
State Water Resources Control Board

June 11, 2021

Re: Kings River FAS Hearing – Procedural Ruling in Hearing Phase 1A

TO ALL PARTIES:

On December 2, 2020, the Administrative Hearings Office (AHO) of the State Water Resources Control Board (State Water Board or Board) issued a Notice of Public Hearing and Pre-Hearing Conference (Notice of Public Hearing) on two pending petitions to revoke or revise the Declaration of Fully Appropriated Stream Systems (FAS Declaration) with respect to the Kings River System and related issues raised in a complaint (Semitropic Complaint) filed by Semitropic Improvement District of Semitropic Water Storage District (Semitropic) against Kings River Water Association (KRWA) and its member units.

Phase 1A of this hearing began on June 2, 2021, and addresses the threshold question of whether there is evidence tending to show that Licenses 11517 and 11521 should be revoked or a violation of a requirement described in Water Code section 1831, subdivision (d), is occurring or threatening to occur.

1. Objections to Portions of Dr. Ali Taghavi's Testimony and Related Exhibits

Tulare Lake Basin Water Storage District (TLBWSD), Alta, Consolidated, and Fresno Irrigation Districts (Upper River Districts), and KRWA objected in writing and orally during the hearing on June 2 to admission into the evidentiary record for Phase 1A of the written testimony of Dr. Ali Taghavi (Semitropic-055) and related exhibits. TLBWSD, the Upper River Districts, and KRWA objected to paragraphs 2, 3, 8, and 15 through 25 of Semitropic-055, Semitropic-062 through -069, and pages 10 through 19 of Semitropic-077. The parties' objections to these exhibits were based in part on Dr. Taghavi's reliance in portions of his testimony and in the exhibits, on a model that Semitropic did not offer into evidence.

Dr. Taghavi's testimony and some of Semitropic's exhibits rely in part on an integrated water resources model for the Kings River Basin, KingsIGSM, to estimate seepage, evaporation, and transpiration loss rates from the Kings River system. The opposing parties objected that because the model was not offered into evidence, Semitropic did not submit sufficient information in support of Dr. Taghavi's testimony and the related exhibits to satisfy the requirements identified in the hearing notices for admission of complex technical analyses, models, or technical studies. The December 2, 2020 Notice of Public Hearing and the March 19, 2021 Amended Notice of Public Hearing

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

require parties submitting exhibits based on complex technical analyses to “submit sufficient information so that a qualified independent expert could reproduce the results,” and require parties submitting exhibits based on models or technical studies to “submit sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the models or studies so that a qualified independent expert could reproduce the model or technical study and use it to obtain the same results.” (December 2, 2020 Notice of Public Hearing, p. 18; March 19, 2021 Amended Notice of Public Hearing, p. 11.) Semitropic did not offer the KingsIGSM model or any description of the model assumptions, limitations, inputs, outputs, or other information about the model or specific model runs, into evidence for this proceeding.

During the hearing on June 2, I overruled the parties’ objections and admitted Dr. Taghavi’s testimony and the related exhibits into the evidentiary record. I did this for several reasons. First, none of the parties objected to Dr. Taghavi’s reliance on the KingsIGSM model in advance of the hearing even though I allowed the parties to file written motions in limine with respect to evidence submitted by the parties on May 3. Second, all of the parties had an opportunity to cross-examine Dr. Taghavi about his testimony, including his reliance on the model, and to ask specific questions about the assumptions underlying the model, the model’s development, the model’s reliability, and other relevant facts. Dr. Taghavi also testified that to his knowledge, the model was in the possession of Kings River Conservation District (KRCD), a local public agency that works with KRWA to manage water resources on the Kings River system, and that the model would “potentially be available” by request through KRCD. (June 2, 2021, Afternoon, Phase 1A Hearing video, 2:32.) Finally, the parties have an opportunity through the hearing process to present rebuttal evidence about the model and its reliability.

On June 3, Nick Jacobs, attorney for the Upper River Districts, asked KRWA’s witness David Merritt, who is the Interim General Manager of KRCD, questions about the KingsIGSM model on cross-examination. Mr. Merritt testified that he believed the model was not “completed,” that there were “issues” with the model and its calibration, and that KRCD is not currently using the model. (June 3, 2021, Afternoon, Phase 1A Hearing video, 2:16-2:18.) After Mr. Merritt’s testimony, Mr. Jacobs renewed the Upper River District’s objection to the admission of Dr. Taghavi’s testimony and related exhibits that rely on the KingsIGSM model and moved to strike these exhibits from the evidentiary record for Phase 1A. KRWA joined the Upper River District’s objection and motion to strike.

Phase 1A is a preliminary proceeding and this hearing is not required to be conducted in accordance with State Water Board regulations applicable to adjudicative proceedings. (Cal. Code Regs, tit. 23, § 648, subd. (a).) However, the rules governing the admission of evidence in adjudicative proceedings before the Board provide helpful guidance that may be applied here to determine whether evidence should be admitted into or excluded from the evidentiary record for Phase 1A. These rules are in California Code of Regulations, title 23, section 648 et seq.; chapter 4.5 of the Administrative Procedure Act (commencing with section 11400 of the Government Code); sections 801 to 805 of the Evidence Code; and section 11513 of the Government Code. (Cal. Code

Regs., tit. 23, § 648.) The State Water Board is not bound in its proceedings by other technical rules relating to evidence and witnesses that would apply in a court of law. (See Gov. Code, § 11513, subd. (c); Cal. Code Regs., tit. 23, § 648.) Any 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. (Gov. Code, § 11513, subd. (c).) “The [hearing officer] has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission would necessitate undue consumption of time.” (*Id.*, § 11513, subd. (f).)

Mr. Merritt’s testimony raises questions as to the reliability of the model as a basis for portions of Dr. Taghavi’s testimony. Although the parties had ample opportunity to challenge Dr. Taghavi’s reliance on the model before this hearing began, and should have done so if they had concerns about the model, I will allow the parties an opportunity to present testimony and other evidence about the reliability and applicability of the KingsIGSM model. Ultimately, the purpose of this hearing is to investigate the facts and reach conclusions that are 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.” (*Id.*, § 11513, subd. (c).) Additional testimony and evidence about the model, both generally and in this particular application, will help me assess the model’s reliability and in turn the reliability of the dependent portions of Dr. Taghavi’s testimony for purposes of its admissibility and, if admitted, relative weight.

On June 17, 2021, beginning at 1 p.m., the parties may present evidence and testimony regarding the reliability of the KingsIGSM model and the admissibility in Phase 1A of this proceeding of testimony and evidence that relies on the model. In accordance with my oral ruling during the hearing, the parties were required to submit to the AHO by June 10 any additional exhibits to be presented and identify the names of witnesses who will testify regarding this issue. (June 4, 2021, Morning, Phase 1A Hearing video, 00:30-00:33.) I will rule on the pending renewed objections by TLBWSD, the Upper River Districts, and KRWA to Dr. Taghavi’s testimony and related exhibits that rely on the KingsIGSM model after reviewing the additional exhibits and hearing the additional testimony from the parties’ witnesses on June 17.

2. Outstanding Objections to KRWA-13 and -37 and TLBWSD-13 and -21

Semitropic objected in writing and orally during the hearing on June 3 and June 4 to the admission of exhibits KRWA-13 and -37 and TLBWSD-13 and -21 into the evidentiary record for Phase 1A. As discussed during the hearing, I will address this objection after the rebuttal portion of Phase 1A of the hearing and determine at that time whether to admit KRWA-13 and -37 and TLBWSD-13 and -21 into the evidentiary record.

3. Rebuttal

The rebuttal portion of Phase 1A of the hearing will begin immediately following the presentation of witnesses addressing the KingsIGSM model. If there is time to begin rebuttal on June 17, KRWA will begin with the presentation of its rebuttal witnesses.

Semitropic's rebuttal witnesses will not be heard until June 18 to accommodate the availability of TLBWSD's counsel.

In accordance with my oral ruling during the hearing, the parties were required to submit to the AHO by June 10 any additional rebuttal exhibits rebutting testimony or exhibits presented on cross-examination of witnesses during the case-in-chief portion of the hearing. (June 4, 2021, Morning, Phase 1A Hearing video, 00:35-00:36.)

The parties may ask to submit additional exhibits or to present additional testimony in response to testimony or exhibits presented on cross-examination during rebuttal. I will consider such requests and determine whether presentation of additional evidence is appropriate and will advance the purposes of this preliminary proceeding.

4. Evidentiary Record for Phase 1A

Attached with this ruling letter is a spreadsheet, 2021-06-11 Kings River Phase 1A Exhibit List, indicating the status as of June 9 of each exhibit that has been submitted by one or more of the parties in Phase 1A of this proceeding. The spreadsheet identifies whether the exhibit was admitted, excluded, admitted in part, or withdrawn, has not yet been offered into evidence, or is subject to a pending objection or motion to exclude. Any party who believes any aspect of the spreadsheet is in error should bring the matter to my attention as soon as possible, either in writing (by e-mail with cc's to the other people on the service list) or orally during the hearing. I direct parties who objected to any exhibits in part, for which I sustained the objection and excluded portions of the exhibit, to submit a redacted version of the exhibit to the AHO. The AHO will assemble these redacted exhibits and post them to the Water Board's FTP site, in the Hearing Documents subfolder for this proceeding.

I also direct the parties to identify any documents in the "Administrative Record Documents" subfolder, located within the folder for this hearing on the Water Board's FTP site, that the party seeks to move into the evidentiary record for Phase 1A. Please identify any such documents in writing and submit the list to the AHO by June 17. I will ask whether any party objects to the admission of the identified documents during the hearing on June 18, and after ruling on any objections, the AHO will label admitted documents as exhibits AHO-1, AHO-2, AHO-3, etc.

Sincerely,

SIGNATURE ON FILE

Nicole L. Kuenzi
Hearing Officer
Administrative Hearings Office

Enclosures: -Service List

-Attachment: 2021-06-11 Kings River Phase 1A Exhibit List

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Kings River Phase 1A Exhibit List

Type	Name	Description	Status
Semitropic			
Initial	SEMITROPIC-001	Jason Gianquinto Written Testimony	Excluded
Initial	SEMITROPIC-002	Jason Gianquinto Resume	Excluded
Initial	SEMITROPIC-003	Map: Semitropic Boundary	Excluded
Initial	SEMITROPIC-004	Map: Semitropic and Tulare Lake	Excluded
Initial	SEMITROPIC-005	Map: Kern Water Bank and Pioneer	Excluded
Initial	SEMITROPIC-006	Petition to Revise FAS	Excluded
Initial	SEMITROPIC-007	Original Application	Excluded
Initial	SEMITROPIC-008	Amended Application	Excluded
Initial	SEMITROPIC-009	Figure: Revised Project Facilities	Excluded
Initial	SEMITROPIC-010	Graph: Remaining Water	Excluded
Initial	SEMITROPIC-011	Jason Gianquinto PowerPoint	Excluded
Initial	SEMITROPIC-012	Douglas Littlefield Written Testimony	Admitted
Initial	SEMITROPIC-013	Douglas Littlefield Resume	Admitted
Initial	SEMITROPIC-014	1984 Licenses	Admitted
Initial	SEMITROPIC-015	Douglas Littlefield Bibliography of Sources	Admitted
Initial	SEMITROPIC-016	Application 353	Admitted
Initial	SEMITROPIC-017	Application 15231	Admitted
Initial	SEMITROPIC-018	Check for License	Admitted
Initial	SEMITROPIC-019	Google Earth image - Tulare Lake bed	Admitted
Initial	SEMITROPIC-020	Google Earth image - Tulare Lake planned lakebed reservoir	Admitted
Initial	SEMITROPIC-021	KRWA Member Units	Admitted
Initial	SEMITROPIC-022	Harding and May's map	Admitted
Initial	SEMITROPIC-023	Douglas Littlefield PowerPoint	Admitted
Initial	SEMITROPIC-024	Polly Boissevain Written Testimony	Admitted
Initial	SEMITROPIC-025	Polly Boissevain Resume	Admitted
Initial	SEMITROPIC-026	Revised WAA	Admitted
Initial	SEMITROPIC-027	Overview of the Kings River	Admitted
Initial	SEMITROPIC-028	Chart A-6 of the Pine Flat Reservoir Regulation Manual	Admitted
Initial	SEMITROPIC-029	Kings River Handbook	Admitted
Initial	SEMITROPIC-030	Kings River Conservation District letter dated 5/29/19	Admitted
Initial	SEMITROPIC-031	Annual Pre-Project Piedra Flows and James Bypass Flood Flow	Admitted
Initial	SEMITROPIC-032	Kings River 2010-11 Watermaster Report	Admitted
Initial	SEMITROPIC-033	Water Rights License 11517	Admitted
Initial	SEMITROPIC-034	Water Rights License 11521	Admitted
Initial	SEMITROPIC-035	Points of Diversion for Licenses 11517 and 11521	Admitted
Initial	SEMITROPIC-036	Map Submitted for A15231	Admitted
Initial	SEMITROPIC-037	Staff Report Recommending Licensing of A353 and A15231	Admitted
Initial	SEMITROPIC-038	Summary of Reports of Licensee for 11517 and 11521	Admitted
Initial	SEMITROPIC-039	Reports of Licensee for 11517	Admitted
Initial	SEMITROPIC-040	Reports of Licensee for 11521	Admitted
Initial	SEMITROPIC-041	Policy for Maintaining Instream Flows in Northern California Coastal Streams	Admitted
Initial	SEMITROPIC-042	Original WAA	Admitted
Initial	SEMITROPIC-043	Wagner & Bonsignore Letter, dated 5/29/2019	Admitted
Initial	SEMITROPIC-044	Wagner & Bonsignore Letter, dated 3/4/2020	Admitted
Initial	SEMITROPIC-045	Pre-Project Piedra Flows, 1896 – 2016 water years	Admitted
Initial	SEMITROPIC-046	Hydrologic Conditions and Runoff Predictions from the 1969 Watermaster Report	Admitted
Initial	SEMITROPIC-047	Photo of Tulare Lake in 1969	Admitted
Initial	SEMITROPIC-048	Flows over Empire Weir No. 2 from 1968/69 Watermaster	Admitted
Initial	SEMITROPIC-049	Dispersion of Flood Release Water Technical Study	Admitted
Initial	SEMITROPIC-050	Methodology for Analysis of Reports of Licensee for License	Admitted

Kings River Phase 1A Exhibit List

Initial	SEMITROPIC-051	Tables for Analysis of Reports of Licensee for License 11521	Admitted
Initial	SEMITROPIC-052	Analysis of Floodwater Non-Use	Admitted
Initial	SEMITROPIC-053	Summary of Analysis Results	Admitted
Initial	SEMITROPIC-054	Polly Boissevain PowerPoint	Admitted
Initial	SEMITROPIC-055	Ali Taghavi Written Testimony	Admitted, Pending Objections
Initial	SEMITROPIC-056	Ali Taghavi Resume	Admitted, Pending Objections
Initial	SEMITROPIC-057	Kings River Water Association Service Area	Admitted
Initial	SEMITROPIC-058	Water Balance Analysis Reaches	Admitted
Initial	SEMITROPIC-059	Annual Precipitation	Admitted
Initial	SEMITROPIC-060	Water Balance Components: Upstream Flows	Admitted
Initial	SEMITROPIC-061	Water Balance Components: Diversions	Admitted
Initial	SEMITROPIC-062	Water Balance Components: Losses	Admitted, Pending Objections
Initial	SEMITROPIC-063	Kings River Losses by Irrigation and Non-Irrigation Season	Admitted, Pending Objections
Initial	SEMITROPIC-064	Water Balance Components: Downstream Flows	Admitted, Pending Objections
Initial	SEMITROPIC-065	Water Balance Tables by Year Type	Admitted, Pending Objections
Initial	SEMITROPIC-066	Monthly Excess Flows by Irrigation Season	Admitted, Pending Objections
Initial	SEMITROPIC-067	Estimated North Fork Rerouted Flows to South Fork	Admitted, Pending Objections
Initial	SEMITROPIC-068	North Fork Flows Before and After Rerouting Flows to South Fork and J&T Entitlements	Admitted, Pending Objections
Initial	SEMITROPIC-069	Probability of Exceedance of North Fork Flows Before and After Rerouting Flows to South Fork and J&T Entitlements	Admitted, Pending Objections
Initial	SEMITROPIC-070	Ali Taghavi References	Admitted
Initial	SEMITROPIC-071	Ali Taghavi Methodology	Admitted, Pending Objections
Initial	SEMITROPIC-072	James Irrigation District "Rental" Agreement of 1963	Admitted
Initial	SEMITROPIC-073	Tranquillity Irrigation District "Rental" Agreement of 1963	Admitted
Initial	SEMITROPIC-074	James Irrigation District Agreement with Bureau of Reclamation	Admitted
Initial	SEMITROPIC-075	Tranquillity Irrigation District Agreement with Bureau of	Admitted
Initial	SEMITROPIC-076	Letter from Ryan S. Bezerra Dated May 31, 2019	Admitted
Initial	SEMITROPIC-077	Ali Taghavi PowerPoint	Admitted, Pending Objections
Initial	SEMITROPIC-078	Joseph Countryman Written Testimony	Admitted
Initial	SEMITROPIC-079	Joseph Countryman Resume	Admitted
Initial	SEMITROPIC-080	Flood Control Diagram	Admitted
Initial	SEMITROPIC-081	KRWA et al. Response to Complaint	Admitted
Initial	SEMITROPIC-082	Chart A-6	Admitted
Initial	SEMITROPIC-083	Operation and Maintenance Manual	Admitted
Initial	SEMITROPIC-084	Joseph Countryman PowerPoint	Admitted
Initial	SEMITROPIC-085	David Sunding Written Testimony	Partially Admitted, Paragraphs 9-17, 30-33 excluded
Initial	SEMITROPIC-086	David Sunding Resume	Admitted
Initial	SEMITROPIC-087	Documents Relied Upon	Admitted
Initial	SEMITROPIC-088	Figure 1 - Crop Map	Admitted
Initial	SEMITROPIC-089	David Sunding PowerPoint	Partially Admitted, Pages 3, 4, and 9 excluded

Kings River Phase 1A Exhibit List

Rebuttal	SEMITROPIC-090	Douglas Littlefield Rebuttal Testimony	
Rebuttal	SEMITROPIC-091	Article: Flood Devastates Rich Tulare Lake Land	
Rebuttal	SEMITROPIC-092	Article: A Lake's Ominous Growth	
Rebuttal	SEMITROPIC-093	Article: Tulare Lake Basin Set for More Water	
Rebuttal	SEMITROPIC-094	Article: San Joaquin Unhealed from Floods	
Rebuttal	SEMITROPIC-095	Article: KRWA Eyes More Kings Reservoirs	
Rebuttal	SEMITROPIC-096	Article: Pumping Temporarily Halted	
Rebuttal	SEMITROPIC-097	Article: Rain Could Cost State \$213 Million in Agricultural Loss	
Rebuttal	SEMITROPIC-098	Memorandum re Pine Flat Lake and Kings River, CA - Operation - 8/17/1983	
Rebuttal	SEMITROPIC-099	Article: Tulare Lake Draining OK'd	
Rebuttal	SEMITROPIC-100	Memorandum re Pine Flat Lake and Kings River, Calif. -	
Rebuttal	SEMITROPIC-101	SWRCB Fact Sheets	
Rebuttal	SEMITROPIC-102	Polly Boissevain Rebuttal Testimony	
Rebuttal	SEMITROPIC-103	Excerpts from the 1982-83 and 1983-84 Watermaster Reports	
Rebuttal	SEMITROPIC-104	Tulare Lake Points of Diversion for Licenses	
Rebuttal	SEMITROPIC-105	1983 Letter from James Provost to Harry O'Leary re Licenses for Storage and Water Diversions on the Kings River	
Rebuttal	SEMITROPIC-106	Water at Empire Weir #2 - Monthly Summary of Storage & Diversion Operations (2011-12)	
Rebuttal	SEMITROPIC-107	Summary of Empire 2 Flood Flow Allocations and Potential Diversions of Flood Flows	
Rebuttal	SEMITROPIC-108	Ali Taghavi Rebuttal Testimony	
Rebuttal	SEMITROPIC-109	Kings River System Total Reported Beneficial Use	
Rebuttal	SEMITROPIC-110	Total Water Available for Diversion	
Rebuttal	SEMITROPIC-111	Beneficial Use Comparison	
Rebuttal	SEMITROPIC-112	Average Annual Water Balance - Historical Conditions 1984-	
Rebuttal	SEMITROPIC-113	Average Annual Water Balance - Rerouting Flows to South Fork	
Cross	SEMITROPIC-114		Admitted
Cross	SEMITROPIC-115		Admitted
Cross	SEMITROPIC-116		Admitted
Cross	SEMITROPIC-117		Admitted
Cross	SEMITROPIC-119		Admitted
Cross	SEMITROPIC-120		Admitted
KRWA			
Initial	KRWA - 1	Resume of Steve Haugen	Admitted
Initial	KRWA - 2	Resume of Kevin Johansen	Admitted
Initial	KRWA - 3	Resume of David Merritt	Admitted
Initial	KRWA - 4	Statement of Qualifications for Doug Verboon	Excluded
Initial	KRWA - 5	Resume of Amanda Monaco	Excluded
Initial	KRWA - 6	Written Testimony of Steve Haugen	Admitted
Initial	KRWA - 7	Written Testimony of Kevin Johansen	Partially Admitted, Paragraphs 39-46 excluded
Initial	KRWA - 8	Written Testimony of David Merritt	Partially Admitted, Paragraphs 7-36 excluded
Initial	KRWA - 9	Written Testimony of Doug Verboon	Excluded
Initial	KRWA - 10	Written Testimony of Amanda Monaco	Excluded
Initial	KRWA - 11	Table of Water Licenses (Johansen)	Admitted
Initial	KRWA - 12	Schematic of Kings River Water System (Johansen)	Admitted
Initial	KRWA - 13	Summary of Revised Reporting	Pending Objection
Initial	KRWA - 14	Kings River Schematic Diagram (Haugen)	Admitted
Initial	KRWA - 15	Kings River System Overview Map (Service Area and Watershed)	Admitted
Initial	KRWA - 16	Kings River Water Association Vicinity	Admitted

Kings River Phase 1A Exhibit List

Initial	KRWA - 17	Semitropic Water Storage District Proposed Place of Use Map	Excluded
Initial	KRWA - 18	Not Used	
Initial	KRWA - 19	Not Used	
Initial	KRWA - 20	Not Used	
Initial	KRWA - 21	Not Used	
Initial	KRWA - 22	Not Used	
Initial	KRWA - 23	Not Used	
Initial	KRWA - 24	Kings River Watermaster report for 2013	Admitted
Initial	KRWA - 25	Kings River Watermaster report for 2014	Admitted
Initial	KRWA - 26	Kings River Watermaster report for 2015	Admitted
Initial	KRWA - 27	Kings River Watermaster report for 2016	Admitted
Initial	KRWA - 28	Semitropic Water Storage District Draft Environmental Impact Report for the proposed Tulare Lake Storage and Floodwater Protection Project (Vol. 1) http://www.semitropic.com/pdfs/Tulare%20Lake/TLPEIR_Volume1_14Aug17.pdf	Excluded
Initial	KRWA - 29	Semitropic Water Storage District Draft Environmental Impact Report for the proposed Tulare Lake Storage and Floodwater Protection Project (Vol. 2) http://www.semitropic.com/pdfs/Tulare%20Lake/TLPEIR_Volume2_14Aug17.pdf	Excluded
Initial	KRWA - 30	Semitropic Water Storage District Tulare Lake Storage and Floodwater Protection Project Brochure http://www.semitropic.com/pdfs/Tulare%20Lake/Pages%20from%20TL%20Boards%20Final%20Full%20Set.pdf	Excluded
Initial	KRWA - 31	Printout from Semitropic Water Storage District Tulare Lake Storage and Floodwater Protection Project website page "Project Benefits" http://www.semitropic.com/TulareLakeStorageAndFloodwater	Excluded
Initial	KRWA - 32	Printout from Semitropic Water Storage District Tulare Lake Storage and Floodwater Protection Project website page "Project Location and Features" http://www.semitropic.com/TulareLakeStorageAndFloodwaterProtectionProject_PROJECT%20LOCATION%20AND%20FEATUR	Excluded
Initial	KRWA - 33	Historic percent deliveries by reach	Admitted
Initial	KRWA - 34	Amended Kings River Monthly Diversion Schedule	Admitted
Initial	KRWA - 35	US Army Corps of Engineer redacted 1979 Pine Flat Reservoir Regulation Manual.	Admitted
Initial	KRWA - 36	KRWA Monthly Summary of Pre-Project Piedra	Admitted
Initial	KRWA - 37	Master KRWA revised reporting 1996-2020 (spreadsheet)	Pending Objection
Rebuttal	KRWA - 38	KRWA's Groundwater Projects Video	
Rebuttal	KRWA - 39	Illustration of Water Year Type on Kings River Losses by Reach	
Rebuttal	KRWA-40	Staff Analysis of Pre-1914 Water Rights on the Kings River	
Rebuttal	KRWA-41	July 12, 2018 Letter to Jason Guianquinto	
Rebuttal	KRWA-Rebuttal - Kevin	Kevin Johansen Rebuttal Testimony	
Rebuttal	KRWA-Rebuttal - Steve	Steve Haugen Rebuttal Testimony	
Upper River Districts (Alta, Consolidated, Fresno IDs)			
Initial	UR001	Testimony of Kassy Chauhan, P.E.	Excluded
Initial	UR002	Disadvantage and Severely Disadvantaged Communities in Kings River Service Area	Excluded
Initial	UR003	KBWA Disadvantaged Community Pilot Project Study	Excluded
Initial	UR004	Disadvantaged Communities within the Kings Subbasin	Excluded
Initial	UR005	Kings Subbasin Summary of Disadvantaged Communities	Excluded
Initial	UR006	Schools Dependent Upon Groundwater within the KRWA	Excluded
Initial	UR007	KRWA Service Area Within the Kings Subbasin	Excluded

Kings River Phase 1A Exhibit List

Initial	UR008	Testimony of Chad Wegley	Excluded
Initial	UR009	AID's Location Within the Kings River Service Area	Admitted
Initial	UR010	AID's Existing Basins	Excluded
Initial	UR011	Kings River East GSA Vicinity Map	Excluded
Initial	UR012	Kings Groundwater Subbasin SGMA GSAs	Excluded
Initial	UR013	Kings River East GSP	Excluded
Initial	UR014	Disadvantaged Communities within AID	Excluded
Initial	UR015	AID Summary of Disadvantaged Communities	Excluded
Initial	UR016	AID's Proposed Basins	Excluded
Initial	UR017	Disadvantaged Communities and Existing Basins within AID	Excluded
Initial	UR018	Schools Reliant Upon Groundwater within AID	Excluded
Initial	UR019	Testimony of Phillip Desatoff	Excluded
Initial	UR020	CID's Location Within the Kings River Service Area	Admitted
Initial	UR021	CID Existing Basins	Excluded
Initial	UR022	Agencies within Central Kings GSA	Excluded
Initial	UR023	Kings Subbasin Coordination Agreement	Excluded
Initial	UR024	Central Kings GSP	Excluded
Initial	UR025	Disadvantaged Communities within CID	Excluded
Initial	UR026	CID Summary of Disadvantaged Communities	Excluded
Initial	UR027	CID's Proposed Basins	Excluded
Initial	UR028	Disadvantaged Communities and Existing Basins within CID	Excluded
Initial	UR029	Schools Reliant Upon Groundwater within CID	Excluded
Initial	UR030	Testimony of Bill Stretch, P.E.	Excluded
Initial	UR031	FID Location within the Kings River Service Area	Admitted
Initial	UR032	FID Recharge Basins	Excluded
Initial	UR033	Agencies within North Kings GSA	Excluded
Initial	UR034	North Kings GSP	Excluded
Initial	UR035	Disadvantaged Communities within FID	Excluded
Initial	UR036	FID Summary of Disadvantaged Communities	Excluded
Initial	UR037	~ INTENTIONALLY LEFT BLANK ~	
Initial	UR038	FID Existing Basins	Excluded
Initial	UR039	FID Basins Under Construction	Excluded
Initial	UR040	FID Central Basins Project	Excluded
Initial	UR041	FID Savory Pond Project	Excluded
Initial	UR042	Schools Reliant Upon Groundwater within FID	Excluded
Initial	UR043	Testimony of Gary Serrato	Excluded
Initial	UR044	Purchase and Sale Agreement Between Semitropic and	Excluded
Initial	UR045	Easement Deed Granted from Vidovich to Semitropic	Excluded
Initial	UR046	Excerpt of Tulare Lake Storage and Floodwater Protection Feasibility Report	Excluded
Initial	UR047	Cal. Water Commission, May 2018 Staff PowerPoint, Agenda Item 8 Excerpt	Excluded
Initial	UR048	Cal. Water Commission, May 2018 Staff PowerPoint, Agenda	Excluded
Initial	UR049	Cal. Water Commission, May 1, 2018, Meeting Minutes	Excluded
Initial	UR050	Testimony of Dr. Joaquin Arambula	Excluded
Initial	UR051	Testimony of David Cardenas	Excluded
Initial	UR052	Testimony of Thomas Esqueda	Excluded
Initial	UR053	Testimony of Nicholas Bonsignore, P.E.	Admitted
Initial	UR054	Resume of Nicholas Bonsignore, P.E.	Admitted
Initial	UR055	Technical Memorandum to KRWA and the Upper River Districts, by Wagner & Bonsignore Consulting Civil Engineers (May 29,	Admitted
Initial	UR056	Figure 2-7: Kings River Diversion to South Fork, Semitropic Water Storage District Draft Tulare Lake Storage and Floodwater Protection Project Environmental Impact Report	Admitted

Kings River Phase 1A Exhibit List

Initial	UR057	Technical Memorandum to KRWA and the Upper River Districts, by Wagner & Bonsignore Consulting Civil Engineers	Admitted
Initial	UR058	United States Army Corps of Engineers' (USACE) Pine Flat Lake Reservoir Regulation Manual	Admitted
Initial	UR059	Testimony of Ernest "Buddy" Mendes	Excluded
Supplemental	UR060	Email from S. Bivins to D. Hess regarding Semitropic's Complaint (Jan. 1, 2020)	Admitted
Supplemental	UR061	Letter from D. Hess to S. Bivins and K. O'Brien regarding Semitropic's Complaint (Jan. 30, 2020)	Admitted
Supplemental	UR062	Response Letter from S. Bivins to D. Hess regarding Semitropic's Complaint (Feb. 28, 2020)	Admitted
Rebuttal	UR-Rebuttal - N Bonsig	N Bonsignore Rebuttal Testimony	
Tulare Lake Basin WSD			
Initial	TLBWSD-1	Opening Brief	Excluded
Initial	TLBWSD-2	D1290 Hearing Transcript and Exhibits	Admitted
Initial	TLBWSD-3	Engineering Staff Analysis of Record	Admitted
Initial	TLBWSD-4	Mark Unruh Testimony	Admitted
Initial	TLBWSD-5	Cropping Patterns	Admitted
Initial	TLBWSD-6	Map of Reclamation Districts	Admitted
Initial	TLBWSD-7	Map of Current Farmland Cells	Admitted
Initial	TLBWSD-8	Division of Water Rights and TLBWSD 1945 Correspondence	Admitted
Initial	TLBWSD-9	Pine Flat Lake Reservoir Regulation Manual	Admitted
Initial	TLBWSD-10	2018 USACE Training Materials for Pine Flat	Admitted
Initial	TLBWSD-11	2018 USACE Training Materials for Terminus	Admitted
Initial	TLBWSD-12	2018 USACE Training Materials for Success	Admitted
Initial	TLBWSD-13	Jeffrey Meyer Testimony	Pending Objection
Initial	TLBWSD-14	Application 15231 with accompanying Map	Admitted
Initial	TLBWSD-15	State Water Board Licensing Checks and Determinations for	Admitted
Initial	TLBWSD-16	State Water Board Licensing Checks and Determinations for A15231/L11521	Admitted
Initial	TLBWSD-17	Tulare Lake Beneficial Use Report (Leake) used in License Check A353/A15231	Admitted
Initial	TLBWSD-18	State Water Board Licensing Checks and Determinations for	Admitted
Initial	TLBWSD-19	State Water Board Licensing Checks and Determinations for	Admitted
Initial	TLBWSD-20	Tulare County History	Admitted
Initial	TLBWSD-21	Annual Operations Summary Excel Tool	Pending Objection
Initial	TLBWSD-22	Summary Illustrations of Annual Operations Summary Excel Tool, Years 2005, 2006, 2011, 2015, 2017 and 2019	Admitted
Initial	TLBWSD-23	Tulare Lake Summary of Inflows (1983)	Admitted
Supplemental	TLBWSD-24	Excerpt from "Water & Power: A California Heist"	Excluded
Supplemental	TLBWSD-25	Bakersfield Californian July 1, 2017	Excluded
Supplemental	TLBWSD-26	Sandridge Partners L.P. Deposition Testimony	Excluded
Supplemental	TLBWSD-27	Tulare Lake Reclamation District 761 Deposition Testimony	Excluded
Supplemental	TLBWSD-28	John Vidovich Deposition Testimony	Excluded
Supplemental	TLBWSD-29	Sandridge Partners L.P. and Semitropic Easement Deed	Excluded
Supplemental	TLBWSD-30	Tulare Lake Reclamation District No. 761 and Semitropic License Agreement	Excluded
Rebuttal	TLBWSD-31	Rebuttal Testimony of Mark Unruh	
Rebuttal	TLBWSD-32	Rebuttal Testimony of Jeffrey Meyer	
Cross	TLBWSD-33	1984-02-17 Check For License App 15231 Permit 15719	Admitted
Cross	TLBWSD-34		Admitted
Cross	TLBWSD-35	"Will Water Be Pumped, Parked and Sold?"	Withdrawn
Terranova Ranch			
Initial	1	1 Direct Testimony of Donald Cameron (General Manager of Terranova Ranch, Inc.) (May 3, 2021)	Admitted

Kings River Phase 1A Exhibit List

Initial	2	2 Direct Expert Testimony of Philip Bachand (On Behalf of Terranova Ranch, Inc.) (May 3, 2021)	Admitted
Initial	3	3 Direct Testimony Summary Slides of Donald Cameron and Philip Bachand	Admitted
Initial	4	4 Excerpts, McMullin Area Groundwater Sustainability Agency Groundwater Sustainability Plan (Nov. 6, 2019)	Admitted
Initial	5	5 Terranova Ranch, Inc's Cash Disbursement Journal (Years	Admitted
Initial	6	6 An agreement between Kings River Water Association and Terranova Ranch, Inc., dated December 1, 1997, concerning	Admitted
Initial	7	7 Report of Counsel to the Board of Directors of the Kings River Water Association Fiscal Year 1997-1998	Admitted
Initial	8	8 An agreement between Kings River Water Association and Terranova Ranch, Inc., dated May 16, 2005, concerning Kings	Admitted
Initial	9	9 An amendment between Kings River Water Association and Terranova dated June 1, 2010, concerning an extension of a 2005 floodwater agreement (Exhibit 8)	Admitted
Initial	10	10 Memorandum of Understanding: McMullin Recharge Project, dated Aug. 27, 1999	Admitted
Initial	11	11 Preliminary Design and Estimate of Costs for Two Potential Groundwater Recharge Sites within the McMullin Recharge Project Area (Feb. 2000)	Admitted
Initial	12	12 McMullin Recharge Basin Feasibility Study Draft Completion Report (Dec. 13, 2006)	Admitted
Initial	13	13 "CA Water Commission: Using Flood Water for Managed Aquifer Recharge", Maven's Notebook (Apr. 10, 2019)	Admitted
Initial	14	14 Master Project Agreement between Kings River Conservation District and Terranova Ranch, Inc., dated July 10,	Admitted
Initial	15	15 Common Use Agreement between Kings River Conservation District and James Irrigation District, dated Sept. 22, 2017	Admitted
Initial	16	16 James Weir Operation Agreement between Kings River Conservation District and James Irrigation District, dated Sept.	Admitted
Initial	17	17 Flooding and Facilities Easement Agreement between Kings River Conservation District and Terranova Ranch, Inc., dated	Admitted
Initial	18	18 Facilities License Agreement between Kings River Conservation District and Reclamation District No. 1606, dated	Admitted
Initial	19	19 An agreement between Kings River Conservation District and Kings River Water Association, dated July 5, 2017, concerning Kings River floodwater	Admitted
Initial	20	20 Bettina Boxall, "One key way soggy California could save water for the next dry spell", Los Angeles Times (Apr. 17, 2017)	Admitted
Initial	21	21 Consolidated Irrigation District, et al., Underground Storage Supplement (May 9, 2017)	Admitted
Initial	22	22 Robert Rodriguez, "Westside farmer who puts his fields underwater is named the Agriculturist of the Year", Fresno Bee	Admitted
Initial	23	23 Terranova Ranch, Inc. Website (https://www.terranovaranch.com/ , captured May 1, 2021)	Admitted
Initial	24	24 American Society of Civil Engineers, San Francisco Section Annual Awards Meeting PowerPoint Presentation (Sept. 30,	Admitted
Initial	25	25 Philip Bachand Curriculum Vitae	Admitted
Initial	26	26 P.A.M. Bachand et al., "On-Farm Flood Flow Capture – Addressing Flood Risks and Groundwater Overdraft in the Kings Basin", CIG Agreement No. 68-9104-0-128 Fact Sheet (Oct.	Admitted
Initial	27	27 Map – Original Project Concept	Admitted

Kings River Phase 1A Exhibit List

Initial	28	28 Philip A.M. Bachand et al., "McMullin On- Farm Flood Capture and Recharge Project: Hydrologic and Hydraulic Analyses, Final Report" (Jan. 2014)	Admitted
Initial	29	29 Map – Phase 1	Admitted
Initial	30	30 Maps – State Water Resources Control Board Stormwater Grant Program	Admitted
Initial	31	31 Philip A.M. Bachand et al., "On-Farm Flood Capture Could Reduce Groundwater Overdraft in Kings River Basin" 70 Cal. Agriculture 200 (Oct. 2016)	Admitted
Initial	32	32 Kings Subbasin Coordination Agreement (Dec. 20, 2019)	Admitted