVICE OF SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

- delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served:
 Served via electronic mail to the attached Service List per the Hearing Notice procedures.

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:

Date 3/1/16	at (place) Sacramento	, California	Signature <i>Michelle Meeley</i>
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(For California sheriff, marshal, or constable use only)

I certify that the foregoing is true and correct and that this certificate is executed on:

Date	at (place)	, California	Signature
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NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

**ENDORSEMENT ON SUBPOENA IN A PROCEEDING
OTHER THAN AN ADJUDICATIVE PROCEEDING**

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____ (signature)

Name: _____

Title: _____
 State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

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SOMACH SIMMONS & DUNN
A Professional Corporation
DANIEL KELLY, ESQ. (SBN 215051)
MICHAEL E. VERGARA, ESQ. (SBN 137689)
LAUREN D. BERNADETT, ESQ. (SBN 295251)
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Telephone: (916) 446-7979
Facsimile: (916) 446-8199

Attorneys for Petitioner/Plaintiff BYRON-
BETHANY IRRIGATION DISTRICT

BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

ENFORCEMENT ACTION ENFO1949
DRAFT CEASE AND DESIST ORDER
REGARDING UNAUTHORIZED
DIVERSIONS OR THREATENED
UNAUTHORIZED DIVERSIONS OF WATER
FROM OLD RIVER IN SAN JOAQUIN
COUNTY

SWRCB Enforcement Action
ENF01951 and ENF01949

ADDENDUM TO SUBPOENA
DUCES TECUM

California Water Code § 1080;
California Government Code
§ 11450.10; Cal. Code Regs., tit. 23
§ 6496(a)

In the Matter of ENFORCEMENT ACTION
ENF01951 – ADMINISTRATIVE CIVIL
LIABILITY COMPLAINT REGARDING
UNAUTHORIZED DIVERSION OF WATER
FROM THE INTAKE CHANNEL TO THE
BANKS PUMPING PLANT (FORMERLY
ITALIAN SLOUGH) IN CONTRA COSTA
COUNTY

To: Custodian of Records
State Water Contractors
1121 L Street, Suite 1050
Sacramento, CA 95814-3974

- You are served as an individual.
- You are served as (or on behalf of) the person doing business under the fictitious name of
- You are served on behalf of State Water Contractors.

1 Pursuant to California Water Code section 1080, California Government Code
2 section 11450.10, and California Code of Regulations, title 23, section 649.6, subdivision
3 (a):

4 I. SUBPOENA FOR RECORDS AND DOCUMENTS

5 CUSTODIAN OF RECORDS (CUSTODIAN), THE STATE WATER

6 CONTRACTORS (SWC) ARE COMMANDED to produce the papers, books, records,
7 and documents that are in CUSTODIAN and/or SWC's possession or under
8 CUSTODIAN and/or SWC's control, as described below and/or SWC's possession or
9 under CUSTODIAN and/or SWC's control, as described below and in connection with
10 the above-titled proceeding, by 5:00 p.m., March 11, 2016. Please send the documents
11 to: Michael E. Vergara, Somach, Simmons & Dunn, 500 Capitol Mall, Suite 1000,
12 Sacramento, California 95814. You may email electronic records to
13 tbarfield@somachlaw.com, or deliver all records via mail or courier on a suitable
14 electronic storage device, or make electronic records available to download via the
15 Internet.

16 SWC and/or CUSTODIAN may seek the advice of an attorney in any matter
17 connected with this subpoena, and should consult its attorney promptly so that any
18 problems concerning the production of documents may be resolved within the time
19 required by this Subpoena. Failure to comply with the commands of this Subpoena will
20 subject SWC and/or CUSTODIAN to the proceedings and penalties provided by law.

21 A. DEFINITIONS

22 The capitalized terms listed below, as used in this Addendum to Subpoena duces
23 tecum, are defined as follows:

24 1. The terms STATE WATER CONTRACTORS and "SWC" mean the State
25 Water Contractors, and anyone working on its behalf, including but not limited to, its
26 officer, employees, agents, contractors, consultants, and representatives.

27 2. The term "CUSTODIAN" means Custodian of Records for the State Water
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1 Contractor, and any partners or shareholders or attorneys of the State Water Contractor,
2 Sacramento, California.

3 3. The terms "YOU" or "YOUR" mean "CUSTODIAN" and/or SWC.

4 4. The terms "COMMUNICATION" or "COMMUNICATIONS" mean any
5 occurrence whereby data, expressions, facts, opinions, thoughts, or other information of
6 any kind is transmitted in any form including, but not limited to, any conversation,
7 correspondence, discussion, electronic mail, meeting, memorandum, message, note, or
8 posting or other display on the Internet or the World Wide Web. These terms include, but
9 are not limited to, COMMUNICATIONS which may contain attorney-client
10 communications and/or attorney work product.

11 5. The terms "RELATING TO" or "RELATE TO" shall be construed in the
12 broadest possible sense and shall mean, without limitation, pertaining to, regarding,
13 concerning, comprising, constituting, in connection with, reflecting, respecting, referring
14 to, stating, describing, recording, noting, embodying, containing, mentioning, studying,
15 analyzing, discussing or evaluating.

16 6. The terms "DOCUMENT" or "DOCUMENTS" encompass all documents,
17 things, property and/or electronic materials within the scope of section 2031.010 of the
18 California Code of Civil Procedure, and includes all writings as defined in section 250 of
19 the California Evidence Code, and shall include, but not be limited to, any kind of written,
20 graphic or recorded matter, however produced or reproduced, of any kind or description,
21 whether sent or received or neither, including originals, copies and drafts and both sides
22 thereof, and including but not limited to paper, books, letters, photographs, posters,
23 objects, tangible things, correspondence, telegrams, cables, facsimiles, telex messages,
24 confirmations, account statements, receipts, billing statements, memoranda, legal
25 memoranda, notes, notations, work papers, transcripts, minutes, reports, and recordings
26 of telephone or other conversations, or other conversations, or in conferences or other
27 meetings, affidavits, statements, opinions, reports, studies, analysis, evaluations,
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1 financial statements, prospectuses, circulars, certificates, press releases, annual reports,
2 quarterly reports, magazine or newspaper articles, manuals, contracts, agreements,
3 statistical records, journals, desk calendars, appointment books, diaries, lists,
4 tabulations, summaries, sound recordings, computer printouts, data processing input
5 and output, electronic mail, all records of communications recorded or encoded onto
6 magnetic or computer disks, diskettes, audio and video tapes or any other media, all
7 records kept by electronic, photographic, or mechanical means, and things similar to any
8 of the foregoing, however denominated, dated, produced, generated or received. These
9 terms include, but are not limited to, DOCUMENTS which may contain attorney-client
10 communications and/or attorney work product.

11 7. The terms "BYRON-BETHANY IRRIGATION DISTRICT" and "BBID" mean
12 The Byron-Bethany Irrigation District, an Irrigation District formed pursuant to Division 11
13 of the California Water Code, and anyone working on its behalf, including but not limited
14 to, its officers, employees, agents, contractors, consultant, and representatives.

15 8. Definitions for industry or trade terms contained herein are to be construed
16 broadly. Where the industry or trade definition set forth herein does not coincide
17 precisely with YOUR definition, the question, inquiry or production request should be
18 responded to or answered by using the definition that YOU apply and/or recognize in
19 YOUR usage of the term, and YOUR should further document YOUR definition in the
20 response. Non-industry or non-trade definitions should be applied as defined herein.

21 B. INSTRUCTIONS

22 1. Unless otherwise indicated, the time period covered by this subpoena is
23 from January 1, 2013 to up to five days before YOUR full compliance with this
24 subpoena. Any documents RELATING TO this time period are to be produced,
25 regardless of whether the documents came into existence before or during this period.

26 2. YOUR response to the subpoena should include a declaration or affidavit.
27 It should state that a diligent search for all requested DOCUMENTS has been conducted
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1 and that the affiant or declarant was in charge of the search or otherwise monitored and
2 reviewed the search sufficiently to be able to represent under oath that such a search
3 was conducted. It should be signed under oath by the person most knowledgeable
4 about the DOCUMENTS and YOUR efforts to comply with the subpoena. If different
5 people are the most knowledgeable about portions of the search (e.g., one person is
6 most knowledgeable about DOCUMENTS contained in computer media and a different
7 person is most knowledge about DOCUMENTS contained on paper) each should sign
8 an affidavit or declaration identifying the category in the request for DOCUMENTS for
9 which that person is the most knowledgeable.

10 3. Unless otherwise indicated, for any DOCUMENT stored in a computer,
11 including all electronic mail messages, YOU should produce the DOCUMENT in the
12 original electronic file format in which it was created (e.g., Microsoft email should be
13 provided in its original format, which would have the .pst suffix, not in a tif file;
14 spreadsheets should be in their original file form, such as an Excel file and word-
15 processed DOCUMENTS should be in their original file format, such as a Word or
16 WordPerfect file), together with instructions and all other materials necessary to use or
17 interpret the data. Electronic mail messages should be provided, even if only available
18 on backup or archive tapes or disks. Computer media should be accompanied by (a) an
19 identification of the generally available software needed to open and view the
20 DOCUMENTS or (b) a copy of the software needed to open and view the DOCUMENT.
21 Note, however, that if a print- out from a computer DOCUMENT is a non-identical copy
22 of the electronic form in which it was created (non-identical by way of example but not
23 limitation, because it has a signature, handwritten notation, or other mark or attachment
24 not included in the computer DOCUMENT), both the electronic form in which the
25 DOCUMENT was created and the original print-out should be produced.

26 4. For each DOCUMENT contained in an audio or video medium, YOU
27 should provide the tape, disk, or other device from which the audio or video can be
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1 played and the transcript of the DOCUMENT.

2 5. For all DOCUMENTS for which YOU do not produce in the original, as
3 defined in Evidence Code section 255, YOU may submit copies (black and white copies
4 if the original was in black and white, color copies if the original was in color, and, if the
5 original was in electronic format, in the same electronic medium as the original) in lieu of
6 original DOCUMENTS provided that such copies are accompanied by an affidavit of an
7 officer of SWC stating that the copies of all types DOCUMENTS are true, correct, and
8 complete copies of the original DOCUMENTS. If there is in YOUR possession, custody
9 or control no original, but only a copy or photographic record thereof, then YOU should
10 produce a true and legible copy of each such DOCUMENT. The accompanying affidavit
11 should state that the DOCUMENT is only a copy or photographic record and not the
12 original.

13 6. If a DOCUMENT is responsive to this subpoena and is in YOUR control,
14 but is not in YOUR possession or custody, in addition to obtaining and producing the
15 DOCUMENT, identify the person who had possession or custody of the DOCUMENT,
16 their telephone number and current business and residence addresses.

17 7. If any DOCUMENT subpoenaed is no longer in YOUR possession,
18 custody, control, or care, YOU should provide a written statement identifying the
19 DOCUMENT with specificity, stating whether it is lost or missing, has been destroyed;
20 has been transferred to others, or has otherwise been disposed of. The written
21 statement should also identify the person who disposed of the DOCUMENT, explain the
22 circumstances and authorization for the disposition and the approximate date of the
23 disposition of the DOCUMENT. If there are no DOCUMENTS responsive to a document
24 request, as to each such document request, YOU should include a statement to that
25 effect in the accompanying declaration or affidavit.

26 8. DOCUMENTS provided in response to this subpoena should be complete
27 and unredacted, submitted as found in YOUR files (e.g., DOCUMENTS that in their
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1 original condition were stapled, clipped, attached as a "post-it," or otherwise fastened
2 together shall be produced in the same form).

3 9. Each DOCUMENT produced pursuant to this subpoena should be
4 identified according to the category in the subpoena to which it is responsive. In lieu of
5 indicating on each DOCUMENT the category to which it is responsive, on the date set
6 for production, YOU may instead provide an index if YOU provide it in both paper and in
7 electronic form (such as a computerized spreadsheet in Excel or a Word or WordPerfect
8 document set up in a table format) of all DOCUMENTS YOU produce, as long as this
9 index shows by document control number the request(s) to which each DOCUMENT or
10 group of DOCUMENTS is responsive. Responsive DOCUMENTS from each person's
11 files should be produced together, in one box or in consecutive boxes, or on one disk or
12 consecutive disks. Mark each page of a paper DOCUMENT and each tangible thing
13 containing audio, video, computer, or other electronic DOCUMENTS (e.g. cassette, disk,
14 tape or CD) with corporate identification and consecutive document control numbers
15 (e.g., S.L . 00001, S.I. CD 001, S.I. audio tape 001). Number each box of DOCUMENTS
16 produced and mark each with the name(s) of the person(s) whose files are-contained
17 therein, the requests(s) to which they are responsive, and the document control numbers
18 contained therein.

19 10 For data produced in spreadsheets or tables, include in the declaration or
20 affidavit the identification of the fields and codes and a description of the information
21 contained in each coded field.

22 11. The document requests contained in this subpoena shall be deemed to
23 include a request for all relevant DOCUMENTS in the personal files, including but not
24 limited to files contained on laptops, handheld devices, home computers and home files
25 of all YOUR officers, employees, accountants, agents and representatives, including
26 sales agents who are independent contractors, and attorneys.

1 June 5, 2015 Draft Technical Memorandum from CH2M Hill to Terry Erlewine, attached
2 to the testimony of Paul Hutton.

3 6. All DOCUMENTS, as that term is defined in California Evidence Code
4 section 250, in the possession or control of the SWC, concerning or relating to CH2M
5 Hill's work on the June 5, 2015 Draft Technical Memorandum.

6 7. All DOCUMENTS, as that term is defined in California Evidence Code
7 section 250, in the possession or control of the SWC, between May 1, 2015 and the
8 present, concerning or relating to CH2M Hill's work for BBID in any capacity.

9 If any document is withheld under a claim of privilege or other protection, please
10 provide a privilege log containing the following information with respect to such
11 documents: (a) an identification of the document with reasonable specificity and
12 particularity, including its nature (memorandum, letter, etc.), title and date; (b) the
13 parties, individuals, and entities that the communication is between or references; (c) the
14 exact nature of the privilege asserted; and (d) all of the facts upon which your claim of
15 privilege is based or which supports said claim of privilege.

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Dated: March 1, 2016

SOMACH SIMMONS & DUNN
A Professional Corporation

By: 

Theresa C. Barfield
Attorneys for Petitioner/Plaintiff BYRON-
BETHANY IRRIGATION DISTRICT

1 SOMACH SIMMONS & DUNN
A Professional Corporation
2 DANIEL KELLY, ESQ. (SBN 215051)
MICHAEL E. VERGARA, ESQ. (SBN 137689)
3 LAUREN D. BERNADETT, ESQ. (SBN 295251)
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5 Telephone: (916) 446-7979
Facsimile: (916) 446-8199

6 Attorneys for Petitioner/Plaintiff BYRON-
7 BETHANY IRRIGATION DISTRICT

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BEFORE THE

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CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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ENFORCEMENT ACTION ENF01949
DRAFT CEASE AND DESIST ORDER
13 REGARDING UNAUTHORIZED
DIVERSIONS OR THREATENED
14 UNAUTHORIZED DIVERSIONS OF WATER
FROM OLD RIVER IN SAN JOAQUIN
15 COUNTY

SWRCB Enforcement Action
ENF01951 and ENF01949

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AFFIDAVIT

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In the Matter of ENFORCEMENT ACTION
ENF01951 – ADMINISTRATIVE CIVIL
LIABILITY COMPLAINT REGARDING
UNAUTHORIZED DIVERSION OF WATER
FROM THE INTAKE CHANNEL TO THE
BANKS PUMPING PLANT (FORMERLY
ITALIAN SLOUGH) IN CONTRA COSTA
COUNTY

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I, Theresa C. Barfield, declare as follows:

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1. I am an attorney admitted to practice law in the State of California. I am of
counsel at the law firm of Somach Simmons & Dunn. I am one of the attorneys of record
for Byron-Bethany Irrigation District (BBID). The following matters are within my
personal knowledge, and if called as a witness, I could competently testify thereto.

2. BBID holds a pre-1914 appropriative water right to divert and beneficially
use watercourses in the California Delta. On June 12, 2015, the State Water Resources

1 Control Board's (SWRCB) Executive Director sent a curtailment notice to BBID, which
2 purports to curtail the pre-1914 appropriative water rights of BBID and other with 1903
3 and later priority dates within the entire Sacramento and San Joaquin River watersheds,
4 including the California Delta (Curtailment Notice). The Curtailment Notice directed
5 BBID to "immediately stop diverting" under its pre-1914 water rights, and provided that
6 any further diversions would subject BBID to "administrative penalties, cease and desist
7 orders, or prosecution in court."

8 3. In response, BBID filed suit against the SWRCB on June 26, 2015,
9 challenging the Curtailment Notice, and asserting that the SWRCB exceeded its
10 jurisdiction, violated due process, and conducted a flawed water availability analysis.
11 Multiple other water right holders similarly situated to BBID, including the West Side
12 Irrigation District (WSID), also sued the SWRCB to challenge the Curtailment Notice.

13 4. On July 20, 2015, the SWRCB issued the Administrative Civil Liability
14 (ACL) Complaint, alleging that BBID unlawfully diverted water from June 13, 2015 to
15 June 25, 2015.

16 5. The State Water Contractors submitted Rebuttal Testimony by the
17 deponent Paul Hutton in this matter. As such, BBID seeks production of all documents
18 reviewed by and or relied upon to support his testimony.

19 6. Good cause exists for the production of documents described in the
20 Subpoena Duces Tecum and Addendum, as the requested documents are relevant to
21 the testimony of Paul Hutton and/or likely to lead to the discovery of the relevant
22 evidence. The requested documents are reasonably related to the matters at issue in
23 this proceeding.

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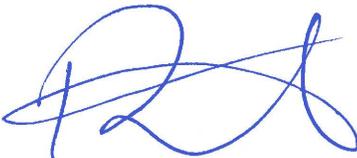
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 1st day of March 2016 in Sacramento, California.

By: 
Theresa C. Barfield
Attorney for Petitioner/Plaintiff BYRON-
BETHANY IRRIGATION DISTRICT

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PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On March 1, 2016, I served the following document(s):

**SUBPOENA DUCES TECUM; ADDENDUM TO SUBPOENA DUCES TECUM;
AFFIDAVIT**

X (via electronic mail) by causing to be delivered a true copy thereof to the person(s) and at the email addresses set forth below:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 1, 2016, at Sacramento, California.


Michelle Bracha

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**SERVICE LIST OF PARTICIPANTS
BYRON-BETHANY IRRIGATION DISTRICT
ADMINISTRATIVE CIVIL LIABILITY HEARING
(Revised 9/2/15; Revised: 9/11/15)**

<p><u>VIA ELECTRONIC MAIL</u></p> <p>Division of Water Rights Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 andrew.tauriainen@waterboards.ca.gov</p>	<p><u>VIA ELECTRONIC MAIL</u></p> <p>Byron-Bethany Irrigation District Daniel Kelly Somach Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 dkelly@somachlaw.com</p>
<p><u>VIA ELECTRONIC MAIL</u></p> <p>Patterson Irrigation District Banta-Carbona Irrigation District The West Side Irrigation District Jeanne M. Zolezzi Herum\Crabtree\Suntag 5757 Pacific Avenue, Suite 222 Stockton, CA 95207 jzolezzi@herumcrabtree.com</p>	<p><u>VIA ELECTRONIC MAIL</u></p> <p>City and County of San Francisco Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org</p>
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**SERVICE LIST
WEST SIDE IRRIGATION DISTRICT
CEASE AND DESIST ORDER HEARING**

SOMACH SIMMONS & DUNN
A Professional Corporation

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EXHIBIT 2

Ansley, Jolie-Anne S.

From: Ansley, Jolie-Anne S.
Sent: Wednesday, March 09, 2016 9:20 AM
To: 'dkelly@somachlaw.com'
Cc: Michael Vergara
Subject: ENF01951 - Meet and Confer

On behalf of the State Water Contractors, I would like to arrange a meet and confer by telephone today to discuss issues raised by the subpoenas duces tecum you served last week on CH2M Hill and State Water Contractors and the amended subpoena duces tecum to Chandra Chilmakuri and Kyle Winslow.

As I'm sure you are aware, with the response dates fast approaching, time is of the essence. Please let me know if you are available anytime this afternoon for a meet and confer call.

Regards,
Jolie-Anne Ansley

Sent from my iPhone

1 **PROOF OF SERVICE**

2 I am a resident of the state of California, I am over the age of 18 years, and I am not a party
3 to this lawsuit. My business address is Duane Morris LLP, One Market Plaza, Spear Tower, Suite
2200, San Francisco, California 94015-1127.

4 On March 9, 2016, I served the following document(s):

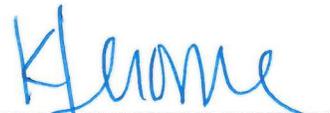
- 5 **1. STATE WATER CONTRACTORS’ MOTION TO QUASH SUBPOENA DUCES**
- 6 **TECUM, OR, IN THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER;**
- 7 **REQUEST TO CLOSE DISCOVERY**
- 8 **2. DECLARATION OF STEFANIE D. MORRIS IN SUPPORT OF STATE WATER**
- 9 **CONTRACTORS’ MOTION TO QUASH SUBPOENA DUCES TECUM, OR, IN THE**
- 10 **ALTERNATIVE, MOTION FOR PROTECTIVE ORDER; REQUEST TO CLOSE**
- 11 **DISCOVERY**
- 12 **3. DECLARATION OF JOLIE-ANNE ANSLEY IN SUPPORT OF STATE WATER**
- 13 **CONTRACTORS’ MOTION TO QUASH SUBPOENA DUCES TECUM, OR, IN THE**
- 14 **ALTERNATIVE, MOTION FOR PROTECTIVE ORDER; REQUEST TO CLOSE**
- 15 **DISCOVERY**

16 on the interested party(ies) in this action in the following manner:

17 **BY E-MAIL:** On the March 9, 2016, at San Francisco, California, I caused the foregoing
18 document(s) to be served by e-mail transmission to the e-mail address(es) set forth below, as last
19 given by that person on any document which he or she has filed in the cause and served on the party
20 making the service. The document(s) was(were) transmitted by e-mail from a computer in the
21 offices of Duane Morris. The e-mail transmission(s) was(were) reported as delivered to the
22 party(ies) at the indicated e-mail address(es), and no undeliverable message from the recipient’s
23 server was received by the sender of the e-mail. A copy of the e-mail transmission confirmation(s)
24 is(are) attached hereto.

25 **SEE ATTACHED SERVICE LIST**

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
27 and correct. Executed on March 9, 2016, at San Francisco, California.

28 

Kristin Jerome

**SERVICE LIST OF PARTICIPANTS
THE WEST SIDE IRRIGATION DISTRICT
CEASE AND DESIST ORDER HEARING**

PARTIES

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10 **SERVICE LIST OF PARTICIPANTS**
11 **BYRON-BETHANY IRRIGATION DISTRICT**
12 **ADMINISTRATIVE CIVIL LIABILITY HEARING**

13 **PARTIES**

14 **Division of Water Rights**
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