State Water Resources Control Board

May 1, 2026

Re: Ruling on DWR's Objections to Camp Lotus, Contra Costa County, Sacramento County, and Wurster Ranches' Case-In-Chief Evidence

TO ALL PARTIES:

On November 3, 2025, Camp Lotus, Contra Costa County, Sacramento County, and Wurster Ranches offered case-in-chief exhibits into the evidentiary record. (2025-11-03 CSPA et al. Offer of Exhibits, 2025-11-03 Sacramento County's Offer of Exhibits into the Evidentiary Record, 2025-11-03 County of San Joaquin et al. CIC Evid Submittal). This procedural ruling addresses the objections submitted by the Department of Water Resources (DWR) to these parties' exhibits.

The hearing officer has ruled on the objections in the following attachments:

- Attachment 1 – Rulings on DWR Evidentiary Objections to Camp Lotus Case-in-Chief
- Attachment 2 – Rulings on DWR Evidentiary Objections to Contra Costa County Case-in-Chief
- Attachment 3 – Rulings on DWR Evidentiary Objections to Sacramento County Case-in-Chief
- Attachment 4 – Rulings on DWR Evidentiary Objections to Wurster Ranches Parties' Case-In-Chief

Sincerely,



_____

Nicole Kuenzi
Presiding Hearing Officer
Administrative Hearings Office
State Water Resources Control Board

Attachments:

- Attachment 1 – Rulings on DWR Evidentiary Objections to Camp Lotus Case-in-Chief
- Attachment 2 – Rulings on DWR Evidentiary Objections to Contra Costa County Case-in-Chief
- Attachment 3 – Rulings on DWR Evidentiary Objections to Sacramento County Case-in-Chief
- Attachment 4 – Rulings on DWR Evidentiary Objections to Wurster Ranches Parties' Case-In-Chief
- Attachment 5 – Service List

EXHIBIT "A"

The Department of Water Resources and State Water Contractors' Objections to Camp Lotus' Case-In-Chief Testimony and Exhibits moved by CSPA et al.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
1. CL-002.	A corrected version was submitted and CL-002 should not be moved into evidence.	Agree that the uncorrected version of CL-002 should not be moved into the evidence.	☒ Sustained ☐ Overruled
2. CL-002 (corrected).	This version does not contain the changes from CL-002 in redline and should not be accepted into evidence.	Unclear which corrections have not been included as the corrected version does include the changes from corrected and red-lined version of CL-002 submitted at the same time.	☐ Sustained ☒ Overruled The clean copy (CL-002 (corrected)) rather than the redline copy is accepted into the evidentiary record.
3. Move to strike CL-002 (corrected) (redlined) in its entirety and convert this written testimony to a policy statement.	Inadmissible opinion testimony by expert witness. (Evid. Code, §§ 720, 800-803; *Kennemur v. State of California* (1982) 133 Cal.App.3d 907, 923 ["[T]he law does not accord to the expert's opinion the same degree of credence or	Mr. Center's credentials are provided in his statement of qualifications as CL-001 and the introduction of CL-002. Mr. Center's time as the owner	☐ Sustained ☒ Overruled The objection seeks to exclude the entirety of CL-002 on the basis that the testimony is inadmissible expert testimony. As a general objection to Mr.

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	integrity as it does the data underlying the opinion."]; *Putensen v. Clay Adams, Inc.* (1970) 12 Cal. App.3d 1062, 1081 ["dearth of evidence indicating […] special knowledge, experience or education" disqualifies a witness as an expert]. There is no basis in the written testimony to support that the witness has the necessary knowledge, skill, experience, training, or education to testify in the form of opinions to the matters addressed in the exhibits. Witness confirmed that he was not testifying as an expert (10/29/2025 Zoom transcript, PDF pp. 22-23) and did not conduct any analysis besides reading exhibits (10/29/2025 Zoom transcript, PDF p. 24). Yet testimony draws conclusions and legal opinions.	and operator of the Camp Lotus campground and rafting company has provided him with extensive knowledge and experience as a small business owner reliant on the South Fork American's economic, recreational, and social benefits. "[M]any cases . . . have found lay commentary on nontechnical matters to be admissible and probative . . . . (See, e.g., *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1053; [CITATIONS]; *Oro Fino*, supra, 225	Center's testimony, the objection is overruled. As documented in CL-001, Mr. Center has specialized knowledge and experience in matters related to flows in the South Fork American River, including the economic value of recreational uses of those flows. In addition, lay opinion testimony that is based on a witness's personal perceptions and experience may also have probative value, even if the witness does not qualify or has not been designated as an expert. The hearing officer and the Board are competent to appropriately discount testimony with lesser probative value rather than attempt to disentangle appropriate from inappropriate opinion testimony (whether expert or lay opinion) as a matter of admissibility. Mr. Center's opinions and

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		Cal.App.3d at p. 882 [personal observations of sound impacts from prior similar project]; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173 . . . ["relevant personal observations are evidence"]." (*Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 375.) The inclusion of legal opinion or conclusion in testimony in an administrative proceeding before the AHO is not typically a basis to exclude the testimony, but,	inferences based on information in the FEIR and other information offered into the evidentiary record will be considered within the context of the evidentiary record as a whole. The hearing officer and the Board will assess the probative value of the testimony and will consider the extent to which summary statements and inferences are supported by and supplement other evidence in the record. Similarly, the inclusion of legal opinion or conclusion in testimony in an administrative proceeding before the AHO is not typically a basis to exclude the testimony, but, rather, goes to the weight of the evidence To the extent that DWR objects to specific opinions offered by Mr.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		rather, goes to the weight of the evidence. Mr. Center's analysis provided through the lens of his experience running Camp Lotus should be admitted.	Center, these are addressed in turn below.
4. Move to strike CL-002(corrected) (redlined) in its entirety and convert to a policy statement.	Lacks foundation/improper policy statement submitted as evidence like opening statements, as described in the Notice, "[T]he party … may make an opening statement that briefly and concisely states the objectives of the case-in-chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues." (SWRCB Notice of Public Hearing, July 31, 2024, p. 23.) The "policy-oriented" purpose of the opening	Strict rules governing the admissibility of evidence do not apply in administrative proceedings. This is so in part because the hearing officer is "presumably competent to … discount that evidence which has lesser probative value, [and] it makes little sense, as a practical matter, for a judge in that position to apply strict	☐ Sustained ☒ Overruled See response to Objection No. 3.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	statement is not appropriate for inclusion in the evidentiary record. Witness confirmed that he was not testifying as an expert (10/29/2025 Zoom transcript, PDF pp. 22-23) and did not conduct any analysis besides reading exhibits (10/29/2025 Zoom transcript, PDF p. 24). Yet testimony draws conclusions and legal opinions.	exclusionary evidentiary rules." (*Underwood v. Elkay Min., Inc.* (4th Cir. 1997) 105 F.3d 946, 949.) Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) "[M]any cases . . . have found lay commentary on nontechnical matters to be admissible and probative . . . . (See, e.g., *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th	

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		1013, 1053; [CITATIONS]; *Oro Fino*, supra, 225 Cal.App.3d at p. 882 [personal observations of sound impacts from prior similar project]; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173 . . . ["relevant personal observations are evidence"]." (*Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 375.) The AHO should consider the testimony regardless for its relevance in	

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		portraying current and potential risks to the continued beneficial uses of upstream watersheds. The proper forum for contesting this testimony should be the introduction of rebuttal evidence, not being struck from the record.	
5. Move to strike CL-002 (corrected) (redlined) at p. 8:14 stating: "Once a new conveyance is built, it is soon followed by political pressure to keep it full".	Lack of foundation. (Evid. Code, § 702; *Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 770 (*Sargon*) ["the matter relied on must provide a reasonable basis for the particular opinion offered, and ... an expert opinion based on speculation or conjecture is inadmissible"].) Testimony lacks foundation when the underlying factual basis has not been submitted or is improper. *Pacific Gas & Electric Co. v. Zuckerman* (1987) 189 Cal.App.3d 1113,	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) "[M]any cases . . . have found lay commentary on nontechnical matters to be admissible and probative . . . . (See, e.g., *Taxpayers for*	☐ Sustained ☒ Overruled The hearing officer construes the testimony as based on personal perception or experience. Strict rules governing the admissibility of evidence do not apply in administrative proceedings. This is so in part because the hearing officer is "presumably competent to … discount that evidence which has lesser probative value, [and therefore] it makes

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	1135 ["[The value of opinion evidence rests not in the conclusion reached but in the factors considered and the reasoning employed. . ."]; *Hyatt v. Sierra Boat Co.* (1978) 79 Cal.App.3d 325 [It is well settled that an expert's assumption of fact must not be based on speculative or conjectural data.]; *Jennings v. Palomar Pomerado Health Systems, Inc* (2003)114 Cal.App.4th 1108 "[W]hen an expert's opinion is purely conclusory because unaccompanied by a reasoned explanation connecting the factual predicates to the ultimate conclusion, that opinion has no evidentiary value..."]); An expert's opinion based on assumptions of fact without evidentiary support has no evidentiary value. This statement, on its face calls for speculation and lacks foundation.	*Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1053; [CITATIONS]; *Oro Fino*, supra, 225 Cal.App.3d at p. 882 [personal observations of sound impacts from prior similar project]; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173 . . . ["relevant personal observations are evidence"]." (*Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 375.)	little sense, as a practical matter, for a judge in that position to apply strict exclusionary evidentiary rules." (*Underwood v. Elkay Min., Inc.* (4th Cir. 1997) 105 F.3d 946, 949.) To the extent that DWR disagrees with the substance of the testimony, DWR had adequate opportunity to cross-examine the witness about the bases for his statement and to present opposing evidence in rebuttal.

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		Mr. Center's testimony at p.8:14 is not purely conclusory as it is immediately succeeded but the clarifying parenthetical statement demonstrating his personal perception of substantiating events: "we frequently see complaints...." With regard to the statement facially calling for speculation, the latter mention of seeing complaints serves as the relevant information upon which Mr. Center makes a rational inference.	
6. Move to strike paragraphs 13-15 of CL-	Lack of foundation. (See case law above.)	Evidence that lacks a putative foundation or allegedly goes	☐ Sustained ☒ Overruled

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002 (corrected) (redlined) on p. 9:7-10.	These paragraphs, on their face, call for speculation and lack[ ] foundation.	beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Mr. Center's depiction of several proposed, in planning, or in process water supply infrastructure projects throughout the Central Valley watershed is based on credible documentation that reasonable people would rely upon in a serious dispute, and should be admitted for its accurate portrayal of similar development projects that directly impact the Delta Tunnel Project's purported objectives of reliable water	The testimony appears to rely upon information contained in the primary documents cited in the testimony, and therefore, has adequate foundation. To the extent that certain statements of the witness express inferences based on this underlying information, the hearing officer and the Board will assess the probative value of the testimony and will consider the extent to which the inferences are supported by and supplement other evidence in the record.

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		supply deliveries with negative effects on Mr. Center's upper watershed concerns in the form of further extractions and diversions from the Delta Estuary.	
7. Move to strike CL-003.	Lack of foundation. (See case law above.) Witness did not use his summary presentation and stated that he would summarize his testimony without CL-003. Thus, there is no foundation for CL-003. (See 10/29/2025 Zoom transcript, PDF p. 19.)	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) While only referred to during the 10/29/2025 hearing, the July 31, 2024 Notice of Public Hearing states: "The AHO strongly encourages each party to prepare and submit as a separate exhibit for each witness a set of slides that summarize each witness's testimony. During the hearing,	☐ Sustained ☒ Overruled There is no requirement that a witness present a summary of testimony during the hearing for the summary to be admitted as an exhibit. Here, DWR had adequate opportunity to cross-examine Mr. Center about the contents of CL-003. The summary may assist the hearing officer and the Board to understand Mr. Center's testimony. Mr. Center affirmed that the summary presentation was true and correct during his oral testimony.

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		the party may use the exhibit with the slides to facilitate each of the party's witness's oral summary of their written proposed testimony." p. 19 (emphasis added). The Notice's language indicates both promotion of the slides and their use as optional, but where the discretion to not use during oral testimony does not necessitate removal from evidence submissions. Earlier in the July 31, 2024 Notice on page 18: "Exhibits include all written proposed testimony, statements of qualifications of expert witnesses, summary slides, and other documents to be submitted as evidence." Thus, CL-003 should not be	

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		struck as AHO's instructions indicate that its submission is independent of use during the hearing. Further, Mr. Center authenticated the slideshow summary during his oral testimony.	
8. Move to strike CL-004.	Lack of foundation. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) As a beneficiary of the watershed's natural capital serving as the foundation of the rural economies at issue in CL-004, Mr. Center is well-positioned with his	☐ Sustained ☒ Overruled The objection will be considered in determining the weight to be afforded the evidence. Neither State Water Board regulations nor Chapter 4.5 of the Administrative Procedure Act (APA) strictly require a party to authenticate or lay a formal foundation for the admission of exhibits or testimony. In an administrative proceeding, not every exhibit requires sponsoring testimony

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		experience as an owner/operator of Camp Lotus to rely upon and apply analysis to CL-004's contents.	to demonstrate foundation. Sufficient information to meet the standard for admission into the evidentiary record may be self-evident from the document, may be provided by a witness's testimony, or may be evident from other properly admitted evidence. On its face, this document purports to be a report prepared by professional consultants on behalf of El Dorado Water Agency, and DWR does not challenge its authenticity. Such a report generally meets the standard for admissibility as the "sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs." (Gov. Code § 11513(c).)
9. Move to strike CL-005.	Lack of foundation. (See case law above.)	Evidence that lacks a putative foundation or allegedly goes beyond	☐ Sustained ☒ Overruled

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	Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material.	the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Mr. Center's ownership and operation of Camp Lotus, which is largely recreation-focused enterprise as a campground and rafting company, is precisely attuned to interpret and provide insight on the contents of CL-005. CL-005 is an economic study of outdoor recreation in the upper American River watershed, upon which Camp Lotus is located. Fundamentally adjacent to the data motivating the study's findings, Mr. Center is well positioned to contextualize the report and its	See response to Objection No. 8.

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		underlying information regarding upstream benefits. "[M]any cases . . . have found lay commentary on nontechnical matters to be admissible and probative . . . . (See, e.g., *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1053; [CITATIONS]; *Oro Fino*, supra, 225 Cal.App.3d at p. 882 [personal observations of sound impacts from prior similar project]; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173 . . . ["relevant personal observations are evidence"]."	

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		(*Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 375.)	
10. Move to strike CL-006.	Lack of foundation. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) As stated above, Mr. Center's ownership and operation of Camp Lotus as a direct beneficiary of the positive economic impacts of travel in California, particularly taxable sales in El Dorado County, Mr. Center is well-positioned to contextualize, explain, and otherwise present	☐ Sustained ☒ Overruled See response to Objection No. 8. This document purports to be a presentation prepared by a professional consultant on behalf of the non-profit organization Visit California. DWR does not challenge its authenticity. Such a presentation generally meets the standard for admissibility as the "sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs." (Gov. Code § 11513(c).)

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		such evidence. (*See*, *Georgetown Preservation Society*, *supra*, 30 Cal.App.5th at 375.)	
11. Move to strike CL-007.	Lack of foundation. (See case law above.[)] Irrelevant. (Gov. Code, § 11513, subd. (c).) The purpose of the hearing is to investigate the facts and reach conclusions grounded in an evidentiary record that contains the sort of evidence on which responsible persons are accustomed to rely [ ] in the conduct of serious affairs. (*People v. Morrison* (2004) 34 Cal.4th 698, 711 [evidence is "irrelevant" if it leads only to speculative inferences].) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action."	☐ Sustained ☒ Overruled See response to Objection No. 8. In addition, the document is self-authenticating. Rather than attempt to determine the relevance of the document as an initial matter of admissibility, the hearing officer and the Board will consider its relevance in determining the weight to be afforded the evidence after the submission of closing briefs.

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	Additionally, it is not apparent that this exhibit is relevant.	This testimony is relevant because it relies on public documentation of reservoir releases and water transfers that occur in upper watersheds where water has high economic and recreational value, and where development of the DCP would incentivize and facilitate capitalizing on that value. The objection is more appropriately considered in determining the weight of the evidence.	
12. Move to strike CL-008.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where	☐ Sustained ☒ Overruled See response to Objection No. 8. This document is self-authenticating, and DWR

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	witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, it is not apparent that this exhibit is relevant.	relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it relies on public documentation of reservoir releases and water transfers that occur in upper watersheds where water has high economic and recreational value, and where	has not challenged its authenticity. Rather than attempt to determine the relevance of the document as an initial matter of admissibility, the hearing officer and the Board will consider its relevance in determining the weight to be afforded the evidence after the submission of closing briefs.

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		development of the DCP would incentivize and facilitate capitalizing on that value. The objection is more appropriately considered in determining the weight of the evidence.	
13[a]. Move to strike CL-009.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, it is not apparent that this exhibit is relevant.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of their expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or	☐ Sustained ☒ Overruled See response to Objection No. 8. The hearing officer and the State Water Board will consider the nature of the document, an article that appears to have been published in the Mountain Democrat, when considering the weight to be afforded the evidence in light of the evidentiary record as a whole. Rather than attempt to determine the relevance of

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		disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it relies on public documentation of reservoir releases and water transfers that occur in upper watersheds where water has high economic and recreational value, and where development of the DCP would incentivize and facilitate capitalizing on that value. The objection is more appropriately considered in determining the weight of the evidence.	the document as an initial matter of admissibility, the hearing officer and the Board will consider its relevance in determining the weight to be afforded the evidence after the submission of closing briefs.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
13. Move to Strike CL-010.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Yuba Water Agency's agreement is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it relies on public documentation of reservoir releases and water transfers that occur in upper watersheds where water has high	❑ X Sustained ❑ Overruled Although the document appears to be a news article, there is no information on the face of the document as to its source or author. Absent such basic information, it is not the "sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs." (Gov. Code § 11513(c).)

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		economic and recreational value, and where development of the DCP would incentivize and facilitate capitalizing on that value. The objection is more appropriately considered in determining the weight of the evidence.	
14. Move to Strike CL-011.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, Modesto Irrigation District's plan to sell water is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of their expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13.

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		evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it relies on public documentation of reservoir releases and water transfers that occur in upper watersheds where water has high economic and recreational value,, and where development of the DCP would incentivize and facilitate capitalizing on that value. The objection is more appropriately considered in determining the	

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		weight of the evidence.	
15. Move to Strike CL-012.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, Modesto Irrigation District's plan to sell water is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it relies on public	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a.

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		documentation of reservoir releases and water transfers that occur in upper watersheds where water has high economic and recreational value, and where development of the DCP would incentivize and facilitate capitalizing on that value. The objection is more appropriately considered in determining the weight of the evidence.	
16. Move to Strike CL-013.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).)	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a.

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	provide opinions based on the material. Additionally, while CL-013 is interesting, a publication regarding alleged needed changes to SWRCB fundamental procedures to their water rights system and process for allocating water supplies to beneficial uses is not relevant to the DCP Hearing.	Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This objection fails to capture the other central components of CL-013's findings in contradiction of the DCP's fundamental assumptions. Specifically, this testimony is relevant because it shows insufficiencies in the DCP's FEIR water supply limitation assumptions	

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		contrary to information laid forth in CL-013. In doing so, CL-013 has the reasonable likelihood of disproving critical assumptions supporting the DCP application. The objection is more appropriately considered in determining the weight of the evidence. As a beneficiary of upstream water uses whose supply can be reasonably inferred as a target for future releases, Mr. Center is able to draw upon his experience as the owner/operator of Camp Lotus to recognize and discuss public decision-making with a direct effect on his	

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		enterprise and enjoyment of affected water bodies. Furthermore, strict rules governing the admissibility of evidence do not apply in administrative proceedings. This is so in part because the hearing officer is "presumably competent to … discount that evidence which has lesser probative value, [and] it makes little sense, as a practical matter, for a judge in that position to apply strict exclusionary evidentiary rules." (*Underwood v. Elkay Min., Inc.* (4th Cir. 1997) 105 F.3d 946, 949.)	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
17. Move to Strike CL-014.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Del Puerto Canyon Reservoir Project is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in	☒ Sustained ☐ Overruled Although the document appears to be a print or screenshot of a webpage, the source is not apparent on the face of the document nor did any witness identify the source. Absent such basic information, it is not the "sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs." (Gov. Code § 11513(c).)

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
18. Move to Strike CL-015.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.)	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. The Pacheco Reservoir Expansion Project is not relevant to the DCP Hearing. Additionally, on Aug. 26, 2025, the Valley Water Board of Directors voted to suspend the development of the proposed Pacheco Reservoir Expansion Project.	heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		through dams and diversions. Regardless of individual suspension, statewide trends and eagerness persist as demonstrated by the Pacheco Reservoir Expansion project's proposal and the objected-to exhibit has the tendency to prove the likelihood of greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
19. Move to Strike CL-016.	Lack of foundation. (See case law above.)	Evidence that lacks a putative foundation	☒ Sustained ☐ Overruled

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Shasta Dam and Reservoir Enlargement Project is not relevant to the DCP Hearing.	or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure	Although the document appears to be a print or screenshot of a webpage, the source is not apparent on the face of the document nor did any witness identify the source. Absent such basic information, it is not the "sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs." (Gov. Code § 11513(c).)

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
20. Move to Strike CL-017.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Sites Project is not relevant to the DCP Hearing.	relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
21. Move to Strike CL-018.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines	☒ Sustained ☐ Overruled Although the document appears to be a print or screenshot of a webpage, the source is not apparent on the face of the document nor did any witness identify the source. Absent such basic information, it is not the "sort of evidence on

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	Additionally, the B.F. Sisk Dam Raise and Reservoir Expansion Project is not relevant to the DCP Hearing.	relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds	which responsible persons are accustomed to rely in the conduct of serious affairs." (Gov. Code § 11513(c).)

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
22. Move to Strike CL-019.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Raising Pine Flat Dam is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a. This document is self-authenticating, and DWR has not challenged its authenticity.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		appropriately considered in determining the weight of the evidence.	
23. Move to Strike CL-020.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. The Los Vaqueros Reservoir Expansion Project is not relevant to the DCP Hearing. Additionally, on February 5, 2025, the Contra Costa Water District Board ratified the dissolution of the Los Vaqueros Reservoir JPA.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of l[a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action."	☒ Sustained ☐ Overruled Although the document appears to be a print or screenshot of a webpage, the source is not apparent on the face of the document nor did any witness identify the source. Absent such basic information, it is not the "sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs." (Gov. Code § 11513(c).)

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. Regardless of individual dissolution, the Los Vaqueros Reservoir Expansion project's mere proposal suggests statewide trends and a greater likelihood for similar projects. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
24. Move to Strike CL-021.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Auburn Dam and Sugar Pine Dam are not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a. This document is self-authenticating, and DWR has not challenged its authenticity.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		weight of the evidence.	
25. Move to Strike CL-022.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Temperance Flat Reservoir Project is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a. This document is self-authenticating, and DWR has not challenged its authenticity.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
26. Move to Strike CL-023 (and duplicate CL-023-1).	Lack of foundation. (See case law above.)	Evidence that lacks a putative foundation or allegedly goes beyond the scope of	☐ Sustained ☒ Overruled

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the El Dorado Water Reliability Project is not relevant to the DCP Hearing.	[a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base	See response to Objection Nos. 8 and 13a. Embedded hyperlinks provide adequate evidence of the source of the document.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
27. Move to Strike CL-023-1 (duplicate of CL-023).	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).)	☐ Sustained ☒ Overruled See above.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	provide opinions based on the material. Additionally, the El Dorado Water Reliability Project is not relevant to the DCP Hearing.	Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
28. Move to Strike CL-024.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Yuba County Water Agency's petition for the long-term transfer of	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a. This document is self-authenticating, and DWR has not challenged its authenticity.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	water is not relevant to the DCP Hearing.	evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
29. Move to Strike CL-025.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Yuba County Water Agency's petition for the long-term transfer of water is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a. This document is self-authenticating, and DWR has not challenged its authenticity.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		weight of the evidence.	
30. Move to Strike CL-026.	Lack of foundation. (See case law above.) Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, the Alder Creek Reservoir and Conservation Project is not relevant to the DCP Hearing.	Evidence that lacks a putative foundation or allegedly goes beyond the scope of [a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of	☐ Sustained ☒ Overruled See response to Objection Nos. 8 and 13a. This document is self-authenticating, and DWR has not challenged its authenticity.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	
31. Move to Strike CL-027.	Lack of foundation. (See case law above.)	Evidence that lacks a putative foundation or allegedly goes beyond the scope of	☐ Sustained ☒ Overruled

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	Irrelevant. (See case law above.) Cited in CL-002 but no foundation was laid, and this witness has not demonstrated that he is an expert that can rely on this material or provide opinions based on the material. Additionally, a press release from the Water Blueprint for the San Joaquin Valley in support of President Trump's Executive Order 14181 is not relevant to the DCP Hearing.	[a witness's] expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) Evidence Code section 210 defines relevance, stating that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." This testimony is relevant because it provides context of similar proposed, in planning, or in process water supply infrastructure projects that fundamentally base their utility to state	See response to Objection Nos. 8 and 13a.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		water objectives through dams and diversions. The objected-to exhibit has the tendency to prove greater negative impacts to upper watersheds than formally considered in the DCP as suggested through other parties' exhibits. Thus, the objection is more appropriately considered in determining the weight of the evidence.	

ATTACHMENT 2

EXHIBIT "A"

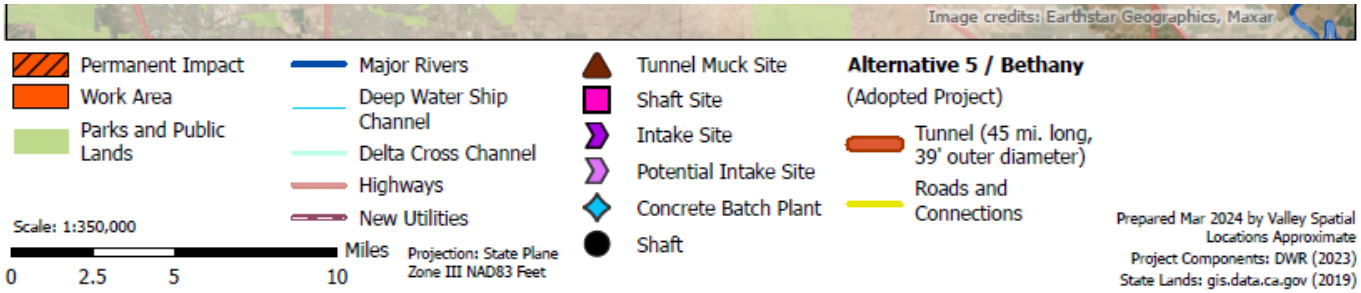
The Department of Water Resources and State Water Contractors' Objections to Contra Costa County's Case-In-Chief Testimony and Exhibits

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
1. Move to strike CCC Ex 1.	Lack of foundation. (Evid. Code, § 702; S*argon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 770 (*Sargon*) ["the matter relied on must provide a reasonable basis for the particular opinion offered, and... an expert opinion based on speculation or conjecture is inadmissible"].) Testimony lacks foundation when the underlying factual basis has not been submitted or is improper. *Pacific Gas & Electric Co. v. Zuckerman* (1987) 189 Cal.App.3d 1113, 1134 ["The value of opinion evidence rests not in the conclusion reached but in the factors considered and the reasoning employed..."]; *Hyatt v. Sierra Boat Co.* (1978) 79 Cal.App.3d 325 [It is well settled that an expert's assumption of fact must not be based on speculative or	**General Response**: This objection and many of the subsequent objections cite irrelevant rules and case law authorities, which have no basis in the statute governing admissibility for this proceeding. (Gov. Code, § 11513; Cal. Code Regs, tit. 23, § 648.5.1 [adjudicative proceedings of the SWRCB shall follow Gov. Code, § 11513.) All "relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) Under this rule, scientific and technical reports are not inadmissible	☐ Sustained ☒ Overruled This document is an appendix with the heading "Best Available Science" although it is missing a coversheet, and is an appendix to the Delta Plan adopted by the Delta Stewardship Council. DWR does not challenge its authenticity. Neither State Water Board regulations nor Chapter 4.5 of the Administrative Procedure Act (APA) strictly require a party to authenticate or lay a formal foundation for the admission of exhibits or testimony. In an administrative proceeding, not every exhibit requires sponsoring testimony to demonstrate authenticity and relevance. Sufficient information to meet the

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	conjectural data.]; *Jennings v. Palomar Pomerado Health Systems, Inc* (2003)114 Cal.App.4th 1108 "[W]hen an expert's opinion is purely conclusory because unaccompanied by a reasoned explanation connecting the factual predicates to the ultimate conclusion, that opinion has no evidentiary value..."]); An expert's opinion based on assumptions of fact without evidentiary support has no evidentiary value. This exhibit was brought up on cross-examination, but the witness was not familiar with the document.	hearsay. (Gov. Code, § 11513, subd. (c).) In addition, testimony by witnesses that lacks putative foundation or allegedly goes beyond the scope of their expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) To the extent that declarations made by parties outside of the proceeding are hearsay, or that reports, studies, and documents submitted as exhibits are hearsay, they are admissible regardless of the applicability of hearsay exceptions, to supplement or explain other evidence. (Gov. Code, § 11513, subd. (d).) In addition, many of the exhibits subject to objections are admissible under applicable hearsay exceptions as explained below. CCC-1 is an appendix to the Delta Plan adopted by the Delta Stewardship Council and thus can easily be substantiated as reliable.	standard for admission into the evidentiary record may be self-evident from the document, may be provided by a witness's testimony, or may be evident from other properly admitted evidence. Furthermore, exhibits introduced for the purpose of cross-examination are included in the evidentiary record for the limited purposes of impeachment or eliciting relevant testimony from the witness, and are not admitted in their entirety as substantive evidence.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		It can be admitted under the business record exception, which includes agency records. (Evid. Code, § 1270.)	
2. Move to strike CCC Ex 9.	Lack of Foundation. (See case law above.) No foundation was provided for the preparation of this document.	See General Response above. The map exhibit itself (CCC-9) provides the adequate foundation supporting the reliability of this figure (reproduced in full below[1]), for instance, explaining that the map was prepared by Valley Spatial Associates based on data Department of Water Resources 2023 and State	☐ Sustained ☒ Overruled This exhibit is a map titled "DWR Tunnel Impacts on the California Delta" and includes adequate foundation in the legend for the information depicted in the map. The objection goes to the weight of the evidence, and the hearing officer and the Board will

[1] CCC-9 Legend:



MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		Lands 2024 GIS data, providing scale information, and showing how each project component is depicted on the map. The objection fails to provide any basis for unreliability of this exhibit.	take the objection into account in considering the weight to be afforded the testimony. DWR had the opportunity to present evidence challenging the accuracy of the map.
3. Move to strike CCC Ex 10.	Lack of Foundation. (See case law above.) No questions were asked about this document, and no foundation was provided.	See General Response above. The exhibit itself provides adequate indicia of reliability and was prepared by DWR itself.	☐ Sustained ☒ Overruled This is a May 27, 2025 letter from the Department of Water Resources to the Division of Water Rights, State Water Resources Control Board, petitioning the Board for a temporary change to modify the State Water Project and Central Valley Project authorized places of use. DWR does not challenge the authenticity of the document. Although the relevance of the document is unclear on its face, parties

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
			have not yet submitted closing briefs that may clarify the relevance of evidence submitted. Insofar as the objection is as to relevance this will be considered in determining whether any weight is to be afforded the evidence based on the evidentiary record as a whole and after the submission of closing briefs, rather than as a matter of admissibility.

EXHIBIT A

The Department of Water Resources and State Water Contractors' Objections to County of Sacramento's Case-In-Chief Testimony and Exhibits

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
1. Move to Strike SAC-3.	Lack of foundation. (Evid. Code, § 702; S*argon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 770 (*Sargon*) ["the matter relied on must provide a reasonable basis for the particular opinion offered, and... an expert opinion based on speculation or conjecture is inadmissible"].) Testimony lacks foundation when the underlying factual basis has not been submitted or is improper. *Pacific Gas & Electric Co. v. Zuckerman* (1987) 189 Cal.App.3d 1113, 1134 ["The value of opinion evidence rests not in the conclusion reached but in the factors considered and the reasoning employed..."]; *Hyatt v. Sierra Boat Co.* (1978) 79 Cal.App.3d 325 [It is well settled that an expert's assumption of fact must not be based on	This objection and many of the subsequent objections cite irrelevant rules and case law authorities, which have no basis in the statute governing admissibility for this proceeding. (Gov. Code, § 11513, Cal. Code Regs, tit. 23, § 648.5.1 [adjudicative proceedings of the SWRCB shall follow Gov. Code, § 11513.) There is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of a cross examination exhibit. (*See* Gov. Code, § 11513.) Rather, Government Code § 11513 provides that "[a]ny relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law	☐ Sustained ☒ Overruled Neither State Water Board regulations nor Chapter 4.5 of the Administrative Procedure Act (APA) strictly require a party to authenticate or lay a formal foundation for the admission of exhibits or testimony. In an administrative proceeding, not every exhibit requires sponsoring testimony to demonstrate authenticity and relevance. Furthermore, exhibits introduced for the purpose of cross-examination are included in the

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	speculative or conjectural data.]; *Jennings v. Palomar Pomerado Health Systems, Inc* (2003)114 Cal.App.4th 1108 "[W]hen an expert's opinion is purely conclusory because unaccompanied by a reasoned explanation connecting the factual predicates to the ultimate conclusion, that opinion has no evidentiary value..."]); An expert's opinion based on assumptions of fact without evidentiary support has no evidentiary value. This exhibit was used on cross-examination, and a proper foundation was not provided.	or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) Moreover, the objection raises inapplicable arguments. SAC-3 is an aerial view of two ambient noise monitoring locations in Sacramento County used by DWR in the DCP EIR. It was introduced as a cross-examination exhibit and the attorney introducing the exhibit laid an extensive foundation for the exhibit, including describing how it was created, what data it was based on and correlating those data points to DWR's own documents, including AHO-1187. (04/09/25 Zoom Transcript at PDF pp. 163-168.). DWR's witness, Mr. Volk, when asked by the AHO, "based on your knowledge and the ... documents we've just looked at, are you able to have an	evidentiary record for the limited purposes of impeachment or eliciting relevant testimony from the witness, and are not admitted in their entirety as substantive evidence. Here, the testimony elicited on cross-examination respecting SAC-3 will be considered in context and in light of the witness's testimony about his understanding of the locations depicted in the figure.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		opinion about the accuracy of these locations?" responded "they seem reasonable to me. Yeah" and that he "accept that you represent them." And that the exhibit "comports with my recollection of where they're located." And that he "accepted [Ms. Shorrock's] representation as to the accuracy of the sites shown on the exhibit and agreed that her "representation sounds reasonable." (04/09/25 Zoom Transcript at PDF p. 166, 167, 168.) Mr. Volk then went on to answer questions based on the locations shown in SAC-003, including confirming that they were the locations "used to determine impacts" in the DCP EIR noise analysis. (04/09/25 Zoom Transcript at PDF p. 166, 167.) DWR has not stated nor otherwise shown that the witness being cross-examined lacked personal knowledge or that the exhibit was otherwise irrelevant. (Evid. Code §§ 702(a), 800.) The AHO should	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		overrule the objection and deny the motion to strike the referenced testimony.	
2. Move to strike SACO-031 in its entirety and convert this written testimony to a policy statement. Alternatively, move to strike the following for lack of foundation and improper expert testimony. 1. SACO-031, p. 3:27: "In considering whether the DCP is in the public interest, the SWRCB should take into account the availability of other investments that can strengthen water supply reliability, including storage, stormwater capture, desalination, and conservation. And before making any decision on the DCP water right petitions, you should first determine what is a sustainable yield for the export of water."	Lacks foundation/improper policy statement submitted as evidence like opening statements as described in the Notice, "[T]he party … may make an opening statement that briefly and concisely states the objectives of the case-in-chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues." (SWRCB Notice of Public Hearing, July 31, 2024, p. 23.) The "policy-oriented" purpose of the opening statement is not appropriate for inclusion in the evidentiary record. This testimony did not provide any data to support the assertions stated. Inadmissible opinion testimony by expert witness. (Evid. Code, §§ 720, 800-803; *Kennemur v.*	SACO-031 is the witness testimony of Mr. Don Nottoli. DWR's objections rely on the assumption that Mr. Nottoli was presented as an expert witness pursuant to Evidence Code § 801. Presentation of an expert witness requires submission of the expert witness's "expert qualification" containing detail of their credentials. (2024-12-09 DWR Pre-Hearing Conference Statement, p. 3.) No such statement of Mr. Nottoli's credentials was provided. Mr. Nottoli was properly presented as a lay witness based on his personal experiences and the informational value of such testimony to the AHO. (Evid. Code, § 800.) Mr. Nottoli's statements of his personal experiences are evident from his written testimony. (See SACO-31, p. 1:23-3:19 ["[I]t is	☒ Sustained, in part. ☒ Overruled, in part. Mr. Nottoli is not testifying as an expert. However, lay opinion testimony that is based on a witness' personal perceptions and experience may also have probative value, even if the witness does not qualify or has not been designated as an expert. The hearing officer and the Board are competent to appropriately discount testimony with lesser probative value and therefore will consider the objection in determining the weight to be afforded the testimony rather than

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
2. The corresponding oral testimony at 110:1-9; 9/5/2025 DWR Transcript. 3. SACO-031, p. 4:8-10: "Several years ago, those who would support earlier versions of isolated conveyance essentially said that the Delta could not be saved, thereby inferring that '...if the floods and sea level rise don't doom you, then the earthquakes surely will.'" 4. The corresponding oral testimony at 110:16-20; 9/5/2025 DWR Transcript. 5. SACO-031, p. 4:12-15 "Simply constructing a bypass for conveyance of water around the Delta will further diminish the long-term prospects for truly addressing the uncertainties associated with climate change and sea level rise,	*State of California* (1982) 133 Cal.App.3d 907, 923 ["[T]he law does not accord to the expert's opinion the same degree of credence or integrity as it does the data underlying the opinion."]; *Putensen v. Clay Adams, Inc.* (1970) 12 Cal.App.3d 1062, 1081 ["dearth of evidence indicating […] special knowledge, experience or education" disqualifies a witness as an expert].There is no basis in the written testimony to support that the witness has the necessary knowledge, skill, experience, training, or education to testify in the form of opinions to the matters addressed in the exhibits. This witness lacks the appropriate expertise to draw opinions and conclusions regarding the statements made in writing and orally read into the record.	from the perspective of someone who has served in a variety of decision-making roles…that I want to share some information and thoughts based on my experience…."].) Mr. Nottoli's experience with the matters in his testimony includes serving for 28 years as an elected member of the Sacramento County Board of Supervisors representing the district that included the Sacramento County portion of the Sacramento-San Joaquin Delta (Delta) from the town of Freeport to the Antioch Bridge and everything in between, including the Delta legacy communities of Hood and Courtland. His experience also includes serving for 28 years as a member of the Delta Protection Commission (Commission) and as a member of the Delta Stewardship Council for two terms (2010-2013 and 2020-2022), as well as the Delta Conservancy. As a County Supervisor, he also served on	as a matter of admissibility. Mr. Nottoli's testimony also includes quoted material for which no attribution is provided. Although hearsay evidence is admissible in administrative proceedings, absent some attribution or other explanation as to the source, such quoted testimony is not information of the type onwhich a reasonable person would rely in the conduct of serious affairs. Therefore, the quoted statement to which DWR objects at p. 4:9-10, and similar unattributed quoted statements in SACO-031 and associated oral testimony by Mr. Nottoli, will not be considered part of the evidentiary record.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
and will sacrifice the Delta for the benefit of others." 6. The corresponding oral testimony at 110:24-111:3; 9/5/2025 DWR Transcript. 7. SACO-031, p. 6:8-12 "As I have said many times, why must one region of this great state bear the burden of lasting and irreparable impacts from a project that benefits other regions at the expense of the Delta? What is fair or balanced about a project that will likely erode – and in some cases destroy – local communities, small businesses, and family farms, and quite possibly hinder and impede the ability of the Delta region and Northern California to thrive, grow, and prosper?" 8. The corresponding oral testimony at 114:19-115:2; 9/5/2025 DWR Transcript.		the boards of the Sacramento Regional County Sanitation District (now known as Sacramento Area Sewer District) and Sacramento County Water Agency. As a result of his experience, he is "very familiar with the history of Delta conveyance proposals and the concerns of Delta residents, farmers, businesses, and public agencies related to the numerous proposals to develop an isolated Delta conveyance project." (SACO-31, pp. 1:24-2:12.) Mr. Nottoli's witness testimony is relevant. Evidence Code section 210 provides that "relevant evidence means evidence…having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." Mr. Nottoli's knowledge based on his personal experiences provides a reasonable basis for his lay opinion concerning	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
9. SACO-031, p. 6:16-23 "In my estimation, based on my many decades of experience, the DCP will disrupt, deface, and harm the Delta. The notion that the DCP is justified by a benefit of more and “more reliable” water, despite its excessive yet understated financial cost, makes little sense. It largely ignores the construction and operational impacts that will turn parts of the Delta into an industrial wasteland, dotted with massive pumping facilities, a web of electrical lines, mountains of tunnel spoils, and “new” or improved roadways that will supposedly bear the traffic loads incumbent upon a project of this magnitude. These changes will irreparably change and degrade the unique character of the Delta."		the potential impacts associated with DWR’s petitions. To the extent necessary, the AHO can consider Mr. Nottoli’s qualifications and experience when evaluating the weight of his testimony. The AHO should overrule the objection and deny the motion to strike the referenced testimony. .	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
9. The corresponding oral testimony at 115:10-24; 9/5/2025 DWR Transcript.			
2. Move to strike SACO-004, paragraph 31.	Lack of Foundation. (See case law above.) Witness draws conclusions about the project impacts but did not read the FEIR. (See generally, 9/15/2025 DWR transcript, 231:10-232:24 and 225:10-229:13.)	There is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of exhibits or testimony. (See Gov. Code, § 11513.) Rather, "[a]ny relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) Thus, DWR's cited case law is irrelevant. SACO-4 is the written testimony of Dr. Nancy Morgan. There is adequate information to support the admission of this paragraph because Dr. Morgan's	☐ Sustained ☒ Overruled An expert may formulate opinions as to the impact of a project based on information found outside of the FEIR, as long as it is the type of information upon which experts in the field would reasonably rely. DWR's objection will be considered as to the weight rather than the admissibility of the testimony. The hearing officer and the Board Members are competent to weigh the expert opinion offered in the context of the record as a whole, including any cross-examination and

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		extensive professional background and experience provide her with the special knowledge, skill, and experience to form the basis of her opinions. (Evid. Code, § 801.) Nothing in the transcript excerpts cited by DWR confirms, as DWR alleges, that Dr. Morgan "did not read" portions of the FEIR relevant to her testimony. To the contrary, these excerpts confirm Dr. Morgan's review of FEIR sections and related documents relevant to her analysis. Dr. Morgan, in fact, stated, "I did [review the EIR]," and provided for DWR counsel a summary of those sections she reviewed. (9/15/2025 DWR transcript, p. 225:10-17.) Regardless, paragraph 31 of Dr. Morgan's testimony does not rely on the conclusions or analysis reached in the FEIR. DWR assumes the only way that Dr. Morgan could establish her knowledge of the project is through reading the entirety of	rebuttal evidence submitted by DWR, and assign appropriate weight to be afforded the testimony based on its probative value.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		the FEIR, which is not the requirement under law. The Evidence Code allows expert testimony in the form of an opinion to be based on matters (including the expert's special knowledge, skill, experience, training, and education) perceived by or personally known to the witness or made known to her at or before the hearing that reasonably may be relied upon by an expert in forming an opinion or inferences upon the subject to which her testimony relates. (Evid. Code, § 801 subd. (b).) Dr. Morgan's testimony states the facts supporting her conclusion and provides a reasoned explanation connecting such facts to her ultimate conclusion. Specifically, Dr. Morgan's conclusions in paragraph 31 are based on the introduction of large-scale industrial infrastructure into a National Heritage Area, the "close proximity" of proposed project features to Locke, a National	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		Historic Landmark, and the "construction timeline of 14 to 15 years," among other enumerated bases (SACO-4, p. 10:13-24.) and are reasonably informed by her role in the NHA management planning process, where the public raised concerns about the DCP. (SACO-31, p. 9:7-18.). DWR's objection does not dispute these facts. Dr. Morgan's extensive professional experience provides adequate basis for her expert opinion based on the facts and, more broadly, the subject matter. To the extent necessary, the AHO can consider Dr. Morgan's qualifications and expertise when evaluating the weight of her testimony. The AHO should overrule the objection and deny the motion to strike the referenced testimony.	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
3. Move to strike referenced section of SACO-004, paragraph 32.	Lack of Foundation. (See case law above.) SACO-004, Paragraph 32, p. 11:2-9: "The permanent conversion of productive farmland in Sacramento, Yolo, and San Joaquin counties, along with the adverse effects of long term construction activities, would erode the working agricultural landscapes that are foundational to the Delta's identity and critical to its economy. The loss of productive farmland would undermine efforts to preserve working landscapes and integrate agritourism with heritage interpretation. Strategies intended to celebrate the Delta's agricultural legacy – such as farm-to fork partnerships, interpretive installations, and tours – would be significantly hindered by the physical and operational impacts of construction and the presence of permanent facilities." 9/15/2025, DWR Transcript:	There is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of exhibits or testimony. (See Gov. Code, § 11513.) Rather, "[a]ny relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) Thus, DWR's cited case law is irrelevant. There is adequate information to support the admission of this paragraph in SACO-4 because Dr. Morgan's extensive professional background and experience provide her with the special knowledge, skill, and experience to form the basis of her opinions. (Evid. Code, § 801.) Nothing in the transcript	☐ Sustained ☒ Overruled See above.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	238:17-239:20 (Witness states that DCP poses agricultural risks but admits witness doesn't know specifics about agriculture in the Delta.) Witness draws conclusions about the project impacts but did not read the FEIR. In particular, witness makes statements about loss of productive farmland but is unable to provide requisite detail. (See generally 9/15/2025 DWR transcript, 231:10-232 and 225:10-229:13.)	excerpts cited by DWR confirms, as DWR alleges, that Dr. Morgan "doesn't know specifics about agriculture in the Delta." That is a misstatement of the witness's testimony. In the excerpted transcripts cited in DWR's objection, DWR counsel asks Dr. Morgan to recite specific numerical data regarding acres of farmland in production, crops grown in the Delta, and acres permanently impacted by the DCP. (9/15/2025 DWR transcript, p. 238:17-239:20.) Dr. Morgan states that she "was "not looking for specific numbers like that" in reviewing SACO-5, the document used on cross-examination. (9/15/2025 DWR transcript, p. 238:20, 239:2-4.) However, the information presented on cross-examination refreshed her recollection of such information. (9/15/2025 DWR transcript, p. 239:2-17.) At no time does the witness concede that she was unaware of or had not reviewed such	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		information regarding agriculture, as stated in DWR's objection. DWR alleges that Dr. Morgan "did not read the FEIR." Dr. Morgan expressly confirmed to DWR counsel that she "did [review the EIR]," and provided for DWR counsel a summary of those sections she reviewed. (9/15/2025 DWR transcript, p. 225:10-17.) DWR alleges that Dr. Morgan makes statements about loss of productive farmland but is "unable to provide requisite detail." DWR offers no citation to authority to support the argument that an expert witness's statement requires some level of "requisite detail." To the contrary, and as stated, "[a]ny relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) Moreover, the Evidence Code provides that experts may rely on materials that are reasonably relied upon by experts in their particular field when forming opinions or inferences upon the subject. (Evid. Code, § 801, subd. b). Dr. Morgan's testimony states the facts supporting her conclusion and provides a reasoned explanation connecting such facts to her ultimate conclusion. Specifically, Dr. Morgan's conclusions in paragraph 32 are based, generally, on "[t]he permanent conversion of productive farmland in" the Delta counties and "long-term construction activities…." (SACO-4, p.11:1-9.) DWR's objection does not dispute these facts. Nothing in the transcripts supports the allegation that Dr. Morgan does not know sufficient detail about productive farmland to	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		reach the conclusions in paragraph 32. Dr. Morgan's extensive professional experience provides adequate basis for her expert opinion based on the facts and, more broadly, the subject matter. Moreover, in the transcript excerpts cited by DWR in support of its objection, Dr. Morgan makes clear that DWR has missed the "whole point of [her] testimony," which is not reliance on the FEIR's assumption that the project takes place "in a normal rural residential region," but rather that "[the Delta is] a nationally-significant cultural landscape designated as part of the National Heritage Area…." (9/15/2025 DWR transcript, p. 231:16-25.) Reliance on the FEIR has no bearing on the appropriate foundation for Dr. Morgan's expert testimony. To the extent necessary, the AHO can consider Dr. Morgan's qualifications and	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		expertise when evaluating the weight of her testimony. The AHO should overrule the objection and deny the motion to strike the referenced testimony.	
4. Move to strike referenced section of SACO-004, paragraph 33.	Lack of Foundation. (See case law above.) Paragraph 33, p. 11:10-14: "Delta Legacy Communities such as Hood, Locke, and Walnut Grove - where cultural significance is rooted [not only] in historic buildings but in intact rural settings, community life, and scenic character – would be strongly affected by the dual impact of permanent infrastructure and prolonged construction, including noise, vibration, truck traffic, artificial lighting, and air quality degradation.[”] The witness makes assertions about noise, vibration, truck, traffic, light and air impacts but	There is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of exhibits or testimony. (See Gov. Code, § 11513.) Rather, “[a]ny relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.” (Gov. Code, § 11513, subd. (c).) Thus, DWR’s cited case law is irrelevant. There is adequate information to support the admission of this paragraph in SACO-4	☐ Sustained ☒ Overruled See above.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	admits that witness did not do any analysis of those topics. (See generally 9/15/2025 DWR transcript: 228:14 - 229:1.)	because Dr. Morgan's extensive professional background and experience provide her with the special knowledge, skill, and experience to form the basis of her opinions. (Evid. Code, § 801.) The Evidence Code provides that experts may rely on materials that are reasonably relied upon by experts in their particular field when forming opinions or inferences upon the subject. (Evid. Code, § 801, subd. b). The witness made clear that noise, traffic, and light analyses "were brought up in public meetings and interviews during the [National Heritage Area management] planning process" that she oversaw, including concerns from the public regarding impacts from the Delta Conveyance Project. (9/15/2025 DWR transcript, p. 228:14 - 229:9.) Dr. Morgan states the facts supporting her conclusion and provides a reasoned explanation connecting such facts to her	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		ultimate conclusion. Specifically, Dr. Morgan states that "permanent infrastructure and prolonged construction" would impact Delta Legacy Communities through "noise, vibration, truck traffic, artificial lighting, and air quality degradation." (SACO-4, p. 11:12-14.) These are unequivocally areas of potential impact resulting from the project, as listed in the EIR; no independent analysis was required to be performed by Dr. Morgan to understand or acknowledge such impacts. Dr. Morgan's extensive professional experience provides adequate basis for her expert opinion based on the facts and, more broadly, the subject matter. To the extent necessary, the AHO can consider Dr. Morgan's qualifications and expertise when evaluating the weight of her testimony. The AHO should overrule the objection and deny the motion	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		to strike the referenced testimony.	
5. Move to strike referenced section of SACO-004, paragraph 35.	SACO-004, paragraph 35, p. 12:13-15: "Changes in water quality and movement, restricted access, disruption around marinas and boat launches during construction, and changes to the aesthetic character, including views from the river, would negatively affect both recreational use and associated small businesses." Witness makes water quality statements but admits witness didn't do a water quality analysis. (See generally 9/15/2025 DWR transcript: 229:10 - 229:13.)	There is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of exhibits or testimony. (See Gov. Code, § 11513.) Rather, “[a]ny relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.” (Gov. Code, § 11513, subd. (c).) Thus, DWR’s cited case law is irrelevant. There is adequate information to support the admission of this paragraph in SACO-4 because Dr. Morgan’s extensive professional background and experience provide her with the special knowledge, skill, and	☐ Sustained ☒ Overruled See above.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		experience to form the basis of her opinions. (Evid. Code, § 801.) The Evidence Code provides that experts may rely on materials that are reasonably relied upon by experts in their particular field when forming opinions or inferences upon the subject. (Evid. Code, § 801, subd. b). SACO-4 is an observation based on Dr. Morgan's experience regarding potential impacts to recreation as a result of project impacts. (SACO-4, p. 12:4-15.) No independent analysis was required to be performed by Dr. Morgan to understand or acknowledge such impacts. Dr. Morgan's extensive professional experience provides adequate basis for her expert opinion based on the facts and, more broadly, the subject matter. To the extent necessary, the AHO can consider Dr. Morgan's qualifications and	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		expertise when evaluating the weight of her testimony. The AHO should overrule the objection and deny the motion to strike the referenced testimony.	
6. Move to strike SACO-015 in its entirety as a policy statement submitted as evidence. In the alternative, move to strike the following statements that lack foundation. 1. SACO-015, p. 2:25-27: "The Project will inalterably change the material and natural environment within the Delta, particularly between Courtland and Hood, and fundamentally compromise unique cultural and historical resources." 2. SACO-015, p. 8:14-20 "Customers and residences will not be able to continue	Lacks foundation/improper policy statement submitted as evidence like opening statements as described in the Notice, "[T]he party … may make an opening statement that briefly and concisely states the objectives of the case-in-chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues." (SWRCB Notice of Public Hearing, July 31, 2024, p. 23.) The "policy-oriented" purpose of the opening statement is not appropriate for inclusion in the evidentiary record.	Evidence Code section 210 provides that "relevant evidence means evidence … having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." Mr. Robert Benedetti's testimony regarding the unique historical character of the Delta, including the cultural and historical resources within the Delta that may be impacted by the project, is relevant to the public interest. (Wat. Code, § 1255 [public interest requirement for water rights]; *EDF v. E. Bay Mun. Util. Dist*. (1980) 26 Cal.3d 183, 198 [SWRCB has authority to consider the public interest in the administration of	☐ Sustained ☒ Overruled Mr. Benedetti's professional experience is adequate basis for admission of his opinion testimony. DWR's objection will be considered as to the weight rather than the admissibility of the testimony. The hearing officer and the Board Members are competent to weigh the expert opinion offered in the context of the record as a whole, including any cross-examination and rebuttal evidence submitted by DWR, and

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
routines; community events, such as the annual Courtland Pear Fair, that contribute to community cohesion and identify and also attract substantial number of visitors, likely will be disrupted." 3. SACO-015, p.11:6-9 "In my opinion, the permanent alternation of the site, including the likely further deterioration of the property during the lengthy Project construction, would thus slow, if not make impossible, attempts to restore sites like the Rosebud National Register property by outside investors."	Alternatively, the statements outlined lack foundation. (See case law above.)	issued permits].) Mr. Benedetti's testimony goes beyond mere policy, as he is an expert in historic and cultural resources of the Delta, including both the natural and built environments of the Delta. (SACO-15, pp. 1:23-2:27.) The Evidence Code allows expert testimony in the form of an opinion to be based on matters (including the expert's special knowledge, skill, experience, training, and education) perceived by or personally known to the witness or made known to him at or before the hearing that reasonably may be relied upon by an expert in forming an opinion upon the subject to which his testimony relates. (Evid. Code, § 801 subd. (b).) Regarding foundation, there is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of exhibits or testimony. (See Gov. Code, § 11513.) Rather, "[a]ny relevant	assign appropriate weight based on its probative value.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) DWR's cited case law is irrelevant. To the extent necessary, the AHO can consider Mr. Benedetti's qualifications and expertise when evaluating the weight of his testimony. The AHO should overrule the objection and deny the motion to strike the referenced testimony.	
7. Move to strike witness statement on 9/11/2025 Zoom transcript, PDF p. 73-74: Amber Veselka: I… I have opinions that it definitely would make impacts to species. After	Inadmissible opinion testimony by expert witness. (See evidence code and case law above.) Witness does not have the appropriate training and	DWR's objection assumes that Ms. Veselka was presented as an expert witness pursuant to Evidence Code § 801. Presentation of an expert witness requires submission of the expert witness's "expert	☐ Sustained ☒ Overruled Lay testimony in the form of an opinion is admissible where rationally based on the

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
working in the preserve and the partnership over the last 20 years, there are many individuals that I work with that have talked about different impacts to wildlife, but I don't have any formal training myself."	education to make draw [sic] this conclusion.	qualification" containing details of their credentials. (2024-12-09 DWR Pre-Hearing Conference Statement, p. 3.) No such statement of Ms. Veselka's credentials was provided. Ms. Veselka was properly presented as a lay witness based on her personal experiences and the informational value of such testimony to the AHO. (Evid. Code, § 800.) Ms. Veselka's statements of her personal experiences are evident from her written testimony. (Evid. Code, § 801; SACO-19, pp. 1:22-2:24 ["Based on my over 20 years of experience working in recreation in the Delta…."].) The AHO should overrule the objection and deny the motion to strike the referenced testimony.	perception of the witness. The objection goes to the weight rather than the admissibility of the testimony. The hearing officer and the Board Members are competent to weigh the expert opinion offered in the context of the record as a whole, including any cross-examination and rebuttal evidence submitted by DWR, and assign appropriate weight based on its probative value.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
8. Move to [strike] SACO-019, p. 5, paragraph 16.	Lack of Foundation. (See case law above.) Witness did not provide data to support the statements. Additionally, this testimony [is] hearsay to the extent[ ] witness did not collect the data herself. (See generally 9/11/2025 Zoom transcript, PDF p. 89.)	There is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of exhibits or testimony. (See Gov. Code, § 11513.) Rather, "[a]ny relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) Thus, DWR's cited case law is irrelevant. Moreover, the objection's premise that Ms. Veselka may not rely on data provided by the Bureau of Land Management (BLM) because she did not collect the data herself is nonsensical and has no basis in law. (Gov. Code, § 11513; Cal. Code Regs., tit. 23, § 648.5.1.) Ms. Veselka	☐ Sustained, in part. ☒ Overruled, in part. Ms. Veselka's testimony based on data provided by BLM may be relied upon to supplement or explain other evidence in support of a finding. The hearing officer and the Board will consider the objection in determining the weight to be afforded the testimony, if the underlying data is not included in the final evidentiary record.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		confirmed that she reviewed the survey conducted by BLM (9/11/2025 DWR transcript, p. 89:7-16), and appropriately formed her opinions based on her own perception of the data. (Evid. Code, § 800.) Regardless, hearsay is admissible in State Water Board hearings. (Gov. Code, § 11513.) Ms. Veselka's testimony appropriately contains references to the survey data to supplement and explain impacts to wildlife. The AHO should overrule the objection and deny the motion to strike.	
9. SACO-022, paragraph 9, p. 3:13-18: "Despite the protections summarized in the proceeding paragraph and the productivity of the Delta's fertile soils, farming in the region faces challenges that would be	Lack of Foundation. (See case law above.) Improper reliance on another expert Evid. Code 801(b). Inadmissible opinion testimony. (See case law above.)	There is no statutory or regulatory authority requiring a party to lay a formal foundation for the admission of exhibits or testimony. (See Gov. Code, § 11513.) Rather, "[a]ny relevant evidence shall be admitted if it is the sort of	☐ Sustained ☒ Overruled As a lay witness, the witness may provide opinion testimony that is rationally based on the perception of the witness. Therefore, the

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
exacerbated by the Project. One concern is salinity intrusion from San Francisco Bay, which renders water unsuitable for crop irrigation; a condition exacerbated during periods of drought. The Project's diversion of substantial quantities of Sacramento River surface water would increase salinity in the Delta, potentially degrading water quality for existing irrigation diversions."		evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) DWR's cited case law is irrelevant. DWR's objection assumes that Ms. Flores was presented as an expert witness pursuant to Evidence Code § 801. Presentation of an expert witness requires submission of the expert witness's "expert qualification" containing detail of their credentials. (2024-12-09 DWR Pre-Hearing Conference Statement, p. 3.) No such statement of Ms. Flores's credentials was provided. Ms. Flores was properly presented as a lay witness based on her personal experiences and the informational value of such testimony to the AHO. (Evid.	testimony in ¶ 9, p. 3:17-18 will be construed as referencing the cited testimony rather than as an independent opinion. The remainder of the testimony appears to be based on the witness's own perceptions, and will be considered in light of the evidence in the record as a whole.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		Code, § 800.) Ms. Flores' statements of her personal experiences are evident from her written testimony. (Evid. Code, § 801; SACO-22, p. 1:23-28.) Moreover, the objection's premise that Ms. Flores may not rely on DPWA-002, -004, and -039 is unsupported and has no basis in law. (Gov. Code, § 11513; Cal. Code Regs., tit. 23, § 648.5.1.) Ms. Flores presented her opinions based on her own personal knowledge and experience, and provided supplemental references to other testimony containing similar information regarding impacts to water quality. (Evid. Code, § 800.) The AHO should overrule the objection.	

ATTACHMENT 4

EXHIBIT "K"

The Department of Water Resources and State Water Contractors' Objections to Wurster Ranches' Case-In-Chief Testimony and Exhibits

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
1. Move to strike WURSTER-1R2, p. 2:22-24: "Granting this Petition would have severe negative impacts on water diversions, irrigation and drainage systems, surface water and groundwater levels, along with many other harmful impacts to the Ranch and to the Delta region. (See CCC-9 [Tunnel Impacts Map].)"	Lack of foundation. (Evid. Code, § 702; S*argon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 770 (*Sargon*) ["the matter relied on must provide a reasonable basis for the particular opinion offered, and... an expert opinion based on speculation or conjecture is inadmissible"].) Testimony lacks foundation when the underlying factual basis has not been submitted or is improper. *Pacific Gas & Electric Co. v. Zuckerman* (1987) 189 Cal.App.3d 1113, 1134 ["The value of opinion evidence rests not in the conclusion reached but in the factors considered and the reasoning employed..."]; *Hyatt v. Sierra Boat Co.* (1978) 79 Cal.App.3d 325 [It is well settled that an expert's assumption of fact	**General Response**: This objection and many of the subsequent objections cite irrelevant rules and case law authorities, which have no basis in the statute governing admissibility for this proceeding. (Gov. Code, § 11513; Cal. Code Regs, tit. 23, § 648.5.1 [adjudicative proceedings of the SWRCB shall follow Gov. Code, § 11513].) All "relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Gov. Code, § 11513, subd. (c).) Under this rule, scientific and technical	☐ Sustained ☒ Overruled Mr. Heuvel has provided an adequate foundation to support this statement, based on his qualifications and experience as the vice president of the company leasing the ranch. (WURSTER-1R2, p. 2:2-21.) His testimony at pages 2:25-5:23 forms the reasonable basis for the general statement offered at p. 2:22-24. The objection goes to the weight of the evidence, and the hearing officer will take the objection into account in considering the weight to be afforded the evidence. DWR had the opportunity to cross-examine Mr. Heuvel and to present rebuttal testimony in response.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	must not be based on speculative or conjectural data.]; *Jennings v. Palomar Pomerado Health Systems, Inc* (2003)114 Cal.App.4th 1108 "[W]hen an expert's opinion is purely conclusory because unaccompanied by a reasoned explanation connecting the factual predicates to the ultimate conclusion, that opinion has no evidentiary value..."]); An expert's opinion based on assumptions of fact without evidentiary support has no evidentiary value. The witness provided no basis or data to support this statement.	reports are not inadmissible hearsay. (Gov. Code, § 11513, subd. (c).) In addition, testimony by witnesses that lacks putative foundation or allegedly goes beyond the scope of their expertise is properly heard where relevant. (Gov. Code, § 11513, subd. (c).) To the extent that declarations made by parties outside of the proceeding are hearsay, or that reports, studies, and documents submitted as exhibits are hearsay, they are admissible regardless of the applicability of hearsay exceptions, to supplement or explain other evidence. (Gov. Code, § 11513, subd. (d).) In addition, many of the exhibits subject to objections are admissible under applicable hearsay exceptions as explained below. Specific Response:	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		Mr. Heuvel establishes basis for his testimony in Wurster-1R2, as an experienced famer in the Delta. (Wurster-1R2, ¶¶ 1-3.) Impacts on water supply are within his knowledge and experience, including the referenced "water diversions, irrigation and drainage systems, surface water and groundwater levels, along with many other harmful impacts to the Ranch and to the Delta region," and are relevant to the public interest and the issue of harm to other legal users. (Wat. Code, § 1255 [public interest requirement for water rights]; *EDF v. E. Bay Mun. Util. Dist*. (1980) 26 Cal.3d 183, 198 [SWRCB also has authority to consider the public interest in the administration of issued permits]; Wat. Code, § 1702 [changes to point of	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		use may not injure other legal users].)	
2. Move to strike WURSTER-1R2 at p. 3:20-22: "Moreover, replacing Sacramento River water sources with well water or water from other sloughs, would likely be of lesser quality and would not be equivalent to the Ranch's current water source."	Lack of Foundation. (See case law above.) The witness provided no basis or data to support this statement.	See General Response above. Mr. Heuvel establishes a basis for his testimony in WURSTER-1R2, as a famer in the Delta and as the operator of Wurster Ranches, which would be directly impacted by the Delta Tunnel. (Wurster-1R2, ¶¶ 1-3.) Impacts on water supply and water facilities are relevant to the public interest and the issue of harm to other legal users. (Wat. Code, § 1255 [public interest requirement for water rights]; *EDF v. E. Bay Mun. Util. Dist*. (1980) 26 Cal.3d 183, 198 [SWRCB also has authority to consider the public interest in the administration of issued permits]; Wat. Code, § 1702 [changes to point of	☐ Sustained ☒ Overruled See above.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
		use may not injure other legal users].)	
3. Move to strike WURSTER-1R2 at p. 3:22-24: "DWR has suggested replacing our water diversions that would be destroyed with water from Snodgrass Slough, which is full of weeds and is of poorer quality than the high quality water our diversions currently provide from the Sacramento River"	Lack of Foundation. (See case law above.) The witness provided no basis or data to support this statement. (See generally 10/6/2025 Zoom Transcript p. 171.)	See General Response above and foundation in Wurster-1R3. (Wurster-1R2, ¶¶ 1-3.) Impacts on water supply and water facilities are relevant to the public interest and the issue of harm to other legal users. (Wat. Code, § 1255 [public interest requirement for water rights]; *EDF v. E. Bay Mun. Util. Dist*. (1980) 26 Cal.3d 183, 198 [SWRCB also has authority to consider the public interest in the administration of issued permits]; Wat. Code, § 1702 [changes to point of use may not injure other legal users].)	☐ Sustained ☒ Overruled See above.
3. Move to strike WURSTER-1R2 at p. 4:10-13: "However, based on my	Lack of Foundation. (See case law above.)	See General Response above and foundation in Wurster-1R3. (Wurster-1R2, ¶¶ 1-3.) Impacts on water	☐ Sustained ☒ Overruled See above.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
experience with agricultural irrigation and drainage, I would expect that the extensive dewatering activities and the use of cutoff walls would negatively impact our ability to properly irrigate and drain our fields."	The witness provided no basis or data to support this statement.	supply and water facilities are relevant to the public interest and the issue of harm to other legal users. (Wat. Code, § 1255 [public interest requirement for water rights]; *EDF v. E. Bay Mun. Util. Dist*. (1980) 26 Cal.3d 183, 198 [SWRCB also has authority to consider the public interest in the administration of issued permits]; Wat. Code, § 1702 [changes to point of use may not injure other legal users].)	
4. Move to strike WURSTER-1R2 at p. 4:15-17: "The locations of the intakes would allow for increased salinity to move up the sloughs and the Sacramento River, reducing water quality and crop values, and impairing salinity	Lack of Foundation. (See case law above.) The witness provided no basis or data to support this statement. (See 10/6/2025 Zoom Transcript p. 191.)	See General Response above and foundation in Wurster-1R3. (Wurster-1R2, ¶¶ 1-3.) Impacts on water supply and water facilities are relevant to the public interest and the issue of harm to other legal users. (Wat. Code, § 1255 [public interest requirement for water rights]; *EDF v. E. Bay Mun. Util. Dist*. (1980) 26	☐ Sustained ☒ Overruled See above.

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
control in the North Delta."		Cal.3d 183, 198 [SWRCB also has authority to consider the public interest in the administration of issued permits]; Wat. Code, § 1702 [changes to point of use may not injure other legal users].)	
5. Move to strike portion of in-person direct testimony of Dirk Heuvel. Oral statements made regarding a "trellis system." (See 10/6/25 Zoom Transcript p. 158:1986-1992 and 185:2348-187:2368.)	Scope: Witnesses may not give oral direct testimony that goes beyond the scope of the witness's written proposed testimony. (State Water Resources Control Board [SWRCB] Notice of Public Hearing, July 31, 2024, p. 18; Cal. Code Regs., tit. 23, sec. 648.4 ["It is the policy of the State and Regional Boards to discourage the introduction of surprise testimony and exhibits"]; see also *Malaga County Water Dist. v. Central Valley Reg. Wat. Qual. Control Bd.* (2020) 58 Cal.App.5th 418, 428-429).	See General Response above. The objection should be overruled because DWR's counsel asked cross examination questions that elicited a response that mentioned the trellis system. Question: "Mr. Heuvel, if that outreach were to occur, like do you believe that we could engineer a solution for you to continue to divert off the Sacramento River?" (10/6/2025 DWR Transcript, p. 198:12-15.) Question: "Your permanent trellising system, that spans from the south side of the slough to the north side of	☐ Sustained ☒ Overruled, in part. The witness discussed in his written testimony how his ranch would be impacted if part of it was taken to site an intake. Although Mr. Heuvel did not explicitly reference a trellis system in his written testimony, he raises impacts to his irrigation system as depicted on the map submitted as Exh. WURSTER-2. Given the potential probative value and significance of the

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION
	These statements were not provided in witness's written testimony. (See 10/6/2025 Zoom Transcript p. 186:2366-187:2370.)	the slough?" (10/6/2025 DWR Transcript, p. 200:6-8.) There is no basis to exclude testimony that was elicited in cross examination. Moreover, to the extent the trellis system was mentioned in direct testimony (10/6/2025 DWR Transcript, p. 173), that testimony explains or elaborates secondary effects of impacts to water infrastructure and drainage that were included in the written testimony. (See WURSTER-1R2, ¶¶ 6-7 [impacts on drainage and irrigation].) The impacts to the associated trellis system occur because the trellis system is constructed above and after drainage and irrigation systems are constructed and thus cannot be re-routed. (See 10/6/2025 DWR Transcript, p. 174:5-13.)	testimony in describing the impact to the property from the siting of the intake, I will not exclude the testimony. But because the references to the trellis system may have been surprise testimony, DWR may request that Mr. Heuvel be made available to answer additional questions about the trellis system and may request the opportunity to submit additional testimony or exhibits in response.

ATTACHMENT 4

EXHIBIT "K"

The Department of Water Resources and State Water Contractors' Objections to Wurster Ranches' Case-In-Chief Testimony and Exhibits

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION	RULING ON OBJECTION

ATTACHMENT 5
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