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10 Attorneys for WESTLANDS WATER
 11 DISTRICT

12 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

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

**OPPOSITION TO WSID'S SEPARATE
 STATEMENT OF UNDISPUTED
 MATERIAL FACTS IN SUPPORT OF ITS
 MOTION FOR SUMMARY JUDGMENT**

Hearing Date: March 21, 2016
 Hearing Officer: Frances Spivy-Weber

19 Westlands Water District ("Westlands") submits this opposition to The West Side Irrigation
 20 District's ("WSID") separate statement of undisputed material facts in support of its motion for
 21 summary judgment.

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
1. The District holds water right License 1381 ("License"), originally issued on September 29, 1933 and amended on August 19, 2010. EXHIBIT WSID0158, Declaration of Jack Alvarez at ¶4.	1. Undisputed for purposes of this Motion only.
2. License 1381 has a priority date of April 17, 1916, and authorizes the direct diversion of 82.5 cubic-feet per section ("cfs") from Old	2. Undisputed for purposes of this Motion only.

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
<p>River in San Joaquin County from (1) about April 1 to October 31 of each year for irrigation and (2) from April 1 to October 31 of each year for municipal, domestic and industrial uses.</p> <p>EXHIBIT WSID0005, License 1381, as amended; EXHIBIT WSID0060, Declaration of Rick Martinez at ¶4; EXHIBIT WSID0158, Declaration of Jack Alvarez at ¶5.</p>	
<p>3. In 1929 the Department of Public Works confirmed that the water diverted by WSID pursuant to its license is “largely return flow from diversions farther upstream and water reaching the San Joaquin Delta from Sacramento River through Georgiana Slough and other inter-delta channels.</p> <p>EXHIBIT WSID0158, Declaration of Jack Alvarez at ¶6; EXHIBIT WSID 0006, Department of Public Works Bulletin No. 21-B at p. 157.</p>	<p>3. Disputed.</p> <p>Misleading, fails to present evidence that supports the fact as stated. The Department of Public Works’ Bulletin No. 21 states: “The water in San Joaquin River is largely return flow from diversions farther upstream and water reaching the San Joaquin delta from Sacramento River through Georgiana Slough and other inter-delta channels.” (WSID0006 at p. 157.) It does not confirm that WSID was or is entitled to divert all such water pursuant to its license, or that the State Water Resources Control Board considered all such water to be a source of supply for WSID’s license.</p>
<p>4. The License was issued in 1933 documenting the maximum amount of water found to have been put to beneficial use in the years 1930, 1931 and 1932, as documented in the Sacramento San Joaquin Water Surveyor’s records.</p> <p>EXHIBIT WSID0158, Declaration of Jack Alvarez at ¶7; EXHIBIT WSID0007, October 9, 1933 letter from State of California Department of Public Works; EXHIBIT WSID0008, 1931 Sacramento-San Joaquin Water Supervisor’s Report. Table 39.</p>	<p>4. Disputed.</p> <p>Lack of foundation. WSID-0158, the testimony of Jack Alvarez, was excluded pursuant to the Hearing Officer’s procedural ruling dated February 17, 2016, and therefore lacks foundation.</p> <p>Irrelevant. Irrelevant as to whether water was available to WSID during the relevant time period in 2015.</p>
<p>5. Water is diverted by WSID through an intake canal about 1.5 miles long, as depicted on the map attached as EXHIBIT A.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶5.</p>	<p>5. Undisputed for purposes of this Motion only.</p>

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
<p>6. WSID's point of diversion under its License is located on Old River, within the legal delta.</p> <p>EXHIBIT WSID0010, DWR Delta ATLAS at p. 10; EXHIBIT BBID384 at pp. 18, 20.</p>	<p>6. Undisputed for purposes of this Motion only.</p>
<p>7. There is always water in the channels of the Delta because they are below sea level.</p> <p>EXHIBIT BBID384 at p. 23.</p>	<p>7. Disputed.</p> <p>The cited report is hearsay and lacks foundation for the cited statements therein.</p> <p>Fails to present evidence that supports the fact as stated. BBID384 at p. 23 does not state that all Delta channels are below sea level. Instead, BBID384 at p. 23 states that "the bottom elevation of most Delta channels is below sea level."</p> <p>Westlands further disputes that there is always water of sufficient quality for reasonable and beneficial use in the all parts of the Delta.</p>
<p>8. At any given time, the Delta holds approximately 1.2 million acre feet of water.</p> <p>EXHIBIT BBID384 at pp. 5, 38.</p>	<p>8. Undisputed for purposes of this Motion only.</p>
<p>9. Water flows into the Delta with the tide from the West as well as from the east side tributary streams.</p> <p>EXHIBIT BBID384 at pp. 3-5, 20, 22.</p>	<p>9. Undisputed for purposes of this Motion only.</p>
<p>10. Inflow from the tributary streams, once having entered the Delta, will reside in the Delta for up to several months during dry periods.</p> <p>EXHIBIT BBID384 at pp. 5, 38-40.</p>	<p>10. Disputed.</p> <p>The cited report is hearsay and lacks foundation for the cited statements therein.</p>
<p>11. Water moves slowly in WSID's flat gradient channel which is affected by tides of about 4 feet; the channel is from 4 feet to 8 feet deep depending on tides; and the quality of Old River water diverted by WSID in the intake channel is poor, running from 800 to 1000 total dissolved solids.</p>	<p>11. Disputed.</p> <p>Lack of foundation. Mr. Martinez does not support his statement that "[w]ater moves slowly in the flat gradient intake channel, which is affected by tides of about 4 feet; the depth in the channel varies from 4 feet to 8 feet deep depending on the tide." (WSID0060, Declaration of Rick Martinez at ¶ 6.)</p>

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
<p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶6; EXHIBIT WSID0158, Declaration of Jack Alvarez at ¶9. EXHIBIT WSID0009, July 18, 1985 Inspection Report</p>	<p>Lack of foundation. WSID-0158, the testimony of Jack Alvarez, was excluded pursuant to the Hearing Officer's procedural ruling dated February 17, 2016, and therefore lacks foundation. In addition, Paragraph 9 of Mr. Alvarez's written testimony references a copy of the State Water Resources Control Board staff's July 18, 1985 Report of Inspection of the WSID Facilities. This document speaks for itself.</p> <p>Hearsay, lack of foundation, irrelevant. The cited report is hearsay and lacks foundation for the cited statements therein, and is cited in a misleading manner. The July 18, 1985 Report of Inspection appears to describe conditions as they existed on July 18, 1985. Statements in WSID009 are not relevant to describe conditions in 2015.</p>
<p>12. In 1931 the majority of the water at the WSID point of diversion during the irrigation season was from the Sacramento River and had entered the Delta in the prior three months.</p> <p>EXHIBIT BBID384 at pp. 11-13, 83-87, 91-95.</p>	<p>12. Disputed.</p> <p>The cited report is hearsay and lacks foundation for the cited statements therein.</p>
<p>13. In 2015, the majority of the water at the WSID point of diversion during the irrigation season was from the Sacramento River and had entered the Delta in the prior three months.</p> <p>EXHIBIT BBID384 at pp. 15-16, 47-49.</p>	<p>13. Disputed.</p> <p>The cited report is hearsay and lacks foundation for the cited statements therein.</p> <p>It appears that the modeling for 2015 that is presented at the cited pages of the Exponent report was not done on a without Central Valley Project ("CVP") and State Water Project ("SWP") basis, and did not account for the presence of stored water.</p>
<p>14. The State Water Project and Central Valley Project, constructed after 1931, have altered flow patterns in the Delta.</p> <p>EXHIBIT BBID384 at pp. 9, 24-26.</p>	<p>14. Undisputed for purposes of this Motion only.</p>
<p>15. By storing water in the winter and spring and releasing it through the Delta in the summer, the Projects reduce the percentage of Sacramento River water that reaches the Delta in the winter and spring months and increase the percentage of Sacramento River</p>	<p>15. Disputed.</p> <p>The cited report is hearsay and lacks foundation for the cited statements therein.</p> <p>Vague and ambiguous. It is not clear what is</p>

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
<p>water that reaches the Delta in the summer and fall months.</p> <p>EXHIBIT BBID384 at pp. 14, 24-26.</p>	<p>meant by “percentage of Sacramento River water.”</p>
<p>16. Water is always available at WSID’s diversion point during the irrigation season because of the nature of residence time and tidal influence in the Delta.</p> <p>EXHIBIT BBID384 at p. 4.</p>	<p>16. Disputed.</p> <p>The cited report is hearsay and lacks foundation for the cited statements therein.</p> <p>Calls for a legal conclusion. While water is always present in the Delta, this does not mean that water is always “available” for diversion.</p>
<p>17. The Bethany Drain collects irrigation return water through tile drains from landowners within WSID, shallow groundwater from tile drains from landowners within WSID, and municipal drainage from lands within the City of Tracy and discharges that return water directly into WSID’s intake channel.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶12.</p>	<p>17. Undisputed for purposes of this Motion only.</p>
<p>18. The majority of the flow in the Bethany Drain is derived from tile drain discharges installed widely in the district in the late 1950’s to drain lands of shallow groundwater standing less than 4 feet from the surface, to allow irrigation.</p> <p>EXHIBIT WSID0158, Declaration of Jack Alvarez at pp. 3-4.</p>	<p>18. Undisputed for purposes of this Motion only.</p>
<p>19. Municipal discharges into the Bethany Drain are made by various contracts with the City of Tracy and other landowners within the City.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶13.</p>	<p>19. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 8 of EXHIBIT WSID0060.</p>
<p>20. There are no sources of water into the Bethany Drain from outside of the WSID.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶14.</p>	<p>20. Disputed.</p> <p>Lack of foundation. Mr. Martinez does not support his statement that “[t]here are no sources of water into the Bethany Drain from outside of the WSID.”</p> <p>In addition, the correct citation is to ¶ 9 of</p>

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
	EXHIBIT WSID0060.
<p>21. The Bethany Drain is owned by WSID, and WSID maintains control over the Bethany Drain from its origination within the district boundaries along its entire course until it discharges into the intake canal.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶15.</p>	<p>21. Disputed.</p> <p>Lack of foundation. Mr. Martinez does not support his statement that “[t]he Bethany Drain is exclusively operated and maintained by WSID, and WSID maintains exclusive control over the Bethany Drain from its origination within the District boundaries along its entire course, until it discharges into the intake canal.”</p> <p>Vague and ambiguous. It is not clear what is meant by “exclusive control.”</p> <p>In addition, the correct citation is to ¶ 10 of EXHIBIT WSID0060.</p>
<p>22. WSID does not intend to abandon water discharge from the Bethany Drain into the intake channel; rather the intention of the discharge is to enable WSID to pump the water at its diversion pumps.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶16.</p>	<p>22. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 11 of EXHIBIT WSID0060.</p>
<p>23. Because the District’s intake channel is open to Old River, drain water from the Bethany Drain may commingle with Old River water in the intake channel.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶17.</p>	<p>23. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 12 of EXHIBIT WSID0060.</p>
<p>24. Discharges of water from the Bethany Drain into the intake channel are measured by a weir which is four feet in height concrete wall installed approximately 340 feet upstream of the Bethany Drain outfall into the intake channel.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶18.</p>	<p>24. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 8 of EXHIBIT WSID0060.</p>
<p>25. At no time after May 1, 2015 did WSID’s diversions from the intake channel exceed the inflow into the intake channel from the</p>	<p>25. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 14 of EXHIBIT WSID0060.</p>

1 <u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
2 Bethany Drain. 3 4 EXHIBIT WSID0060, Declaration of Rick Martinez at ¶19.	
5 26. WSID staff did not observe any change in 6 flow in Old River at any time in 2014 when 7 diversions of City of Tracy wastewater were 8 being made under contract. 9 10 EXHIBIT WSID0060, Declaration of Rick 11 Martinez at ¶19.	26. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 18 of EXHIBIT WSID0060.
12 27. The City of Tracy (“City”) operates a 13 wastewater treatment plant and discharges 14 treated wastewater effluent to Old River, a 15 water of the United States, pursuant to Order 16 R5-2012-0115 (NPDES Permit CA0079154) 17 issued by the Central Valley Regional Water 18 Quality Control Board. 19 20 EXHIBIT WSID0060, Declaration of Rick 21 Martinez at ¶23; EXHIBIT WSID0019, 22 Order R5-2012-0115 (NPDES Permit 23 CA0079154) issued by the Central Valley 24 Regional Water Quality Control Board; EXHIBIT WR-1, Draft Cease and Desist Order at ¶2.	27. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 15 of EXHIBIT WSID0060.
25 28. The City discharges approximately 9 million 26 gallons per day (“mgd”), which is 27 equivalent to 14 cfs, on a substantially 28 continuous basis into Old River upstream from the District’s point of diversion under License 1381. EXHIBIT WSID0060, Declaration of Rick Martinez at ¶24; EXHIBIT WR-1, Draft Cease and Desist Order at ¶2.	28. Undisputed for purposes of this Motion only, but the correct citation is to ¶ 15 of EXHIBIT WSID0060.
29. The City obtains water supplies from three sources: (1) South San Joaquin Irrigation District water delivered from the Stanislaus River (typically the majority of the City’s supply); (2) United States Bureau of Reclamation water delivered from the Delta- Mendota Canal; and (3) local groundwater	29. Undisputed for purposes of this Motion only, but EXHIBIT WSID0060 does not contain a paragraph 25, or any other paragraph that supports this UMF.

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
<p>wells (typically the smallest portion of the City's supply).</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶25; EXHIBIT WR-1, Draft Cease and Desist Order at ¶3.</p>	
<p>30. The City's treated wastewater discharges are foreign in source and/or foreign in time to the Old River flow.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶25; EXHIBIT WSID0158, Declaration of Jack Alvarez at ¶22; EXHIBIT WR-1, Draft Cease and Desist Order at ¶3.</p>	<p>30. Undisputed for purposes of this Motion only, but EXHIBIT WSID0060 does not contain a paragraph 25, or any other paragraph that supports this UMF.</p>
<p>31. On May 6, 2014, the City Council adopted Resolution 2014-165, authorizing the City to enter into a Wastewater Revocable License Agreement with the District ("2014 Agreement") for the sale of treated wastewater from the City's wastewater treatment plant.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶27; EXHIBIT WR-1, Draft Cease and Desist Order at ¶8; EXHIBIT WSID 0022, Resolution 2015-165.</p>	<p>31. Undisputed for purposes of this Motion only, but EXHIBIT WSID0060 does not contain a paragraph 27, or any other paragraph that supports this UMF.</p>
<p>32. The 2014 Agreement provides that the District may divert all of the City's wastewater discharges from April 1, 2014 through October 31, 2014, estimated to be approximately 14 cfs, equivalent to 27.8 acre-feet per day, on a continuous basis.</p> <p>EXHIBIT WSID0060, Declaration of Rick Martinez at ¶27; EXHIBIT WR-1, Draft Cease and Desist Order at ¶8; EXHIBIT WSID0023, 2014 Agreement.</p>	<p>32. Undisputed for purposes of this Motion only, but EXHIBIT WSID0060 does not contain a paragraph 27, or any other paragraph that supports this UMF.</p>
<p>33. On March 3, 2015, the Tracy City Council adopted Resolution 2015-033, authorizing the City to enter into a Wastewater Revocable License Agreement with the District ("2015 Agreement") for the sale of treated wastewater from the City's</p>	<p>33. Undisputed for purposes of this Motion only, but EXHIBIT WSID0060 does not contain a paragraph 28, or any other paragraph that supports this UMF.</p>

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<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
wastewater treatment plant. EXHIBIT WSID0060, Declaration of Rick Martinez at ¶28; EXHIBIT WR-1, Draft Cease and Desist Order at ¶14; EXHIBIT WSID0025, 2015 Agreement.	
34. The 2015 Agreement provides that the District may divert all of the City's wastewater discharges from April 1, 2015 through October 31, 2015, estimated to be approximately 14 cfs, equivalent to 27.8 acre-feet per day, on a continuous basis. EXHIBIT WSID0060, Declaration of Rick Martinez at ¶28; EXHIBIT WR-1, Draft Cease and Desist Order at ¶14; EXHIBIT WSID0025, 2015 Agreement.	34. Undisputed for purposes of this Motion only, but EXHIBIT WSID0060 does not contain a paragraph 28, or any other paragraph that supports this UMF.
35. On May 1, 2015, the State Water Board issued a "Notice of Unavailability of Water an Immediate Curtailment for Those Diverting Water in the Sacramento River Watershed and Sacramento-San Joaquin Delta with a Post-1914 Appropriative Right" (" May 21 Unavailability Notice "). EXHIBIT WR-1, Draft Cease and Desist Order at ¶17; EXHIBIT WR-34, May 1, 2015 Unavailability Notice.	35. Undisputed for Purposes of this Motion only, but correct reference is to a "May 1 Unavailability Notice."
36. The May 1 Unavailability Notice notified all holders of post-1914 appropriative water rights within the Sacramento River and Sacramento-San Joaquin Delta watershed of the lack of availability of water to serve their post-1914 water rights, with some minor exceptions for non-consumptive diversions. EXHIBIT WR-1, Draft Cease and Desist Order at ¶17; EXHIBIT WR-34, May 1, 2015 Unavailability Notice.	36. Undisputed for purposes of this Motion only.
37. The May 1 Unavailability Notice was intended to apply to License 1381. EXHIBIT WR-1, Draft Cease and Desist	37. Undisputed for purposes of this Motion only.

WSID's Undisputed Material Facts and Supporting Evidence:	Westlands' Response and Supporting Evidence:
Order at ¶17; EXHIBIT WR-34, 35, May 1, 2015 Unavailability Notice.	
38. The May 1 Unavailability Notice was based upon a spreadsheet methodology that compared supply and demand on a watershed wide basis. EXHIBIT WSID0152 at p. 33 ¶¶2-4, p. 45, ¶¶1-8.	38. Undisputed for purposes of this Motion only.
39. This spreadsheet methodology did not consider water available to WSID at its point of diversion, the tidal effect in the Delta, or the fact that tributary flow from prior months was still present in the Delta and available for WSID to divert due to Delta hydrodynamics and residence time. EXHIBIT WSID0152 at p. 32 ¶¶23-25, p. 33 ¶¶1-25, p. 34 ¶¶1-3, p. 46 ¶¶10-24, p. 91 ¶¶6-16.	39. Disputed. Fails to present evidence that supports the fact as stated. The evidence cited, WSID0152 p. 32 ¶¶23-25, p. 33 ¶¶1-25, p. 34 ¶¶1-3, p. 46 ¶¶10-24, and p. 91 ¶¶6-16, does not support the purported fact.
40. The District did not provide the City with a written Commencement Notice or purchase wastewater from the City under the 2015 Agreement. EXHIBIT WSID0060, Declaration of Rick Martinez at ¶29.	40. Undisputed for purposes of this Motion only, but EXHIBIT WSID0060 does not contain a paragraph 29, or any other paragraph that supports this UMF.
41. The Prosecution Team did not take any measurements of flow at the WSID point of diversion, or downstream in either direction. EXHIBIT WSID0152 at p. 92 ¶¶1-22, p. 93 ¶¶15-20.	41. Undisputed for purposes of this Motion only.
42. Instead the Prosecution Team simply assumed that a diversion of 14 cfs by WSID resulted in a corresponding reduction in flow. EXHIBIT WSID0152 at p. 92 ¶¶1-22, p. 93 ¶¶15-20.	42. Disputed. Fails to present evidence that supports the fact as stated. The evidence cited, WSID0152 p. 92 ¶¶1-22 and p. 93 ¶¶15-20, does not support the purported fact.
43. By contrast, WSID's expert conducted a scientific study using scientifically accepted Delta modeling tools to determine that no	43. Disputed. Lack of foundation. Cited evidence does not establish that Mr. Burke's computations either

<u>WSID's Undisputed Material Facts and Supporting Evidence:</u>	<u>Westlands' Response and Supporting Evidence:</u>
<p>measurable decrease in flow or water levels results from WSID's diversion of 8 to 14 cfs.</p> <p>EXHIBIT WSID0123 at ¶12; EXHIBIT WSID0125 at p. 2.</p>	<p>constituted a "scientific study" or were completed "using scientifically accepted Delta modeling tools."</p>
<p>44. Section (b) of Water Code Section 1211 was added to State Water Code in 2001 at the request of the State Water Board, which asserted: "Where there is no threat to instream flows or third party water- right holders, requiring [State Water Board] review is an unnecessary burden on wastewater reclamation."</p> <p>EXHIBIT WSID 0027, September 6, 2001 Enrolled Bill Report at p. 557.</p>	<p>44. Undisputed for purposes of this Motion.</p>

Dated: February 22, 2016

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

By: 
 Daniel J. O'Hanlon
 Rebecca R. Akroyd
 Attorneys for WESTLANDS WATER DISTRICT

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814.

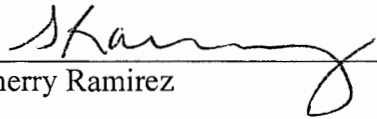
On February 22, 2016, I served true copies of the following document(s) described as **OPPOSITION TO WSID'S SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address sramirez@kmtg.com to the persons at the e-mail addresses listed in the Service List. The document(s) were transmitted at or before 12:00 p.m. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on February 22, 2016, at Sacramento, California.



Sherry Ramirez

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

<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>THE WEST SIDE IRRIGATION DISTRICT Jeanne M. Zolezzi Karna Harrigfeld Janelle Krattiger Herum\Crabtree\Suntag 5757 Pacific Ave., Suite 22 Stockton, CA 95203 jzolezzi@herumcrabtree.com kharrigfeld@herumcrabtree.com ikrattiger@herumcrabtree.com</p>
<p>STATE WATER CONTRACTORS Stephanie Morris 1121 L Street, Suite 1050 Sacramento, CA 95814 smorris@swc.org</p>	<p>WESTLANDS WATER DISTRICT Daniel J. O'Hanlon Rebecca R. Akroyd Kronick, Moskovitz, Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 dohanlon@kmtg.com rakroyd@kmtg.com</p> <p>Philip Williams of Westlands Water District pwilliams@westlandswater.org</p>
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CALIFORNIA DEPARTMENT OF WATER RESOURCES Robin McGinnis, Attorney PO Box 942836 Sacramento, CA 94236-0001 robin.mcgininis@water.ca.gov	BYRON BETHANY IRRIGATION DISTRICT Daniel Kelly Somach Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 dkelly@somachlaw.com
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