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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 RIVER
26 IN SAN JOAQUIN

27 In the Matter of ENFORCEMENT ACTION
28 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

DECLARATION OF STEFANIE D.
MORRIS IN SUPPORT OF STATE
WATER CONTRACTORS' MOTION
TO QUASH SUBPOENA DUCES
TECUM, OR, IN THE ALTERNATIVE,
MOTION FOR PROTECTIVE ORDER

REQUEST TO CLOSE DISCOVERY

I, Stefanie D. Morris, do hereby declare:

1. I am an attorney at law licensed to practice before the courts of the State of California. I am general counsel for State Water Contractors ("SWC"), a party to the above-referenced proceedings. I have personal knowledge of the matters stated herein, except

1 as to matters therein stated on information and belief, and as to those matters I believe
2 them to be true, and if called upon could competently testify thereto.

3 2. CH2M Hill was retained as a technical consultant by SWC and SWC member
4 agency Metropolitan Water District of Southern California ("MWD") for the purpose of
5 analyzing conditions in the Delta in response to pending and threatened disputes, including
6 disputes involving Byron-Bethany Irrigation District. CH2M Hill's work is at the direction of
7 in-house counsel for SWC and MWD.

8 3. If required to produce documents pursuant to the subpoena duces tecum
9 served on SWC by Byron-Bethany Irrigation District, SWC would be required to expend
10 significant hours of its own counsels' time gathering responsive documents and reviewing
11 such documents for privilege to protect SWC's attorney work product.

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

14 Executed on 9th day of March, 2016 in Sacramento, California.

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16 _____
Stefanie D. Morris

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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):

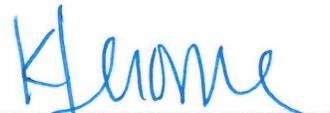
- 5 **1. STATE WATER CONTRACTORS’ MOTION TO QUASH SUBPOENA DUCES**
- 6 **TECUM, OR, IN THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER;**
- 7 **REQUEST TO CLOSE DISCOVERY**
- 8 **2. DECLARATION OF STEFANIE D. MORRIS IN SUPPORT OF STATE WATER**
- 9 **CONTRACTORS’ MOTION TO QUASH SUBPOENA DUCES TECUM, OR, 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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<p>Central Delta Water Agency Jennifer Spaletta Spaletta Law PC PO Box 2660 Lodi, CA 95241 jennifer@spalettalaw.com</p> <p>Dante Nomellini and Dante Nomellini, Jr. Nomellini, Grilli & McDaniel ngmplcs@pacbell.net dantejr@pacbell.net</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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10 **SERVICE LIST OF PARTICIPANTS**
11 **BYRON-BETHANY IRRIGATION DISTRICT**
12 **ADMINISTRATIVE CIVIL LIABILITY HEARING**

13 **PARTIES**

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