

BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

IN RE THE MATTERS OF:

SWRCB Enforcement Actions
ENFO1951; ENFO1949

WEST SIDE IRRIGATION
DISTRICT CEASE AND DESIST
ORDER HEARING,

and

BYRON-BETHANY IRRIGATION
DISTRICT ADMINISTRATIVE
CIVIL LIABILITY HEARING.

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DEPOSITION OF MICHAEL GEORGE

December 7, 2015

Reported By: KATHRYN DAVIS, CSR No. 3808

kathryndavis & associates
deposition reporting

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DEPOSITION OF MICHAEL GEORGE

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I N D E X O F E X A M I N A T I O N

	Page
Examination by Ms. Spaletta.....	6
Examination by Mr. Kelly.....	51
Examination by Mr. Ruiz.....	99
Continued Examination by Mr. Kelly.....	103

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I N D E X O F E X H I B I T S

Deposition Exhibit No.		Page
112	Central Valley Water Agency Notice of Taking Deposition of Michael George; two pages..	5
113	Email chains dated June 16, 2015 and August 3, 2015; one page.....	45
114	BBID Notice of Deposition of Michael George seven pages.....	103

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DEPOSITION OF MICHAEL GEORGE

1 BE IT REMEMBERED, that on Monday, December 7,
2 2015, commencing at the hour of 9:36 a.m., thereof, at
3 the offices of SOMACH, SIMMONS & DUNN, 500 Capitol Mall,
4 Suite 1000, Sacramento, California, before me, KATHRYN
5 DAVIS, a Certified Shorthand Reporter in the State of
6 California, duly authorized to administer oaths and
7 affirmations, there personally appeared

8 MICHAEL GEORGE,
9 called as witness herein, who, having been duly sworn,
10 was thereupon examined and interrogated as hereinafter
11 set forth.

12 --o0o--

13 (Whereupon, Exhibit No. 112 was
14 marked for identification.)

15 MS. SPALETTA: Good morning. We are on the
16 record with the deposition of Michael George. My name
17 is Jennifer Spaletta. I'm the attorney for Central
18 Delta Water Agency.

19 Before we get started this morning, we'll go
20 around the room and make introductions for the record,
21 beginning with counsel for Mr. George.

22 MR. CARRIGAN: Cris Carrigan, counsel for the
23 witness.

24 MR. TAURIAINEN: Andrew Tauriainen, Office of
25 Enforcement, Prosecution Team.

DEPOSITION OF MICHAEL GEORGE

1 MR. PETRUZZELLI: Kennett Petruzzelli, Office of
2 Enforcement.

3 MR. PRAGER: John Prager, Office of Enforcement.

4 MS. ZOLEZZI: Jeanne Zolezzi, general counsel
5 for Banta-Carbona, Patterson and the West Side
6 Irrigation Districts.

7 MR. WASIEWSKI: Tim Wasiewski, counsel for San
8 Joaquin Tributaries Authority.

9 MR. RUIZ: I'm Dean Ruiz, South Delta Water
10 Agency.

11 MR. KELLY: I'm Dan Kelly for Byron-Bethany
12 Irrigation District.

13 MS. MCGINNIS: Robin McGinnis, counsel for
14 California Department of Water Resources.

15 MS. AKROYD: Rebecca Akroyd, counsel for
16 Westlands Water District.

17 (Whereupon, the witness was sworn.)

18 EXAMINATION BY MS. SPALETTA

19 Q BY MS. SPALETTA: Good morning, Mr. George.

20 A Good morning.

21 Q Thank you for coming to your deposition today.
22 We've marked as our first exhibit the notice that was
23 sent by Central Delta Water Agency for the taking of
24 your deposition as Exhibit 112.

25 Have you seen this notice before?

DEPOSITION OF MICHAEL GEORGE

1 A Yes, I have.

2 Q And did you do anything to collect the documents
3 that were requested in your notice?

4 A I cooperated with counsel who took the
5 primary responsibility for that.

6 Q So you understand that all the documents that
7 were requested have already been produced through your
8 counsel?

9 A Either they have already been produced or
10 they are still being reviewed, but I believe they
11 are generally -- they, generally, have been
12 produced.

13 MS. SPALETTA: And is it Mr. Tauriainen who
14 has been handling that production? Could you
15 confirm whether we have all of Mr. George's
16 documents?

17 MR. TAURIAINEN: Yes, that is correct.

18 All of Mr. George's documents requested have
19 already been produced -- generally, in response to the
20 PRA request but also in response to some of the other
21 discovery requests that were made in the deposition
22 notices.

23 MS. SPALETTA: I understand there was a CD that
24 was produced last week. Were Mr. George's documents on
25 that CD or were they previously produced?

DEPOSITION OF MICHAEL GEORGE

1 MR. TAURIAINEN: Remind me of what CD.

2 MS. SPALETTA: I didn't receive it but I believe
3 Mr. Kelly did.

4 MS. ZOLEZZI: Just recently?

5 MS. SPALETTA: Yes.

6 MS. ZOLEZZI: That was from the Office of Chief
7 Counsel's office.

8 MR. TAURIAINEN: The Chief Counsel's office?
9 So that is important, for the record, to note that the
10 Office of Enforcement and the Office of the Chief
11 Counsel have both been working on responses to the
12 Public Records Act requests because those requests fall
13 on both sides of the separation of function.

14 So I don't speak for the Chief Counsel's office
15 and what they've produced. And as we have just
16 discovered, I'm not even aware of what their productions
17 are and when they are making them.

18 Q BY MS. SPALETTA: So, Mr. George, has your
19 document request occurred through Mr. Tauriainen or
20 through the Office of the Chief Counsel?

21 A I believe through Mr. Tauriainen.

22 MR. TAURIAINEN: That is correct.

23 Q BY MS. SPALETTA: All right. What types of
24 documents did you produce in response to the notice?

25 A Well, I did not review the documents that

DEPOSITION OF MICHAEL GEORGE

1 were actually produced, so I'm not in a position to
2 answer that question.

3 Q Did you do anything to look for documents or did
4 you leave that up to someone else?

5 A Yes. I looked for documents. I provided
6 documents to counsel and, obviously, counsel had
7 full access to my electronic records in which those
8 documents exist.

9 Q So were any of your documents something other
10 than electronic records, such as handwritten notes or
11 things like that?

12 A No.

13 Q Have you ever had your deposition taken before?

14 A Yes, I have.

15 Q How many times?

16 A Probably half a dozen times.

17 Q And in what context, professional or personal?

18 A Professional.

19 Q So you should be familiar with the rules. We'll
20 just go over them briefly. Your deposition today is
21 under oath. It is being recorded and the testimony that
22 you provide today may, in fact, be used in the hearing
23 or in a court of law.

24 Do you understand that?

25 A Yes.

DEPOSITION OF MICHAEL GEORGE

1 Q Is there any reason you cannot provide complete
2 and accurate testimony today?

3 A No.

4 Q We are going to be asking you questions about
5 things that occurred based on your employment with the
6 State Board where you work with many people. And so it
7 is going to be important for you to answer the questions
8 based on what you know, what you've learned from others.

9 I don't want you to guess or speculate to answer
10 my questions. If you do not know the answer to my
11 question, it is sufficient to simply tell me that you
12 don't know or that you would be guessing.

13 Do you understand that?

14 A Yes, I do.

15 Q The first set of questions I wanted to ask you
16 relates to your involvement with the West Side
17 Irrigation District's enforcement action. Are you
18 familiar with that enforcement action?

19 A Yes, I am.

20 Q What has been your involvement with the West
21 Side Irrigation District's enforcement action?

22 A Well, I suppose it goes back to my
23 investigation of a complaint that the West Side
24 Irrigation District had commenced diversions in
25 advance of its season of diversion. That was back

DEPOSITION OF MICHAEL GEORGE

1 in March. Then later in the year -- nothing came of
2 that, and there was no enforcement action out of
3 that.

4 But because of my having visited West Side
5 Irrigation District and that beginning familiarity
6 with it, later on, as the drought conditions
7 intensified or continued, I asked one of my
8 employees, John Collins, to go to West Side
9 Irrigation District to investigate the nature and
10 extent of the diversions. That was in May. So I'm
11 not sure if there is much else to say.

12 Q I'm going back to the first item you discussed,
13 which was the investigation of diversions before the
14 season of diversion in March. Who filed the complaint?

15 A Ms. Spaletta, I'm not sure. I don't remember
16 the name. It was an attorney in Tracy and I don't
17 remember the name. His complaint went to the Office
18 of Chief Counsel and was referred to me.

19 Q Okay. And if I understand your testimony, you
20 actually went out and did a site visit at West Side in
21 March?

22 A That is correct.

23 Q Was anyone with you?

24 A Yes. I had a friend with me, not an employee
25 of the State Board. And it was a Sunday and we were

DEPOSITION OF MICHAEL GEORGE

1 doing other things and stopped by.

2 Q Did you prepare a written report based on your
3 investigation?

4 A No, I did not prepare a written report.

5 Q Did you take photographs?

6 A Yes.

7 Q And were those provided to Kathy Bare?

8 A Yes.

9 Q Did you do anything else in your investigation,
10 other than provide photographs to Ms. Bare?

11 A Well, let me go back. I said I didn't write
12 a report. I did write some emails which have been
13 produced, along with the pictures. So what came of
14 that -- that inspection was on March 22nd --
15 observed that there was diversion and irrigation
16 going on. The license under that diversion or
17 supporting that diversion has a irrigation season
18 date of "about" April 1st.

19 I discussed with West Side Irrigation
20 District's counsel the conditions that we
21 identified. It was warm and dry. And in light of
22 that, I indicated to counsel that I concurred that
23 it was not unreasonable to begin diversions as of
24 about March 22nd. And that was the conclusion of
25 it.

DEPOSITION OF MICHAEL GEORGE

1 Q And then you said there was a second role with
2 respect to sending one of your staff members, John
3 Collins, out for another investigation in May. What was
4 the reason you sent Mr. Collins out for another site
5 visit in May?

6 A I believe that was after the Division of
7 Water Rights had sent notices of insufficiency of
8 water supply. And we wanted to know what the
9 situation was on the ground, whether diversions were
10 continuing or had been suspended.

11 Q So did you, as the Watermaster, the Delta
12 Watermaster, take the lead in this subsequent
13 investigation or was it the enforcement division? Who
14 was taking the lead?

15 A I would say it was a joint effort. We were
16 cooperating and collaborating on it. As I say, I
17 sent John of my staff out there. He made a report
18 and shared it with the Division of Water Rights. I
19 think the Division of Water Rights, obviously, took
20 the lead in the enforcement proceedings.

21 Q So other than taking John out to the site and
22 reviewing the report that he ultimately produced, what
23 other involvement did you have?

24 A Discussions from time to time with counsel
25 and colleagues in the Division of Water Rights.

DEPOSITION OF MICHAEL GEORGE

1 Q Do you understand what the basis is for the
2 drought Cease and Desist Order that was issued against
3 West Side Irrigation District?

4 A Yes, I do.

5 Q What was that?

6 A That during a period in which West Side
7 Irrigation District had been informed that there was
8 insufficient water at its priority diversion, West
9 Side Irrigation District continued to divert water,
10 and the Cease and Desist Order against that.

11 In discussions -- prior to the Cease and
12 Desist Order, there were discussions back and forth
13 between the State Board and counsel for West Side,
14 and counsel for City of Tracy, about possible
15 justifications for diversion, notwithstanding the
16 notice of insufficient water.

17 Q And did West Side provide other justifications
18 for its diversion?

19 A Yes.

20 Q What were those?

21 A Generally, two. One was that they had rights
22 to divert effluent from the City of Tracy Wastewater
23 Treatment Plant. And, secondly, that they had the
24 right to divert water from Old River in relation to
25 the water that was deposited in Old River from the

DEPOSITION OF MICHAEL GEORGE

1 Bethany Drain.

2 Q Did you evaluate the sufficiency of either of
3 those justifications?

4 A I would say I was part of the discussion
5 internally about those justifications.

6 MR. CARRIGAN: I'm going to caution the witness
7 not to give response that would infringe on the
8 attorney-client and on any attorney-client privileged
9 communications as we explore this topic, which seems to
10 be involving discussions with your counsel. Please
11 limit your testimony to avoid that.

12 Q BY MS. SPALETTA: And I agree. I don't want you
13 to disclose any privileged communications. So if I ask
14 you a question and you believe you cannot answer it
15 without disclosing privileged communications, just
16 simply tell me "I cannot answer the question because of
17 a privileged communication."

18 And then what I'll do is I'll ask if there is
19 any aspect of the question you can answer where you will
20 not disclose a privileged communication.

21 So I'll start by asking you with respect to
22 discussions regarding the City of Tracy effluent
23 diversions, did you have any discussions with anyone
24 that were not privileged discussions?

25 A Yes. I spoke with counsel for the City of

DEPOSITION OF MICHAEL GEORGE

1 Tracy.

2 Q Anyone else?

3 A I believe all the other communications were
4 part of the privilege between me and our attorneys.

5 Q And what did you learn in your discussions with
6 the City of Tracy's counsel?

7 A She described to me the circumstances under
8 which the City had entered into a contract in 2014
9 to sell, or transfer, or make available to West Side
10 Irrigation District effluent from the Tracy
11 Wastewater Treatment Plant. She also shared with me
12 some documents on that, the contracts.

13 Q Do you have an understanding as to whether or
14 not West Side actually diverted any water in 2015 that
15 was City of Tracy effluent?

16 A Excuse me just for a second.

17 Q Sure.

18 (Discussion between Mr. Carrigan and witness.)

19 MR. CARRIGAN: Okay.

20 THE WITNESS: So the answer is that I don't
21 know, as a matter of my own knowledge, about whether
22 there have been diversions at West Side supported by the
23 2015 contract.

24 However, I am aware that West Side's counsel has
25 proposed stipulations in the case which inform us that

DEPOSITION OF MICHAEL GEORGE

1 there were no diversions under that. I'm also aware,
2 from the stipulations that have been proposed, that the
3 contract was actually canceled in 2015 before it was
4 implemented.

5 So my understanding from all of that is that
6 there were no diversions in 2015 supported by the City
7 of Tracy contract.

8 Q BY MR. SPALETTA: Okay. Do you know why the
9 Cease and Desist Order addresses the City of Tracy
10 effluent? Can you answer that question without
11 disclosing a privileged communication?

12 A No, I can't. I don't know the answer to
13 that.

14 Q All right. So then with respect to the Bethany
15 Drain water, what discussions did you have with people,
16 other than privileged discussions with counsel,
17 regarding the Bethany Drain water?

18 A I discussed the location of the Bethany Drain
19 with John Collins. I have visited the area to see
20 it, to look at it, understand its connection to the
21 rest of the system. And I believe that's the only
22 -- other than that, discussions were with counsel.

23 Q Do you understand where the Bethany Drain
24 empties?

25 A Yes.

DEPOSITION OF MICHAEL GEORGE

1 Q Where is that?

2 A It empties into a cut in the bank of the --
3 well, there is a cut in the bank of Old River. And
4 at the end of that cut is where the West Side
5 Irrigation District's pumping plant is.

6 The Bethany Drain drains into that cut
7 between the place where it intersects the bank of
8 Old River and the West Side Irrigation District's
9 pumping plant.

10 Q You said you visited the location to see it.
11 Was that when you went out there on March 22nd or was
12 that another time?

13 A I have been out there several times, so I
14 have become familiar with the general area over
15 several visits.

16 Q And have you investigated whether it was proper
17 or improper for West Side to be rediverting discharge
18 water from the Bethany Drain?

19 MR. CARRIGAN: Calls for a legal conclusion.

20 Q BY MS. SPALETTA: Is that an investigation
21 you've undertaken?

22 MR. CARRIGAN: Same objection. Vague.

23 Q BY MS. SPALETTA: You can answer the question.

24 A Okay. I'm sorry. Jennifer, can you repeat
25 the question?

DEPOSITION OF MICHAEL GEORGE

1 MS. SPALETTA: The court reporter can repeat the
2 question.

3 (Whereupon, the record was read.)

4 MR. CARRIGAN: Same objections.

5 THE WITNESS: So I would say no. I've
6 investigated, reviewed, looked at and seen the physical
7 circumstances around there; but I've not formed an
8 opinion, shall we say, about the appropriateness of the
9 diversion.

10 Q BY MS. SPALETTA: Did you review the Draft Cease
11 and Desist Order for West Side Irrigation District
12 before it was issued?

13 (Discussion between Mr. Carrigan and witness.)

14 THE WITNESS: Yes. I did review it.

15 Q BY MS. SPALETTA: Did you edit it?

16 A I don't remember specifically. I think I
17 probably offered some edits.

18 MR. CARRIGAN: Okay. Now we are talking
19 attorney-client, and I'm going to instruct the
20 witness not to answer about discussions of the CDO
21 with counsel.

22 MS. SPALETTA: That is fine. I don't want to
23 hear about those discussions about the CDO with counsel.

24 Q We previously marked the CDO as Exhibit 2. If
25 you will turn to that in your binder, please. And on

DEPOSITION OF MICHAEL GEORGE

1 page five of the CDO --

2 A I'm looking at paragraph five.

3 Q Looking at paragraph 28. And the second
4 sentence says, "Instead, the District is diverting
5 intermingled tailwater and Old River water."

6 A I see that.

7 Q Do you know what information was available to
8 the State Board staff in order to make that statement?

9 MR. CARRIGAN: Document speaks for itself.

10 THE WITNESS: That sentence is consistent with
11 my observation and understanding that Bethany Drain puts
12 water in the cut where it commingles with Old River
13 water before it gets diverted at the pumping plant.

14 Q BY MS. SPALETTA: Did you edit this particular
15 paragraph 28 in order to represent facts, as you
16 understood them, for purposes of the CDO?

17 MR. CARRIGAN: I'm going to instruct the witness
18 not to answer if it involves an attorney-client
19 privileged communication.

20 THE WITNESS: Which it did.

21 Q BY MS. SPALETTA: Toward the end of the
22 paragraph there is a statement that says, "... nor by
23 enhancing the water quality of the return flows by
24 diluting them in Old River."

25 Do you see that?

DEPOSITION OF MICHAEL GEORGE

1 A I see that.

2 MR. CARRIGAN: I'm sorry. That misstates the
3 document. It is not even a complete sentence.

4 Q BY MS. SPALETTA: Excuse me. I'll read the
5 whole sentence. It says:

6 "Although the District may reclaim the return
7 flows from its diversion, subject to certain
8 restrictions, such rediversion is based solely
9 on use of the District's recapture of its own
10 return flows, without addition of water from Old
11 River, nor by enhancing the water quality of the
12 return flows by diluting them in Old River."

13 Do you see that sentence?

14 A Yes, I do.

15 Q Where it says, "enhancing the water quality of
16 the return flows by diluting them in Old River," is
17 there any information, that you are aware of, regarding
18 that statement or that conclusion that was available to
19 the State Board as part of its investigation?

20 MR. CARRIGAN: Again, I'll instruct the witness
21 not to answer if it involves an attorney-client
22 communication.

23 THE WITNESS: Which it did.

24 Q BY MS. SPALETTA: Okay. Are you aware of any
25 factual information regarding whether the water quality

DEPOSITION OF MICHAEL GEORGE

1 of the return flows were enhanced or not enhanced?

2 A I've certainly got a lot of information on
3 water quality in Old River from time to time near
4 that point. I don't have any information about the
5 water quality entering the intake cut.

6 Q So you don't have any specific information about
7 whether or not the water quality of the return flows
8 that were in the Bethany Drain were enhanced by diluting
9 them with Old River water?

10 A I do not have any specific information on
11 that.

12 Q Do you know whether anyone else at the State
13 Board does?

14 A I don't know.

15 Q Okay. Now we are going to switch gears a little
16 bit and talk about the water availability determinations
17 that the State Board made in 2015.

18 MR. CARRIGAN: Are you done with Exhibit 2?

19 MS. SPALETTA: For now. Thank you.

20 Q What was your involvement in the water
21 availability determinations during 2015?

22 A I would say, generally, I was an interested
23 observer.

24 Q Did you have discussions with anyone, other than
25 legal counsel, regarding the methodology employed by

DEPOSITION OF MICHAEL GEORGE

1 State Board to make the water availability
2 determination?

3 A Yes.

4 Q Who were those discussions with?

5 A Barbara Evoy, John O'Hagan, Cathy Mrowka,
6 Brian Coats. There may have been others from the
7 Division of Water Rights involved in some of those
8 discussions.

9 Q Did you understand what methodology was used?

10 A Generally, yes.

11 Q What is your general understanding of the
12 methodology?

13 A That the Division of Water Rights collected
14 and analyzed information on unimpaired flows
15 provided by the Department of Water Resources, and
16 water claims and reports of diversions, and weather
17 data precipitation primarily, some stream gauge --
18 stream flow gauge information.

19 And that they took the information on water
20 available in various watersheds and then compared it
21 to the projected demands for that water based on
22 water rights in the watershed, and created, then,
23 supply/demand curves and graphs to compare the two.

24 Q As the Delta Watermaster, were you involved in
25 determining what the appropriate sources of supply were

DEPOSITION OF MICHAEL GEORGE

1 for the diverters in the Delta channels?

2 A I'm sorry. Would you repeat that?

3 (Whereupon, the record was read.)

4 THE WITNESS: No, I was not.

5 Q BY MS. SPALETTA: Do you know who made that
6 determination?

7 A I believe it was made on a collaborative
8 basis by the Division of Water Rights.

9 Q Did you provide any input?

10 MR. CARRIGAN: To anyone other than legal
11 counsel?

12 Q BY MS. SPALETTA: Correct.

13 A Yes.

14 Q And what input did you provide?

15 A May I put it this way -- I was involved in
16 discussions with that group about the methodology
17 and how to develop the information, how to present
18 it, how to explain it, how to refine it, what
19 additional information would be useful. So I was
20 involved in those discussions on an ongoing basis.

21 Q I'm going to ask a couple of specific questions
22 about the supply side of the methodology, and my
23 questions are specific to looking at the sources of
24 supply in the channels of the Delta.

25 So what do you remember about those discussions

DEPOSITION OF MICHAEL GEORGE

1 regarding the appropriate sources of supply to look at
2 for water availability purposes for the Delta channels?

3 MR. CARRIGAN: To the extent they weren't
4 privileged discussions with counsel.

5 Q BY MS. SPALETTA: That is correct.

6 A So my recollection and understanding is that
7 the water available for diversion in the Delta is
8 deemed to be water that flows into the Delta from
9 the various watercourses from the Sacramento River,
10 the San Joaquin River, Mokelumne, the other rivers
11 and streams that flow into the Delta.

12 Q Was there any discussion, that you can recall,
13 regarding how to treat water that is present in the
14 Delta that had flowed into the Delta at a prior point in
15 time?

16 MR. CARRIGAN: Lacks foundation. Calls for
17 speculation.

18 THE WITNESS: And I'm not sure I understand the
19 question well enough to give you an answer.

20 Q BY MS. SPALETTA: Well, let's break it down
21 then. You said that there was a discussion regarding
22 treating tributary inflow as an appropriate source of
23 supply.

24 My question is about what happens to the
25 tributary inflow once it reaches the Delta channels. Is

DEPOSITION OF MICHAEL GEORGE

1 it your understanding that it stays there for awhile or
2 does it immediately flow out to the ocean if it is not
3 diverted?

4 MR. CARRIGAN: Calls for speculation. Calls for
5 expert testimony, nonqualified expert, and lacks
6 foundation.

7 Q BY MS. SPALETTA: You can answer the question.

8 A So I'm not an expert, but I do understand
9 that water that flows into the Delta does not, in
10 all circumstances, flow through the Delta and out;
11 that it is a confluence of lots of different inflows
12 and outflows so that there is, you know, resident
13 time in the Delta.

14 Q So during the discussions that you had with the
15 other members of the State Board staff regarding the
16 supply side of the water availability analysis, did this
17 concept of residence time come up?

18 MR. CARRIGAN: Same three objections. Actually,
19 I'll skip the expert objection and stick with
20 speculation and lacks foundation.

21 THE WITNESS: Well, in any case, all of that
22 discussion involved counsel.

23 Q BY MS. SPALETTA: There was never a discussion
24 without counsel where residence time was discussed?

25 MR. CARRIGAN: Assumes facts not in evidence.

DEPOSITION OF MICHAEL GEORGE

1 THE WITNESS: I can't -- I can't think of one.

2 Q BY MS. SPALETTA: Setting aside your
3 communications with counsel, which I don't want to hear
4 about, what is your understanding of how the State Board
5 staff ended up treating the issue of residence time in
6 its water availability determination?

7 A My understanding is that residence time is
8 not taken into consideration in the water
9 availability analysis.

10 Q And do you have an opinion, one way or the
11 other, as to whether or not that is appropriate?

12 MR. CARRIGAN: Calls for expert testimony.
13 Calls for a legal conclusion.

14 THE WITNESS: That is what I would say. I think
15 it calls for a legal conclusion. And I think that is an
16 important legal issue to be determined.

17 Q BY MS. SPALETTA: So you have no opinion?

18 MR. CARRIGAN: Asked and answered.

19 (Discussion between witness and attorney.)

20 Q BY MS. SPALETTA: You can answer.

21 A Can you read the question again?

22 (Whereupon, the record was read.)

23 MR. CARRIGAN: I'll renew the same objections.

24 THE WITNESS: I am not sure -- do I have an
25 opinion whether that is appropriate. Is "that"

DEPOSITION OF MICHAEL GEORGE

1 referring to the exclusion of residence time?

2 Q BY MS. SPALETTA: Correct.

3 MR. CARRIGAN: Calls for a legal conclusion.
4 Calls for expert testimony.

5 THE WITNESS: So my opinion is that you can't
6 take resident time into consideration.

7 Q BY MS. SPALETTA: What is your opinion based on?

8 MR. CARRIGAN: Same objections. Lacks
9 foundation. If you have a basis for your opinion that
10 was not conveyed to you by legal counsel -- and I think
11 that is what the question asks -- you can provide it;
12 but I'm still objecting on the basis that it calls for a
13 legal conclusion and calls for expert testimony.

14 THE WITNESS: So I would say that my opinion on
15 that is so intertwined with discussions with counsel
16 that I shouldn't respond.

17 Q BY MS. SPALETTA: Now I want to talk about the
18 demand side of the water availability. What discussions
19 did you have regarding the appropriate method -- or not
20 "appropriate" but the method to calculate demand for
21 purposes of the water availability analysis in the Delta
22 that did not involve counsel?

23 A So I participated in a number of discussions
24 about how to determine demand within the Delta and
25 generally within the Delta watershed, including some

1 outreach sessions to discuss how the Division of
2 Water Rights could best determine the likely demand
3 for water on a priority basis.

4 So I was involved in a lot of those
5 discussions basically throughout the period of my
6 employment with the State Board.

7 Q What was the content of those discussions?

8 A Well, there were many of them. They evolved
9 over time. And they generally discussed how to
10 capture and analyze the information provided by
11 diverters or information that was within the
12 Division of Water Rights' files with respect to
13 demand. So I looked at, you know, reports of
14 diversion in use, licenses, permits, claimed water
15 rights, et cetera.

16 Q Did you have any discussions regarding how to
17 treat duplicative reporting in the Delta?

18 A Yes, we did.

19 Q And what were the context of those discussions?

20 A Well, we recognized that data sets available
21 to the Division of Water Rights had a number of
22 duplications, and that we needed to try and reduce
23 the duplications so that we could understand it
24 better.

25 That was part of the reason for the outreach

1 sessions, to try and, first of all, gain an
2 understanding of how reports were made so that we
3 could identify duplicates. And also to have a
4 dialogue with some of the people who had prepared
5 those reports to understand the methodology that
6 they were using, so that we could identify and,
7 having identified, hopefully resolve duplicates.

8 So as an example, there were a number of
9 reports where it was unclear whether the water that
10 had been diverted within the Delta was under a
11 pre-1914 or a riparian right. So we tried to figure
12 out whether we were looking at twice as much
13 diversion as was actually diverted, because two
14 rights were being claimed for the same water, or
15 whether there was actually that larger doubled
16 amount of water, if you will.

17 Q Was there a specific outreach session in the
18 Delta to address this issue?

19 A Well, let me differentiate between formal
20 outreach sessions, where we tried to gather a lot of
21 people and have a discussion, and those outreach
22 sessions were not exclusive to the Delta. They were
23 Delta watershed, I would say. So they involved the
24 tributaries.

25 But during those same periods, I was having

DEPOSITION OF MICHAEL GEORGE

1 dialogue with individuals in the Delta and their
2 representatives so that I could better understand
3 what I was seeing and reading in reports.

4 Q As a result of those outreach sessions, were you
5 able to identify any duplicative reporting that needed
6 to be corrected for purposes of the water availability
7 analysis?

8 A Yes.

9 Q Do you remember which diverters you identified?

10 A There was a large number of them, so I
11 wouldn't -- I wouldn't be able to call to mind one
12 or another of them. I would say it was more, kind
13 of, classes of reports that we were looking at from
14 the Delta that we came to understand and be able to
15 interpret in a way that allowed us to differentiate
16 a number of circumstances where data that we were
17 relying on overstated the amount of demand. And we
18 tried in those classes to deduce our projections of
19 demand, so that they didn't include that
20 duplication.

21 Q Who is "we"?

22 A Myself, my staff and the staff from the
23 Division of Water Rights.

24 Q So how was that information, then, communicated
25 to the people who were actually running the spreadsheet

DEPOSITION OF MICHAEL GEORGE

1 for this water availability analysis?

2 MR. CARRIGAN: Lacks foundation. Calls for
3 speculation. If you know, you can answer.

4 Q BY MS. SPALETTA: I should establish foundation.
5 Was your analysis and what you determined
6 actually communicated to the people who were crunching
7 the numbers in the spreadsheets?

8 MR. CARRIGAN: If you know.

9 THE WITNESS: So what I know is that the people
10 who were crunching the numbers were often participants
11 in those discussions. But, otherwise, I was not
12 involved in communicating any of those discussions.
13 That happened through the Division of Water Rights'
14 personnel.

15 Q BY MS. SPALETTA: Who was?

16 A Who were those?

17 MR. CARRIGAN: Calls for speculation.

18 MS. SPALETTA: Yes.

19 MR. CARRIGAN: Lacks foundation. Misstates
20 testimony.

21 Go ahead.

22 THE WITNESS: So I know who was in the
23 discussions that I had. I don't know who from the
24 Division communicated, you know, at all times to the
25 number crunchers.

DEPOSITION OF MICHAEL GEORGE

1 Q BY MS. SPALETTA: Who was in the discussions
2 that you had?

3 A I think I said before at various times John
4 O'Hagan, Cathy Mrowka, Brian Coats and others from
5 the Division.

6 Q The reason I'm asking you this is because we had
7 Mr. Coats and Mr. Yeazell's testimony already and --

8 A Mr. Coats and who?

9 Q Yeazell.

10 A Okay.

11 Q Yeazell. Excuse me. Yes, Yeazell.

12 What they described, as far as the effort for
13 identifying duplicates, was they simply did a sort of
14 the database and looked for the same name and the same
15 number. And there was nothing more to it than that;
16 that there was no actual analysis of APNs or diversion
17 points to do anything other than what they could find by
18 matching up names and numbers in the database.

19 But what you are describing to me is something
20 different, something that would have resulted from
21 outreach meetings with actual diverters. So I'm trying
22 to figure out how this information, from the outreach
23 meetings, made its way into the water availability
24 analysis because that is not something that somebody
25 else has testified to so far.

DEPOSITION OF MICHAEL GEORGE

1 MR. CARRIGAN: Argumentative. Misstates
2 testimony. Assumes facts not in evidence. Lacks
3 foundation. Calls for speculation.

4 Q BY MS. SPALETTA: So I'm not --

5 MR. CARRIGAN: Narrative. Leading.

6 MS. SPALETTA: That is okay. I'm entitled to do
7 that in a deposition.

8 Q Other than what Mr. Coats and Mr. Yeazell
9 described to us in the depositions as being, like, a
10 search and find process in their spreadsheet, you've now
11 described this outreach process that resulted in
12 something else.

13 So I'm trying to figure out what exactly
14 resulted from that outreach process and how it got
15 implemented. Do you have any information on that or are
16 you just not sure?

17 A So I certainly don't have any knowledge of
18 that prior deposition testimony. And I don't know
19 how the discussions that I had with others in the
20 division were communicated to what you've described
21 as the "number crunchers."

22 I do know that as we, particularly John
23 O'Hagan and I, were reviewing successive reports or
24 analyses, we attempted to use the information and
25 insight that we had developed to make modifications

DEPOSITION OF MICHAEL GEORGE

1 and corrections. And I don't have any specific
2 knowledge of how that -- how those corrections were
3 communicated back to the number crunchers.

4 Q So in your position as Delta Watermaster, you
5 took over for Craig Wilson, right?

6 A That's correct. He was my predecessor.

7 Q Are you aware of an effort that Mr. Wilson
8 managed to analyze all of the statement filings on each
9 of the islands in the Delta and then prepare a report?

10 A I'm generally aware of that effort. I think
11 it was more limited than how you described it. It
12 was not for all the islands in the Delta. It
13 focused on some specific islands in central or south
14 Delta.

15 Q And did you or your staff utilize the
16 information from Mr. Wilson's report from those islands
17 to help refine the demand analysis for the water
18 availability work that was done this year?

19 A I was not involved in any of that, if it
20 happened.

21 Q Okay. We've talked about potential duplicate
22 reporting for the demand side of the analysis. What
23 about return flows, analysis of return flows in the
24 Delta? Were you involved in how to treat return flows
25 in the Delta for purposes of the water availability

1 analysis?

2 A You are speaking specifically of return flows
3 from irrigation in the Delta to the Delta channels?

4 Q Correct.

5 A I have been involved in discussions with the
6 Division of Water Rights about how and whether we
7 could gain information and insight related to those
8 return flows.

9 Q Do you know how they were treated for purposes
10 of the water availability determination in 2015?

11 A I'm not certain.

12 Q Were you involved in discussions regarding how
13 they should be treated in 2015?

14 A But those discussions involved counsel.

15 Q All right. Is there anything else specific
16 about the demand side of the water availability
17 determination that you were involved in, other than what
18 we've already talked about?

19 A No, I don't think so.

20 MS. SPALETTA: We'll take a quick break and we
21 are going to switch examiners. Thank you.

22 (Whereupon, a recess was then taken.)

23 Q BY MS. SPALETTA: Mr. George, I wanted to just
24 follow-up with you on the outreach discussion sessions
25 that you were describing. How many outreach sessions

DEPOSITION OF MICHAEL GEORGE

1 were there with diverters in the Delta?

2 A Well, diverters in the Delta were included in
3 the April outreach session that the Division of
4 Water Rights convened. And then, as I've said, I
5 also had discussions from time to time out in the
6 field or out in the Delta with diverters and their
7 representatives.

8 Q The April outreach session, where did it take
9 place?

10 A In the EPA building.

11 Q And who requested the meeting?

12 A I'm not sure I know for sure who requested
13 it.

14 Q And prior to the meeting, was there some effort
15 made to inform the Delta diverters that the purpose of
16 the meeting was to review the demand database?

17 A I'm not sure.

18 Q Did you make any effort to reach out to Delta
19 diverters to seek their review and comment on the demand
20 database that was going to be used for the water
21 availability determination?

22 A Not independent from the effort that I
23 collaborated in with the Division of Water Rights.

24 Q Do you know whether anyone from the Division of
25 Water Rights reached out to diverters in the Delta and

1 asked for their review or comments on the demand
2 database?

3 A Other than at the outreach session?

4 Q Did that occur at the outreach session?

5 A Yes.

6 Q The demand database was shared with people at
7 the outreach session?

8 A The methodology for that analysis was, in my
9 recollection, the subject of that outreach session.

10 Q The graphs?

11 A Correct.

12 Q Was there any information for how the graphs
13 were put together that was shared at the outreach
14 session?

15 A Well, yes. Among other things, the Division
16 of Water Rights invited personnel from the
17 Department of Water Resources who described how they
18 developed and provided the unimpaired flow data that
19 was used in that. That was a significant focus of
20 the outreach session.

21 Q What about the demand side?

22 A My recollection is that the demand side was,
23 at that time in April, focused primarily on review
24 of responses the Division had gotten from its
25 Information Order. As I recall, that Information

DEPOSITION OF MICHAEL GEORGE

1 Order, which was issued in early February and
2 required responses in early March, was in the
3 process at that time of being evaluated, compared,
4 scrubbed, et cetera.

5 Q So was that demand database shared with the
6 Delta interests at that April outreach session?

7 A I don't recall that it was available at that
8 time. I think it was still in development. And the
9 discussion was how to make sure that we were getting
10 the best information that we could, integrating the
11 information from that Information Order.

12 Q So since it was still in development, was there
13 a subsequent outreach session held with the Delta
14 interests?

15 A My recollection is that the information was
16 iteratively posted. And that as it was posted,
17 notice of that was given. And we certainly got
18 input from that. I don't -- I'm not aware of a
19 specific outreach effort.

20 Certainly, as I had conversations with
21 constituents within the Delta, I urged people to
22 look at it, scrub it, give us any feedback. I
23 described to a lot of constituents in the Delta what
24 I think I came to call "crowd correcting," by which
25 I described a process of putting the information out

DEPOSITION OF MICHAEL GEORGE

1 there and getting anybody who thought that it was
2 inaccurate or wrong, or didn't apply accurately to
3 them, would provide that correction. And we did
4 certainly get some of that.

5 Q Did you get any of that from the people in the
6 Delta?

7 MR. CARRIGAN: Calls for speculation.

8 THE WITNESS: Well, we certainly got feedback
9 from people in the Delta and their representatives.

10 Q BY MS. SPALETTA: Did you get any specific
11 feedback on database from people in the Delta?

12 A Well, let me put it this way. We got
13 clarifications or corrections of data which found
14 its way through that correction process into the
15 database.

16 Q You said that as this was updated, it was
17 posted. Do you mean to the website?

18 A Correct.

19 Q And then you also said notice went out to people
20 when the updates were posted. Are you sure about that?

21 A I'm not sure about that. I believe I recall
22 Lyris notices that went out that brought to my
23 attention.

24 Q Other than the meeting at the April 15th EPA
25 building and your dispersed conversations with people in

1 the Delta, were there any other outreach sessions
2 regarding the calculation of supply and demand for the
3 purposes of the water availability determination in
4 2015?

5 A Not that I'm aware of.

6 Q The one in April, how many days before West
7 Side's curtailment was that?

8 A I don't recall. I could look at the date of
9 the two things and tell you, but I don't have those
10 dates in mind.

11 MS. SPALETTA: We are going to mark our next
12 exhibit in order as 113.

13 (Whereupon, Exhibit No. 113 was
14 marked for identification.)

15 Q BY MS. SPALETTA: Exhibit 113 is one of the
16 emails that has been produced to us as part of the
17 Public Records Act's request. And you are in this email
18 string in the second email on the first page, which is
19 from Tom Howard. And it is to you and Diane Riddle and
20 Karen Trgovcich, Barbara Evoy and Les Grober.

21 The subject matter is, "RTDOT discussion on
22 Delta outflow and conservation of storage." And Tom
23 Howard wrote:

24 "I expect to approve this ASAP but I'm not sure
25 of the reasoning. How do you think we should

DEPOSITION OF MICHAEL GEORGE

1 frame approval?"

2 Do you have any memory of this issue coming up
3 and being discussed?

4 A Give me a minute to read the flow here.

5 Q Sure.

6 A (Witness reading.)

7 MR. KELLY: For the record, I think that that
8 is already marked as Exhibit 58.

9 MS. SPALETTA: Is it?

10 MR. KELLY: Did we mark it again?

11 MS. SPALETTA: We did, but we can revert back
12 and call it Exhibit 58 so the record is clear.

13 MR. KELLY: Sure.

14 THE WITNESS: Well, let me finish reading this
15 and then I'll find that in here.

16 (Whereupon, Exhibit 113 was withdrawn.)

17 THE WITNESS: (Witness reading.)

18 Okay. I've reviewed Exhibit 58. And your
19 question?

20 (Whereupon, the record was read.)

21 THE WITNESS: Yes, I do.

22 Q BY MS. SPALETTA: What is your recollection?

23 A As described in Mr. Milligan's email, there
24 were significant efforts in the Delta during this
25 period to reduce diversions, a voluntary water

1 conservation program among in-Delta riparian water
2 claimants.

3 And as described by Mr. Milligan and
4 discussed in the Real Time DOT operations team
5 meeting, there was anecdotal evidence, there was
6 information available that the actual Delta outflow
7 was in excess of the amount of Delta outflow
8 determined under the Net Delta Outflow Index,
9 according to Decision 1641.

10 In light of that, and in light of the
11 pressure and tension about preserving water in
12 storage for later use, for maintenance of the
13 fisheries and diversion by priority water right
14 holders, the projects were proposing to get an
15 adjustment to the NDOI index to take account of
16 those factors, which seemed to be increasing the
17 outflow above what the NDOI would suggest. And that
18 was the nature of the discussion at the RTDOT
19 meeting, and it is the description here.

20 I was involved, particularly with respect to
21 the desire of everyone to understand whether we were
22 getting real reductions in diversion, and that is in
23 Delta demand, which would account for some of that
24 observed discrepancy between forecast NDOI and
25 actual outflows.

DEPOSITION OF MICHAEL GEORGE

1 Q And did Mr. Howard end up approving the request
2 to change the index calculation?

3 A Honestly, I don't specifically recall. I
4 believe he did but I don't specifically recall. I
5 don't know -- I can't remember seeing an order.

6 Q Do you remember any subsequent discussions after
7 this or was this just a one-time thing that happened
8 that summer?

9 A There were ongoing discussions of this, this
10 phenomenon; that is, in-Delta use being lower than
11 anticipated or forecast, partly because the NDOI is
12 based on an average of lookback of prior years. And
13 we all recognize that 2015 is the fourth year of the
14 drought. Likely, had some significant discrepancies
15 from that long-term lookback average that was
16 embedded in the NDOI.

17 And there was discussion on an ongoing basis
18 about what data we had that would help us make
19 better, finer, more realtime determinations of what
20 was going on in the Delta, compared to the rough
21 instrument of the NDOI methodology embedded in
22 D-1641.

23 Q Do you know whether or not there were any
24 subsequent adjustments to the NDOI index calculation
25 after this first discussion of an adjustment in the end

1 of June?

2 A I don't recall any.

3 MS. SPALETTA: Just for the record, I'd
4 mistakenly marked this email string as Exhibit 113,
5 but we had previously marked it as Exhibit 58, so we
6 will utilize Exhibit 58 in the binder.

7 We'll mark as Exhibit 113 our next exhibit in
8 order.

9 (Whereupon, Exhibit No. 113 was
10 marked for identification.)

11 Q BY MS. SPALETTA: I'll give you a minute, Mr.
12 George, to read what was marked as Exhibit 113 as part
13 of the Public Records Act request.

14 A Okay. (Witness reading.)

15 I've reviewed it.

16 Q I wanted to ask you about, I think it is the
17 third email in the string from Barbara Evoy to Cathy and
18 John. You are one of the CCs. Barbara is directing
19 Cathy and John saying:

20 "Please work with Les, Diane and the modelers to
21 see if this is an approach that can be
22 supported. The approach is along the lines of
23 what we had proposed to look at in our 'Delta
24 pool' proposal of December. (What is the effect
25 with and without the projects. Are they better

DEPOSITION OF MICHAEL GEORGE

1 or worse off."

2 Do you know what she was referring to, as far as
3 the Delta pool proposal of December?

4 A I do not.

5 Q Did you have any discussions with anyone at the
6 State Board, other than counsel, about any of the prior
7 approaches dealing with the Delta pool?

8 A I recall after my appointment was announced,
9 but before I assumed my employment with the State
10 Board, that I met with Barbara Evoy, John O'Hagan
11 and Cathy Mrowka for them to give me a background
12 briefing.

13 And at the time, I recall Barbara referring
14 to a series of what she called "white papers" on
15 outstanding issues related to the administration of
16 water rights throughout the state, including within
17 the Delta. And I recall her saying that much of the
18 work to develop those "white papers" had been
19 deferred and delayed because of the exigencies of
20 the drought.

21 So I recall that she was lamenting that we
22 were not farther along in those. And I responded
23 that I would be interested in seeing the subject
24 matters that were at stake. So that is what I
25 recall.

DEPOSITION OF MICHAEL GEORGE

1 Q And was the subject matter of one of those white
2 papers this concept of modeling the Delta pool?

3 A I don't know.

4 Q So did it come up in your conversation?

5 A The fact that there were these requests for a
6 series of white papers on various issues was brought
7 up. As far as I understand from that preemployment
8 briefing, the white papers had not been prepared.
9 And I don't know specifically -- I don't know -- as
10 I've said, I don't know what she was referring to,
11 whether among those was a Delta pool proposal. I
12 don't know what it was. I don't recall having seen
13 it.

14 Q So during the time from then until now in your
15 role as the Delta Watermaster, has there been any effort
16 to actually look at modeling the Delta pool or
17 understanding it better?

18 A I have been involved in a series of
19 discussions about defining the Delta pool theory,
20 figuring out what the practical and legal issues are
21 embedded in the Delta theory, and how we could best
22 analyze and evaluate and ultimately get clarity in
23 the law about the issues that are generally lumped
24 together under the concept of Delta pool.

25 Q And who has been participating in those

1 discussions?

2 A Well, insofar as I have been involved in
3 those discussions, they have involved primarily
4 members of the Division of Water Rights. I've had
5 some conversations with counsel about that. And I
6 have expressed my opinion to various members of the
7 Executive Team of the State Board, and State Board
8 members themselves, that it would be valuable to all
9 water right users to have greater clarity on what
10 the law is related to the various theories that are
11 lumped under the concept of Delta pool.

12 Q Who exactly by name are the people who have been
13 involved in the discussions?

14 A Well, within the Division of Water Rights, it
15 would be Barbara Evoy, John O'Hagan, Cathy Mrowka.
16 I'm trying to think. Brian Coats has been involved
17 and maybe Paul Wells. It would have been entirely
18 possible that they would have been involved in some
19 of those discussions.

20 I've had those general discussions about
21 expressing my opinion that we needed greater clarity
22 on those issues with Caren Trgovcich, with Tom
23 Howard, Felicia Marcus, Dee Dee D'Adamo, Frances
24 Spivy-Weber, Tam Doduc, Steve Moore. That is all I
25 can think of within the State Board.

DEPOSITION OF MICHAEL GEORGE

1 I've also had discussions with other
2 colleagues in state governments and other
3 constituents outside of state government.

4 Q What about counsel of the State Board? Which
5 counsel?

6 A So I've had discussions about that with Andy
7 Sawyer, Michael Lauffer. I can't remember
8 specifically carrying on that discussion with Andrew
9 but he would have naturally been involved in some of
10 those broader discussions, I would think.

11 Q Are you a member of the West Side Irrigation
12 District's Prosecution Team?

13 A Yes.

14 Q Are you a member of the BBID's Prosecution Team?

15 A I think I am as a result of having been
16 exposed to information. I have been advised or
17 instructed to refrain from discussions with the
18 hearing side.

19 Q And is Mr. Andy Sawyer part of the Prosecution
20 Team for West Side?

21 MR. CARRIGAN: Calls for speculation.

22 THE WITNESS: I don't know.

23 Q BY MS. SPALETTA: What about Mr. Lauffer?

24 A I don't know.

25 MR. CARRIGAN: Same.

DEPOSITION OF MICHAEL GEORGE

1 Q BY MS. SPALETTA: Other than having these
2 discussions with the people you've identified regarding
3 the Delta pool theory and the legal implications that
4 need to be resolved, have you done any work, as the
5 Delta Watermaster, on gathering the factual information
6 related to the Delta pool?

7 A I haven't done anything as Watermaster to
8 independently gather or develop that information. I
9 have tried to gather and review information that is
10 in our files or has been proposed to me which I've
11 run across.

12 Q And can you identify that information? Does it
13 include modeling work or is it something else?

14 A I'm thinking particularly of some of the
15 reports that have been done over time by the
16 Department of Water Resources, particularly some
17 work that was done in the run-up to authorization of
18 the State Water Project. So mid to late-1950s
19 vintage. I've also looked at information made
20 available by the Central and South Delta water
21 agencies, their counsel.

22 Q The factual information that you gathered
23 relating to the Delta pool, did you provide that to any
24 other members of the State Board's staff for their use
25 as part of the water availability determination?

DEPOSITION OF MICHAEL GEORGE

1 A I did not.

2 Q Why not?

3 A Number one, because I believe that my inquiry
4 and education on this issue was essentially
5 remedial, and that a lot of that data was well-known
6 and understood by colleagues of mine.

7 So, honestly, I would have thought it would
8 be a bit impertinent to be propounding that data
9 that was in our files that I was becoming familiar
10 with in my new role as Delta Watermaster, so I did
11 not.

12 MS. SPALETTA: I don't have any further
13 questions right now. Mr. Kelly, are you ready?

14 EXAMINATION BY MR. KELLY

15 Q BY MR. KELLY: Yes. Good morning, Mr. George.
16 I'm Dan Kelly for Byron-Bethany Irrigation District.
17 I'm going to back up a little bit.

18 Did you attend college?

19 A I did.

20 Q Where did you attend college?

21 A University of Notre Dame.

22 Q And did you receive a degree from Notre Dame?

23 A I did.

24 Q What was your degree in?

25 A American Studies.

DEPOSITION OF MICHAEL GEORGE

1 Q Was it a Bachelor's degree?

2 A Yes.

3 Q Did you do any graduate work after you left
4 Notre Dame or at Notre Dame?

5 A I went to law school.

6 Q And where did you attend law school?

7 A Georgetown University Law Center.

8 Q And did you receive your Juris Doctor from
9 Georgetown?

10 A I did.

11 Q Are you currently an active member of the
12 California State Bar?

13 A I am.

14 Q Are you a member of any other State Bar?

15 A I am a member of the Commonwealth of
16 Virginia, the District of Columbia and the state of
17 Minnesota.

18 Q Other than your Bachelor's degree from Notre
19 Dame and your law degree from Georgetown, any other
20 degrees that you hold?

21 A No.

22 Q Any other graduate education that you've taken,
23 besides your work at law school?

24 A No.

25 Q And what year did you graduate from Georgetown?

DEPOSITION OF MICHAEL GEORGE

1 A 1975.

2 Q And so instead of going from 1975 to the
3 present, let's work backwards and see how far we can
4 get.

5 A As far as you want to go.

6 Q Okay. So you currently have been appointed to
7 serve as the Delta Watermaster; is that correct?

8 A That is correct.

9 Q And when were you appointed to that position?

10 A The appointment was announced some time in
11 December. I assumed the role on January 5th, 2015.

12 Q 2015, okay. Is the Delta Watermaster -- is it
13 part of the State Board, do you know? It is not part of
14 the State Board -- but is it within the State Water
15 Resources Control Board?

16 A No. It was separately created as an
17 independent office by the Delta Reform Legislation
18 of 2009. The position is an independent-appointed
19 position that reports jointly to the State Water
20 Resources Control Board and the Delta Stewardship
21 Council.

22 Q Okay. So do you take direction from anybody?
23 When you say "independent," do you just look to the
24 implementing statutes in undertaking your duties and
25 obligations, do you know?

DEPOSITION OF MICHAEL GEORGE

1 A Primarily the statute but I also have --
2 since September 1st, I've had a delegation of
3 authority from the State Water Resources Control
4 Board.

5 Q Do you take direction from anybody at the State
6 Water Board?

7 A No.

8 Q And so prior to being appointed to the Delta
9 Watermaster, where were you employed?

10 A I was employed by Wedbush Securities.

11 Q And what did you do at Wedbush Securities?

12 A I was an investment banker serving the
13 integrated water industry.

14 Q When you say "serving the integrated water
15 industry," can you explain that a little bit so I
16 understand?

17 A Sure. Wedbush Securities is a multiservice
18 investment bank. We provided investment banking
19 services -- advisory work, raised funding for, made
20 investments in, et cetera -- a broad spectrum of the
21 water industry, all the way from equipment,
22 manufacturers, to water rights holders to water
23 users.

24 Q And when did you start at Wedbush?

25 A In November of -- let me think.

DEPOSITION OF MICHAEL GEORGE

1 Q Approximately how long were you there?

2 A I was there for about five years.

3 Q About five years. And where were you before
4 Wedbush?

5 A I was at Sutter Securities.

6 Q Is that investment banking as well?

7 A Yes. It is a boutique. It is much more
8 focused.

9 Q And what was the focus of that?

10 A My practice was primarily balance sheet
11 restructuring.

12 Q In any particular industry or --

13 A Real estate, natural resources and water.

14 Q And then prior to that firm, where were you?

15 A Prior to that, I was an executive with Golden
16 State Water Company.

17 Q Okay. Golden State Water Company. What years
18 were you with Golden State?

19 A 2007/2008.

20 Q And what did you do at Golden State Water
21 Company?

22 A I was responsible for a number of the
23 divisions within the company, so I oversaw the
24 regulatory affairs group. So relationships with the
25 regulator, the Public Utilities Commission.

DEPOSITION OF MICHAEL GEORGE

1 I oversaw the Human Capital Management
2 Division. I managed and reorganized the company's
3 water portfolio. And I prepared, with direction and
4 input from our board, the company's strategic plan.
5 And I advised the board on replacement of senior
6 executives.

7 Q At Golden State or Wedbush -- and I didn't write
8 down the intermediate firm -- did you ever deal with
9 water rights or did you ever get informed about water
10 rights in any of those three positions?

11 A Yes.

12 Q In which position?

13 A All of them, as well as in some of my prior
14 positions; but certainly at Golden State Water
15 Company where I was involved with reorganizing or
16 rationalizing the water's portfolio.

17 Q So is it safe to say that you educated yourself
18 on water rights? Is that a fair characterization of
19 what you did when you were there, or did you already
20 know about water rights prior to your position at Golden
21 State?

22 A I already had a substantial background in
23 water rights before joining with Golden State.

24 Q Where did you get your background in water
25 rights?

DEPOSITION OF MICHAEL GEORGE

1 A So for the nine years prior to joining Golden
2 State Water Company, I was the Chief Executive
3 Officer of Western Water Company, which was a water
4 portfolio, a public company, water portfolio
5 management company.

6 I would say prior to that, as a managing
7 director at J.P. Morgan, I had been involved with
8 financing water infrastructure. And in that regard
9 as well, I had to become schooled in California
10 water rights.

11 Q And so at J.P. Morgan, were you involved in
12 California water matters?

13 A Yes.

14 Q Anything in particular that you were involved in
15 at J.P. Morgan?

16 A My work at J.P. Morgan was primarily involved
17 with financing and advising public and private
18 entities in the water industry. So all the way from
19 underwriting bonds for water districts, to advising
20 investors on water utilities, on making
21 acquisitions, and advising on managing their water
22 portfolios.

23 Q At J.P. Morgan, were you ever involved in
24 matters involving the California Delta?

25 A No, not directly. I mean, the Delta is the

DEPOSITION OF MICHAEL GEORGE

1 crossroads of California water, so I advised a lot
2 of people who were dependent, to one extent or
3 another, on conveyance through the Delta but I never
4 represented anybody with direct Delta interests.

5 Q Okay. How about when you were at Western Water
6 Company?

7 A At Western Water Company, as far as I know
8 during my nine years as CEO, we never represented
9 any water rights in the Delta. We were interviewed
10 fairly extensively by a water rights entity in the
11 Delta, but we were never engaged.

12 Q So in your work prior to being appointed Delta
13 Watermaster, were you ever involved in any way on
14 matters that directly involved -- and not just on behalf
15 of people in the Delta or interested in the Delta -- but
16 on matters that involve the Delta. Do you recall?

17 A Yes, certainly. At Western Water Company, we
18 attempted water transfers that involved conveyance
19 through the Delta.

20 Q And anything else other than transfers from the
21 Delta?

22 A I'm not sure what you mean by "anything
23 else." That was the primary issue at Western Water
24 Company that I dealt with that related to the Delta.
25 You know, I took water education foundation tours of

1 the Delta --

2 Q I'm just trying to -- I'm trying to now
3 understand how you got your understanding of the Delta
4 and kind of what the scope of that understanding is. So
5 I'm not trying to quiz you on things that you may or may
6 not have worked on. I just really want to understand.

7 A Got you.

8 Q Did you ever work on the Delta Wetlands Project?
9 Do you know what the Delta Wetlands Project is?

10 A I know what the Delta Wetlands Project is,
11 and that was the entity that we consulted with but
12 were never engaged.

13 Q So you were interviewed, then, to do work on
14 their behalf?

15 A I would say, Dan, that we were interviewed as
16 kind of what strategy might work and also on how to
17 maximize value of that asset to Zurich American.

18 Q As part of all that prior work, did you become
19 knowledgeable about the Delta or was it really just kind
20 of a basic knowledge of California water rights?

21 A Well, I guess I would say that I feel as
22 though, during those years dealing with California
23 water, I gained some familiarity with the Delta. I
24 don't think I had an in-depth knowledge of the
25 issues and the contentions in the Delta. Prior to

1 assuming my role as Delta Watermaster, I basically
2 looked to the Delta as a hub of transfer and
3 management issues.

4 Q And so you were appointed, you said, in December
5 of 2014?

6 A And took my role on January 5th, 2015.

7 Q And how long was the interview process for that
8 position? At least for you, how long was that process?

9 A Well, I applied for it on August 14th, which
10 was the last day of the application period.

11 Q Prior to your application, did you do anything
12 in particular to be, I guess, better informed about the
13 water issues and, I think you said, some of the
14 contentious issues in the Delta?

15 A I did not.

16 Q How about after you submitted the application
17 and prior to your appointment?

18 A Yes.

19 Q What did you do to inform yourself in that time?

20 A Well, I hope this is not an exhaustive list
21 but maybe an exemplary list. I read all of the
22 reports that had been written by my predecessor.

23 Q Okay.

24 A I reread some cases that I had read in the
25 past. I got access to and referred some files that

DEPOSITION OF MICHAEL GEORGE

1 had been developed while I was CEO of Western Water
2 Company, and I certainly reached out to friends and
3 colleagues to gather insight.

4 Q And if I recall correctly, correct me if I'm
5 wrong, I believe you told Ms. Spaletta that at some
6 point -- I don't know whether it was prior to your
7 appointment or since you have been appointed -- you
8 reviewed some materials with respect to the development
9 or construction of the State Water Project?

10 A Yes.

11 Q And so was that after you were appointed?

12 A Yes.

13 Q And so what did you review?

14 A Well, what I'm thinking about is a
15 three-volume set of materials that were produced by
16 the Department of Water Resources in support of the
17 State Water Project. And I wouldn't represent
18 that -- I haven't even read the whole thing. I've
19 used it as a reference.

20 Q Sure. Is there anything else that you've done
21 to understand the historic conditions in the Delta?

22 A Yes. So first of all, I have availed myself
23 of the opportunity to talk with a lot of people in
24 the Delta who have a lot of history on that. I have
25 been fortunate to get a lot of input from people in

1 the Delta.

2 I've reviewed files with respect to specific
3 water rights in the Delta or water rights claims in
4 the Delta when issues have come up. And certainly
5 in the course of reviewing and verifying efforts in
6 the Voluntary Water Conservation Program, I've had
7 the opportunity to be in the Delta a lot and to
8 learn what you can only learn riding shotgun in a
9 pickup with the guy who owns the fields.

10 Q Can you, in the binder, take a look at
11 Exhibit 86. Just turn to it and I might have a question
12 or two about it.

13 You were appointed as the Delta Watermaster kind
14 of what I hope was at the tailend of this drought, but
15 it might be the middle of this drought. But when you
16 came in, did you review anything from the 76/77 drought
17 or the late '20s drought to kind of get a feel for how
18 things went in other dry periods in the Delta?

19 A Dan, not the 1920s drought but certainly the
20 '77 drought.

21 Q And so why did you want to look at the '77
22 drought?

23 A I saw the '77 drought -- it was kind of the
24 beginning of my experience in California. And I had
25 seen that we go through droughts, and then it rains.

1 And all the issues that are important about droughts
2 get overtaken by other exigencies.

3 And so one of the things that I wanted to do
4 was to see what we could learn about the issues that
5 had been developed and addressed in prior droughts,
6 and whether we could learn from that, and whether we
7 could make better and hopefully faster decisions in
8 the current drought.

9 I'd been a member of the Water Transfer Work
10 Group after one of the droughts when I was -- when I
11 was CEO of Western Water Company. And I knew from
12 that experience that there were a lot of
13 recommendations that were in there that, in my view,
14 simply once it rained, weren't looked at again.

15 Q In your role as Delta Watermaster, have you ever
16 been interested to see what happened in the Delta prior
17 to the projects being built?

18 A Yes.

19 Q So have you ever looked at anything to see what
20 happens in the Delta or what happened in the Delta
21 pre-projects?

22 A Yes.

23 Q What have you looked at?

24 A I've looked at data series in the DWR Delta
25 Almanac that shows incursion of salinity into the

DEPOSITION OF MICHAEL GEORGE

1 Delta. I've also read a report that was done by the
2 Contra Costa Water District about pre-project
3 salinity measurement.

4 Q And you said the "Delta Almanac." Are you
5 referring to DWR's Delta Atlas.

6 A Yes.

7 Q There is a map in there that shows
8 salinity gradients -- or maximum salinity intrusion. Is
9 that your recollection?

10 A That is exactly what I was referring to.
11 Thank you for the correction.

12 Q No, that is okay.

13 So Exhibit 86, if you take a look at
14 Exhibit 86 -- actually, I'm sorry, Mr. George. Take a
15 look at 87. And I apologized to Mr. O'Hagan and for how
16 small these maps are, and I will apologize to you for it
17 as well.

18 A Well, I need more apology because my eyes are
19 older than his.

20 Q Okay. So are you able to see or recognize what
21 any of these given maps show? Let me ask you this: Are
22 these similar to the salinity gradient maps that you saw
23 in the Delta Atlas?

24 A Yes.

25 Q So what is your understanding based upon things

1 that you reviewed prior to becoming a Delta Watermaster
2 and since then, in kind of becoming educated on the
3 Delta, what is your understanding of how the Delta
4 operated prior to the projects being constructed?

5 MR. CARRIGAN: Lacks foundation. Calls for
6 speculation. Vague.

7 THE WITNESS: So my understanding is that to
8 understand the projects' influence, you have to go back
9 and look at what happened before. So I've done some --
10 I've taken some efforts to educate myself about how the
11 Delta operated as a natural estuary before there were
12 significant diversions from the tributaries.

13 I've looked at and tried to understand the
14 historical development of the Delta after the -- I'm
15 forgetting the exact name of the statute to drain the
16 swamps and reclaim them for agriculture -- but about
17 1858. And then the subsequent efforts to reclaim Delta
18 islands by building levees and channelizing some of the
19 water that had previously flowed through the Delta.

20 I've certainly looked -- and primarily I'm
21 thinking now of the Contra Costa report on the
22 increasing incursion of salinity into the Delta in the
23 time prior to and just after the federal and state
24 projects were constructed and began operation.

25 Q BY MR. KELLY: Do you have any understanding of

DEPOSITION OF MICHAEL GEORGE

1 what water users in the Delta did -- strike that.

2 Do you have any understanding, through your
3 review or research or whatever you've done, of what
4 water users did in the Delta during historic drought
5 periods?

6 MR. CARRIGAN: Vague. Overbroad. Incomplete
7 hypothetical.

8 Q BY MR. KELLY: In other words, I guess it could
9 have been a much better question. Do you know whether
10 or not any water users or diverters in the Delta
11 diverted water during other drought years?

12 A Yes. There's lots of evidence that I've seen
13 of diversions in other drought years.

14 Q And I don't want to put you on the spot, but do
15 you know what kind of drought years you are referring
16 to?

17 A Well, I've looked specifically at some of the
18 1930s' dry periods.

19 Q And what is your understanding of what happened
20 during the 1930 dry period?

21 A That there was significant incursion of salt
22 into the Delta late in the growing season; and that
23 reduction in water quality had a negative effect on
24 crops, but the crops in the 1930s were, in general,
25 more salt tolerant and less cultivated on a

DEPOSITION OF MICHAEL GEORGE

1 precision basis, shall we say.

2 Q And in becoming informed about that period of
3 time, did you do anything or did you look at any
4 material with respect to what the hydrology was like in
5 those years, and what the flow was like compared to what
6 diversions were occurring?

7 A Again, I refer primarily to the Contra Costa
8 study which provides some time sequence data about
9 the incursion of salinity and its occurrence with
10 diversions upstream -- and many of those diversions
11 on a pre-project basis.

12 Q Is it your understanding that in those prior dry
13 periods, people continued to divert in the Delta even
14 when flows upstream had substantially reduced?

15 MR. CARRIGAN: Calls for speculation. Lacks
16 foundation.

17 THE WITNESS: And I don't really -- I don't
18 know.

19 Q BY MR. KELLY: In your review, did you ever look
20 at any of those -- Exhibit 86 is a Water Supervisor's
21 Report, a DWR report from 1931. Have you ever looked at
22 anything like these in these reports?

23 A I don't recall having seen this particular
24 one. And I don't recall seeing something else that
25 looks like it was in a series that this would be

DEPOSITION OF MICHAEL GEORGE

1 part of.

2 Q In your role now as the Delta Watermaster, would
3 it surprise you to learn that in the year like 1931,
4 that people in the Delta continued to divert, even after
5 inflow dropped to zero into the Delta? Would that
6 surprise you?

7 MR. CARRIGAN: Incomplete hypothetical.

8 Q BY MR. KELLY: Let's take a look at Exhibit 86,
9 Mr. George. Exhibit 86 is not a complete copy of this
10 Water Supervisor Report. It was just a few select
11 pages. It is three pages that we have here. And the
12 last page, which the top right-hand corner indicates it
13 was page 158 of the report.

14 At the bottom it says "Plate 9." Do you see
15 that?

16 A Yes, I see that.

17 Q Do you see towards the bottom of the graph in
18 late June, July and August there are lines there that
19 represent the discharge of the San Joaquin River near
20 Vernalis and the discharge of the Sacramento River and
21 the combined discharges. Do you see those lines that
22 show the river discharges?

23 A I see those lines.

24 Q And they drop just about to zero in July?

25 A I see that. It is a complicated chart, but

DEPOSITION OF MICHAEL GEORGE

1 I'm focusing on what you are directing my attention
2 to and I see it.

3 MR. CARRIGAN: And also to note for the record,
4 counsel indicated this is an incomplete document. So we
5 are looking at potentially an incomplete set of facts.

6 Q BY MR. KELLY: Yes. The document is not
7 complete, that is correct.

8 And so I'm referring to the two dark lines
9 towards the bottom of the graph.

10 A Yes.

11 Q And then there is a heavy-dashed line that runs
12 almost parallel with zero.

13 A Yeah. I see it.

14 Q And then there are --

15 A I see --

16 MR. CARRIGAN: Hold on. Let him finish his
17 question and then you can answer.

18 THE WITNESS: Sorry.

19 Q BY MR. KELLY: Then there are other lines on the
20 graph that go up. If you look at the top left-hand
21 corner, there is a key there that says that that's the
22 salinity level of those geographical locations.

23 MR. CARRIGAN: Document speaks for itself.
24 Compound.

25 THE WITNESS: I see that.

DEPOSITION OF MICHAEL GEORGE

1 Q BY MS. SPALETTA: I just want to make sure that
2 we both kind of understand what we are looking at, Mr.
3 George. So what I'm referring to are the dark lines
4 that indicate the discharge of the San Joaquin and
5 Sacramento Rivers.

6 MR. CARRIGAN: The document speaks for itself.

7 Q BY MR. KELLY: And how they drop off to near
8 zero. And, actually, this graph shows the discharge of
9 the Sacramento River at Sacramento was actually being
10 negative in July.

11 MR. CARRIGAN: Same objection.

12 Q BY MR. KELLY: Do you see that?

13 A I see what you are referring to, yes.

14 Q And so if you flip back to the prior page in the
15 exhibit, which is page 85 of the report, this is a table
16 that is entitled, "Delta Uplands Diversions From Old San
17 Joaquin River."

18 And in the table, there is a list of water
19 users: East Contra Costa Irrigation District and
20 actually Byron-Bethany Irrigation District is listed
21 next there. Do you see that?

22 A I see that.

23 Q And it has monthly diversions in acre-feet from
24 March to October.

25 MR. CARRIGAN: The document speaks for itself.

DEPOSITION OF MICHAEL GEORGE

1 Q BY MR. KELLY: Do you see where that is?

2 A Yes.

3 Q And, for example, BBID diverted some water in
4 every month of March through October of that year,
5 right?

6 A According to --

7 MR. CARRIGAN: Incomplete document and speaks
8 for itself.

9 Q BY MR. KELLY: Right.

10 A I see there are entries for every month
11 opposite Byron-Bethany for the months March through
12 October.

13 Q So does it surprise you, as Delta Watermaster,
14 that in a year as dry as 1931 when those flows dropped
15 off like that, that folks like Byron-Bethany Irrigation
16 District still had water to divert all summer long?

17 MR. CARRIGAN: Assumes facts not in evidence.
18 Incomplete hypothetical. Calls for speculation. Lacks
19 foundation.

20 THE WITNESS: And nothing surprises me about the
21 Delta.

22 Q BY MR. KELLY: But I guess what I'm curious
23 about is if there were no projects in existence -- do
24 you know if the State Water Project was constructed
25 prior to 1931?

DEPOSITION OF MICHAEL GEORGE

1 A It had not been constructed.

2 Q How about the Central Valley Project?

3 A Had not been completed. It may have been
4 commenced but --

5 Q So what I guess I'm trying to understand is
6 given what you were talking about with Ms. Spaletta
7 about residence time not being relevant to the
8 availability of water, I'm trying to understand how
9 folks in the Delta, when flows dropped to near zero and
10 sometimes were negative flows, how those folks could
11 have diverted in the summer months without the projects
12 being in place to supplement their water supply.

13 In your role as Delta Watermaster, does that
14 interest you at all?

15 MR. CARRIGAN: Incomplete hypothetical. Calls
16 for speculation. Lacks foundation. Assumes facts not
17 in evidence.

18 THE WITNESS: It is interesting. I'm obviously
19 being provided this information without understanding
20 its source or context and so forth. But, yeah, this is
21 exactly what I find interesting.

22 Q BY MR. KELLY: And in your discussions with
23 other people at the State Water Resources Control Board
24 about what we are kind of referring to here as the
25 "Delta pool" theory, was there ever any discussion about

1 this kind of stuff?

2 MR. CARRIGAN: Excluding discussions with
3 counsel.

4 THE WITNESS: As I've said, I've never seen this
5 before. So this specific information has never been the
6 subject of a conversation that I have been involved
7 with. The Delta pool theory, as I've said earlier, I
8 believe that we need to determine the legal, physical,
9 factual issues around the "Delta pool" theory.

10 Q BY MR. KELLY: Your counsel objected based on
11 privilege with respect to conversations you've had with
12 counsel. Can you tell me the names of all the attorneys
13 that you have discussed the Delta pool theory with, all
14 of the attorneys at the State Water Resources Board.

15 A That is a smaller subset.

16 Q Have you talked to Michael Lauffer?

17 A Michael Lauffer, Andy Sawyer, Andrew
18 Tauriainen, Nathan Weaver. There may have been
19 others.

20 Q And have those been meetings or have they been
21 emails? How have you communicated with those attorneys
22 about that subject?

23 A All the ones that I've just referred to were
24 conversations, face-to-face discussions or
25 conversations.

DEPOSITION OF MICHAEL GEORGE

1 Q Were you ever in a meeting where Mr. Tauriainen
2 and Mr. Sawyer and/or Mr. Lauffer were present to talk
3 about that stuff, about the Delta pool theory?

4 A All at once?

5 Q Yes.

6 A No.

7 Q Have you ever had conversations with anybody in
8 the State Water Board's executive office about the Delta
9 pool theory?

10 A Yes.

11 Q Who have you talked to at the executive office?

12 A Caren Trgovcich and Tom Howard.

13 Q And when you were having conversations with Tom
14 Howard, were any attorneys present?

15 A I've had lots of discussions with Tom Howard.
16 Sometimes attorneys were present. But I've had
17 conversations with him regarding Delta pool without
18 attorneys in attendance.

19 Q So what have you discussed with Mr. Howard when
20 attorneys have not been present?

21 A Generally, my opinion that the Delta pool
22 theory is in need of explication, adjudication,
23 determination to figure out what its applicability
24 is.

25 Q Did you discuss with Mr. Howard, outside of the

DEPOSITION OF MICHAEL GEORGE

1 presence of attorneys, the use of the State Water
2 Board's enforcement authority to get at those issues?

3 A No. I don't recall that, no.

4 Q You talked with Ms. Spaletta a little bit about
5 the outreach meeting that you had in April at the EPA.

6 MR. CARRIGAN: Excuse me. Counsel, are we
7 switching topics a little bit here? Is it an
8 appropriate time for a break?

9 MR. KELLY: Yes. If you need a break, we can
10 take a break.

11 MR. CARRIGAN: If you are short time, I'm cool,
12 but it sounds like we are switching topics.

13 MR. KELLY: Sure. Let's take a short break.

14 (Whereupon, a recess was then taken.)

15 MR. KELLY: Back on the record. I was going to
16 go to a new topic, but now I am going to go back. I
17 have a few more questions on the old topic.

18 MR. CARRIGAN: It always happens.

19 MR. KELLY: That is what we get for taking a
20 break.

21 Q When you were talking to Ms. Spaletta, you said
22 that you'd reviewed some white papers or were shown
23 "white papers."

24 A No. I was told that there had been a
25 proposal to create some "white papers," which white

DEPOSITION OF MICHAEL GEORGE

1 papers Barbara Evoy lamented had not been completed
2 and had been put on hold because of the drought
3 emergency.

4 Q Do you know whether one of those was -- do you
5 know whether one of those white papers would have
6 involved the Delta pool theory? Is that one of the
7 issues you were told they wanted to get at?

8 A No. I was told when I was raising issues
9 about the Delta pool theory, that that was among the
10 topics where there had been requested white papers.

11 Q And who did you have those conversations with?

12 A Well, that specifically was Barbara Evoy.

13 Q And did you have any conversations with anybody
14 in 2015 about getting in the Delta pool theory through
15 an enforcement action?

16 A Yes.

17 Q Who did you have that conversation with?

18 A Well, I've had more than one conversation on
19 that topic with my staff. As well, I had a
20 conversation with Ms. Zolezzi and David Kaiser from
21 West Side Irrigation District -- a side bar at a
22 State Board meeting, I believe, in April -- in which
23 I suggested that the West Side Irrigation District
24 was a potentially attractive vehicle to have a clear
25 set of facts that could be, through an enforcement

1 action, brought before the State Board for
2 adjudication of the Delta pool theory.

3 Q Did you ever discuss anything related to that
4 with any of the State Water Board members?

5 A I don't think ever specific to West Side
6 Irrigation District. But certainly with respect to
7 the State Board members, I described my point of
8 view that it would be useful to get a clean case
9 before the Board so that issues surrounding that
10 could be decided. Hopefully, on a basis where there
11 were no factual disputes, where the information was
12 stipulated by all parties. And then we could have a
13 clean adjudication of the issues related to the
14 Delta pool. I certainly had those conversations and
15 continue to have them.

16 Q Do you know -- well, does the Office of Delta
17 Watermaster have a position with respect to the Delta
18 pool theory?

19 A Yes.

20 Q What is that position?

21 A Our position is that it needs to be sorted
22 out because it is so convoluted and impossible to
23 understand and apply, that it needs to be
24 adjudicated.

25 I don't care how it comes out. I think it is

DEPOSITION OF MICHAEL GEORGE

1 necessary information for all of us. And that was
2 the basis on which I approached West Side Irrigation
3 District, recognizing that they, and others in their
4 circumstance, have a theory about the basis on which
5 they divert, and that it was detrimental to all
6 water rights users to not know and understand what
7 the actual applicability of those arguments and
8 legal conclusions are.

9 Q Have you ever had conversations with anyone at
10 the State Water Board regarding the substance of the
11 Delta pool theory?

12 MR. CARRIGAN: Besides counsel.

13 Q BY MS. SPALETTA: I'm asking if he has had
14 conversations with anybody at the State Water Board.

15 A About the substance of the Delta pool theory?

16 Q I'm not asking what the content of the
17 conversation was.

18 A Right.

19 Q I want to know if you've had any conversations
20 with anybody at the State Water Board with respect to
21 the substance of the Delta pool theory.

22 A Yes.

23 Q What attorneys have you discussed the substance
24 of the Delta pool theory with?

25 MR. CARRIGAN: I'm going to object and instruct

DEPOSITION OF MICHAEL GEORGE

1 him not to answer. I think that infringes on the
2 attorney-client communication. The topic is the subject
3 matter of the communication. So I'm going to instruct
4 not to answer.

5 Q BY MR. KELLY: Did you ever discuss the
6 substance of the Delta pool theory with the chair of the
7 State Water Board?

8 A Yes.

9 Q Tell me about that conversation.

10 A It was in the nature of my describing to her
11 what I viewed as the unsettled law around the Delta
12 pool theory, and some of the arguments on either
13 side that I thought needed to be determined and
14 adjudicated; and that the State Board's and my own
15 administration of water rights in the Delta would be
16 significantly advantaged if the issues and the
17 substantive law around the Delta pool could be
18 determined.

19 Q Have you ever had a substantive conversation
20 with any other board member besides the chair?

21 A Yes.

22 Q All of the board members?

23 A Yes.

24 Q Individually or in group meetings?

25 A Primarily individually. I have discussed it

DEPOSITION OF MICHAEL GEORGE

1 in open session, and it was also discussed during a
2 performance review which was done in closed session
3 with all the board members present.

4 Q Now I'm going to switch topics.

5 You talked with Ms. Spaletta about the April
6 outreach meeting at EPA with respect to, I think it was,
7 supply and demand, the supply and demand analysis. I
8 don't want to misstate that, but do you recall that
9 conversation?

10 A Yes.

11 Q You said that you had the meeting with Delta
12 interests or representatives. Was it a publicly-noticed
13 meeting, do you know?

14 A I believe that outreach meeting was an
15 invitation. The invitations went out. Some of
16 those invitations went to people who communicated
17 them more broadly. And, you know, a number of
18 people showed up. It wasn't exclusive but I don't
19 think it was publicly noticed.

20 Q Do you know whether BBID was invited to that
21 meeting?

22 A I do not know.

23 Q You talked with Ms. Spaletta a little bit about
24 the temporary urgency change petitions. That was in the
25 context of an email, one of the email exhibits. Are you

DEPOSITION OF MICHAEL GEORGE

1 at all aware of what the temporary urgency change
2 petitions were about this year in 2015?

3 A Yes.

4 Q And were you involved at all in the
5 decision-making process with respect to those TUCPs?

6 A No.

7 Q Do you know whether there was any modeling that
8 was done at the State Water Resources Control Board in
9 order or as part of the review of the TUCPs?

10 A I don't know.

11 Q Have you ever had discussions with anybody at
12 the State Water Resources Control Board about modeling?

13 A Yes.

14 Q Who have you had those discussions with?

15 A At the State Board about modeling?

16 Q Yes.

17 A Rich Satkowski, Barbara Evoy, John O'Hagan,
18 Cathy Mrowka and possibly others but at least I can
19 recall specific discussions with them.

20 Q And did you discuss any particular type of model
21 or was it just a modeling conversation generally?

22 A I discussed the need for better modeling, for
23 a greater capability within the State Board to
24 review and evaluate other models, and the areas
25 where I thought we could potentially get better data

1 to calibrate models in general use. And I've had
2 those discussions broadly within the State Board
3 family, also with people at DWR and outside.

4 Q Have you ever talked to anybody about better
5 modeling in the context of water availability
6 determinations?

7 A I think yes in the sense of saying that, you
8 know, on a continuum from where ever we have been,
9 to where we are, to where we could be -- better
10 models, more robust models with better data that
11 could be run closer to realtime would be
12 advantageous.

13 Q Were you involved at all with what I refer to as
14 the voluntary 25 percent Riparian Reduction Program in
15 the Delta?

16 A Yes.

17 Q What was your involvement in that program?

18 A I think I was the primary point of contact
19 with proponents of that plan during the early
20 spring.

21 Q And what is your understanding of how that
22 program works? Well, let's back up. I think that I
23 recall at a State Water Board meeting that there was a
24 discussion about that program. I think I recall Tom
25 Howard talking about it.

DEPOSITION OF MICHAEL GEORGE

1 I don't recall if you ever talked in open
2 session at a Board meeting about it. Do you know if you
3 did or not?

4 A Yes, I have.

5 Q You did. Was that program actually approved by
6 anybody at the State Water Board to implement?

7 A Yes.

8 Q Who approved that program?

9 A Ultimately, it was Tom Howard.

10 Q And did you have any role in the decision of
11 whether to approve that program?

12 A I recommended it.

13 Q You recommended it. Okay. And so what is your
14 understanding of how it works?

15 A It is a voluntary program open to bona fide
16 riparian water rights claimants. One who wanted to
17 participate would file an application on a form that
18 we developed and state a plan for reducing
19 diversions during the months of June, July, August,
20 September of 2015. Those plans were due by
21 June 1st.

22 So a participant would file an application
23 and propose a plan to reduce diversions by
24 25 percent during those four months. And a
25 participant would have the benefit of an agreement

DEPOSITION OF MICHAEL GEORGE

1 that the State Water Board would not attempt to
2 enforce against a participant, more stringent
3 reductions in use, if riparian curtailments came to
4 be ordered later in the year.

5 Q Did you receive any advice from anyone, any
6 legal advice from anyone at the State Water Board with
7 respect to that program? And I'm not asking for the
8 content of the conversation. I just want to know
9 whether or not you received advice, legal advice, from
10 anybody at the State Water Board about that program.

11 A I don't believe so, no.

12 Q Do you know whether any of the attorneys at the
13 State Water Board opined on the ability of the State
14 Water Board to approve a program like that?

15 MR. CARRIGAN: Calls for speculation. Lacks
16 foundation.

17 THE WITNESS: And I don't know.

18 Q BY MS. SPALETTA: You said that the program was
19 available to what you called bona fide riparian
20 claimants. What is a bona fide riparian claimant, in
21 your view?

22 A Someone who has claimed riparian rights in
23 the past. So the program doesn't use that term. I
24 use the term to refer to someone who had made a
25 claim of riparian rights in the past, a colorable

DEPOSITION OF MICHAEL GEORGE

1 claim.

2 Q You went to law school. So when I see the word
3 "bona fide," there is a context that attaches to that.

4 A Exactly.

5 Q So I was curious how you used that word when you
6 were referring to it. So did you do anything to
7 validate any of the riparian claims that were made as
8 part of that program?

9 A Absolutely not.

10 Q Okay. And was there any discussion at the State
11 Water Board about where the water would come from later
12 in the year if flows dropped below the demand and these
13 folks -- the riparian claimants -- were guaranteed that
14 you wouldn't curtail them any more? Did you have any
15 idea where that water would come from?

16 A I don't recall that I, or anybody else I was
17 in touch with, looked at it in the way that your
18 question is framed. Instead, what we determined was
19 that it was -- in light of our resources, it was
20 reasonable to agree that we wouldn't pursue
21 enforcement actions against people who offered and
22 achieved -- made a good faith effort to achieve a
23 25 percent reduction in diversions; that it was not
24 a high-enough priority to use our enforcement
25 resources. And yet, it was beneficial to the entire

1 system to have the assurance of those reductions in
2 diversions; that it would be positive overall for
3 the system.

4 Q Tell me how it would be positive overall to the
5 system.

6 A As with any conservation effort, the
7 voluntary reduction in use, compared to what
8 otherwise might have been diverted, would leave more
9 water in the system; or put it another way, would
10 not be making demands on water that wasn't there.

11 Q And I think that when we looked at Exhibit 58,
12 which you don't need to look at. It was the email about
13 the realtime drought operations team meeting that had
14 occurred.

15 I believe you had said that part of the
16 discussions was -- and that was in late June -- I guess
17 a recognition that the riparian reductions had resulted
18 in more water. There was more outflow. Is that
19 correct?

20 A It was impossible, Dan, to know at that time
21 how much of what we were observing in realtime was
22 the result of reduction in diversions. We theorized
23 that that was likely part of it.

24 Q Do you know whether or not the 25 percent of
25 reduced demand in the Delta, if there were adjustments

1 made to the demands in the water availability analysis?

2 MR. CARRIGAN: Incomplete hypothetical. Assumes
3 facts not in evidence.

4 THE WITNESS: Can you read the question again?
5 (Whereupon, the record was read.)

6 THE WITNESS: There were not because we did not
7 know whether or what reductions in demands there would
8 be. We knew we had lots of plans to reduce diversions
9 but we were in need of a lot more data and studying to
10 understand how the reduction diversion might translate
11 into reductions in demand.

12 Q BY MS. KELLY: And so in developing your
13 recommendation to Mr. Howard to approve that program,
14 what did you understand what happened to the 25 percent
15 of conserved water? Do you know whether or not it was
16 25 percent in reduced diversions or in reduced
17 consumptive use? What is the 25 percent number talking
18 about?

19 A Reduction in diversion.

20 Q Reduction in diversion.

21 A Which is -- that is why I say it is
22 difficult -- it was difficult at the time. We've
23 done a lot of analysis to try to get a better
24 correlation between reductions in diversions and its
25 relationship to demand or use. But it was -- it was

DEPOSITION OF MICHAEL GEORGE

1 certainly a focus on reduction in diversions.

2 Q And so what was your understanding, in making a
3 recommendation to Mr. Howard to approve that, of what
4 would happen to that 25 percent of water that was no
5 longer being diverted by --

6 MR. CARRIGAN: Objection. Assumes facts not in
7 evidence.

8 MR. KELLY: I was not finished with my question.

9 MR. CARRIGAN: I'm sorry. You were not
10 finished?

11 Q BY MR. KELLY: We talked over each other, so I
12 don't know if Mr. George heard me or not. Did you hear
13 my question?

14 A I thought I did. And I thought you were
15 finished as well.

16 Q I'll ask it again.

17 A Okay.

18 Q In developing your recommendation, Mr. Howard,
19 to approve that program, what was your understanding of
20 what would happen to the 25 percent of water that was no
21 longer diverted?

22 MR. CARRIGAN: Same objections.

23 THE WITNESS: And in preparing my
24 recommendation, I didn't take a position or even think
25 about it that way. What I thought was that we were

DEPOSITION OF MICHAEL GEORGE

1 reducing demands on a system that had excess demands.

2 So I didn't think of it in terms of water that
3 would be there because it hadn't been diverted. I
4 thought, rather, in terms of reduction in demands for
5 water that wasn't there.

6 Q BY MR. KELLY: In your position as the Delta
7 Watermaster, do you have any understanding of who might
8 be entitled to that water if riparians reduced their
9 diversion by 25 else -- of who else in the Delta might
10 be entitled to that water?

11 MR. CARRIGAN: Overbroad. Calls for a legal
12 conclusion. Vague.

13 Q BY MR. KELLY: Let me ask it this way. Let's
14 narrow it down a little bit. Do you have any
15 understanding of how Mr. Coats, Mr. O'Hagan and others
16 in the Division of Water Rights conducted their water
17 availability analysis?

18 A Yes. I'm generally aware of how they have done
19 that.

20 Q Do you understand it was on a watershed level?

21 A Yes.

22 Q And so it didn't look at the Delta specifically.
23 It only looked at the Delta as part of either the
24 Sacramento watershed or the combined Sacramento/San
25 Joaquin watershed. Is that your understanding?

DEPOSITION OF MICHAEL GEORGE

1 A Well, and also Putah Creek and the Mokelumne
2 and all that -- but yes, it is an analysis that
3 focuses primarily on Delta inflow.

4 Q You said it focuses on Delta inflow?

5 A As far as the supply side of the equation.

6 Q Do you know whether or not the analysis included
7 Delta inflow numbers?

8 A Yes.

9 Q What was your involvement -- prior to the
10 issuance of the Administrative Civil Liability complaint
11 against BBID, what was your involvement with the
12 Byron-Bethany Irrigation District's diversions in 2015,
13 if anything?

14 A I advised BBID on, I don't know, probably
15 three or four occasions. And that is really about
16 it.

17 Q Did you conduct any inspections out at BBID?

18 A I don't know if you are trying to get at the
19 technical definition of "inspection." I certainly
20 went and looked and reported what I saw.

21 Q And I'm asking, I actually thought that I got
22 from DWR pictures that you took down there.

23 A Quite possibly.

24 Q Other than going down there, you said you went
25 down to BBID. Did you meet with people at BBID?

DEPOSITION OF MICHAEL GEORGE

1 A Yes.

2 Q Who did you meet with?

3 A The general manager.

4 Q Rick Gilmore?

5 A Yes.

6 Q And did you meet with anybody else or was it
7 with him every time you went down there?

8 A I only met with him once.

9 Q Okay.

10 A And as far as I know, he is the only BBID
11 individual I've ever met with.

12 Q Okay. So the other three times that you went
13 down there, was there nobody there or --

14 A Well, I'm sure there was somebody around but
15 I wasn't --

16 Q Let's strike that. You said you went down
17 there. I thought you said you went down there and met
18 with people, I thought you said, four times. And you
19 said you met with Mr. Gilmore once. I just wanted to
20 understand what --

21 A When I went with there the other times, I
22 didn't meet with anybody. I just observed what I
23 could see.

24 Q Okay. Other than the four -- I don't want to
25 call them "inspections" -- the four visits, do you have

DEPOSITION OF MICHAEL GEORGE

1 any other involvement in the BBID enforcement action?

2 A Well, I reviewed it but, no, no other
3 involvement.

4 Q Did you help prepare the Administrative Civil
5 Liability complaint?

6 A No. I believe I did have an opportunity to
7 review it and probably made comments on it before it
8 was filed.

9 Q Have you discussed it with anybody?

10 A Yes.

11 Q Who have you discussed it with?

12 A John O'Hagan and Cathy Mrowka and counsel.

13 Q And when you say "counsel" --

14 A I mean lawyer.

15 Q I know that you mean lawyer. I just want
16 to understand because --

17 A With Andrew.

18 Q I want to say there are a couple of different
19 groups at the State Water Board. So with Mr.
20 Tauriainen, you had the discussion?

21 A Yes. And I didn't mean to be --

22 Q That is fine. Any other attorneys at the State
23 Water Board, other than Mr. Tauriainen and Mr. Carrigan?

24 A Nope.

25 Q Do you have any knowledge of any aerial

DEPOSITION OF MICHAEL GEORGE

1 inspections that occurred out at BBID over in 2015?

2 A I do not.

3 Q You have no knowledge of any helicopters that
4 might have been out there taking pictures?

5 A I do not.

6 Q Okay.

7 A I've looked at Google Earth if that counts.

8 Q Well, no, but I was asking helicopter
9 specifically.

10 A I'm not aware of that.

11 Q It's amazing how many helicopters were out there
12 flying over the facility. And it seems like nobody
13 knows whose helicopters were out there taking pictures.

14 MR. TAURIAINEN: Really? Any particular color
15 of helicopter?

16 MR. KELLY: When we get off the record, I'll
17 tell you all. Okay.

18 Q You talked a little bit with Ms. Spaletta about
19 residence time of water in the Delta. What is your
20 understanding about what "residence time" means in that
21 context?

22 A My understanding of the use of the term
23 "residence time" is fresh water entering the Delta
24 and remaining in the Delta for longer than a transit
25 period.

DEPOSITION OF MICHAEL GEORGE

1 Q Have you ever done any research or have you
2 reviewed any materials with respect to the residence
3 time of water in the Delta?

4 A I've reviewed materials that refer to it, but
5 I don't think I've seen anything that analyzes it or
6 models it or estimates it.

7 Q Do you know if the Contra Costa report you
8 referred to earlier refers to that issue at all?

9 A I don't, from my reading of it, my memory of
10 it, I don't recall it.

11 Q Have you ever reviewed the complaint that the
12 State Water Contractors filed in June?

13 A Yes.

14 Q Have you reviewed -- it is actually in your
15 binder, Mr. George, at Exhibit 19, if you could take a
16 look at it.

17 A Yes, Exhibit 19.

18 Q Yes, Exhibit 19. It is a rather large exhibit.
19 I don't want you to become familiar with it. I'm not
20 really going to ask you -- at least not yet -- any
21 questions about it.

22 When you say that you reviewed the complaint, do
23 you know whether or not you reviewed, generally, this
24 entire package of materials that is here or whether it
25 was just the cover letter?

DEPOSITION OF MICHAEL GEORGE

1 A I reviewed the cover letter carefully. I
2 reviewed the exhibits sufficiently to determine that
3 I needed some remedial education on the nature of
4 the models and so forth and subsequently sought
5 that. And I've reviewed the entire complaint and
6 exhibits.

7 Q Do you know whether or not this deals with the
8 residence time issue and residual water that remains in
9 the Delta when flows drop off?

10 A Well, it does certainly by reference to the
11 appendix, yeah. The graphics certainly reflect on
12 that issue of residence time.

13 Q And that is the "with" and "without project"
14 depictions that you are talking about --

15 A Correct.

16 Q -- that shows residence time?

17 A Correct.

18 Q And what is your understanding, then, of what
19 those graphical depictions are?

20 MR. CARRIGAN: The document speaks for itself.

21 THE WITNESS: And there are so many of them.
22 And, again, as I've said, I've sought some remedial
23 education; but also referred the review of the
24 appendices to others who are more competent to review
25 and understand them.

DEPOSITION OF MICHAEL GEORGE

1 Q BY MR. KELLY: In your role as the Delta
2 Watermaster, do you think that this kind of information
3 is useful in making water availability determinations
4 for people who divert water in the Delta?

5 MR. CARRIGAN: Calls for a legal opinion. Calls
6 for expert testimony. Incomplete hypothetical.

7 THE WITNESS: I would say I'm not in a position
8 to give an opinion on that. It certainly is not a
9 complete picture. Maybe a piece of the puzzle, but not
10 the whole picture.

11 Q BY MR. KELLY: In your role as Delta
12 Watermaster, did you provide any input into either water
13 availability determinations or curtailments in the
14 Delta?

15 MR. CARRIGAN: Compound. Asked and answered.

16 THE WITNESS: So do you want to read that back?

17 (Whereupon, the record was read.)

18 THE WITNESS: Yes.

19 Q BY MR. KELLY: What input did you provide?

20 A As I've stated earlier, I have been part of a
21 number of discussions on issues of water
22 availability analysis. And throughout the course of
23 the summer, I was involved in a lot of inspections
24 under the voluntary water conservation program that
25 we discussed earlier.

DEPOSITION OF MICHAEL GEORGE

1 Q Let's limit it to the curtailment decisions and
2 the water availability decisions that supported those
3 curtailments. Did you have any specific input into that
4 process?

5 A Only insofar as I was a part of the
6 discussion about the Division of Water Rights'
7 ongoing attempts to make corrections and increase
8 the acuity of the information on which those
9 determinations were based.

10 Q Did you have any input on matters specifically
11 related to the Delta? What I'm trying to understand is
12 whether or not, because of the role of the Delta
13 Watermaster and your office, whether or not you actually
14 had any interaction with John O'Hagan or Brian Coats
15 about any unique facts that might exist in the Delta or
16 whatever. So if you had any input over how they did the
17 analysis as it relates to the Delta. That is what I'm
18 trying to understand.

19 A Yes, I did.

20 Q So tell me, specifically, what your interaction
21 was in that regard.

22 A Shortly after I joined -- became Delta
23 Watermaster, I convened a large group of
24 stakeholders to focus on consumptive use in the
25 Delta as one of, kind of, four interrelated issues:

DEPOSITION OF MICHAEL GEORGE

1 Physical diversion, consumptive use, natural
2 diversions through seepage, and return flows. I
3 thought of those as four important pieces to
4 understand in terms of Delta demand.

5 And in February I convened a large group of
6 stakeholders to undertake an investigation of one of
7 those, which was consumptive use. That study is
8 ongoing. And throughout the course of the ensuing
9 months, and particularly when the analysis of
10 consumptive use correlated in time with the
11 voluntary conservation water efforts, I was
12 interested, as well as a lot of other people were
13 interested, in what we were finding, what we could
14 say, what we could understand with respect to how
15 the Delta works from the work we were doing to study
16 consumptive use in the Delta, correlated with what
17 we were finding in terms of reduction in diversion
18 in the Delta.

19 I was involved in lots of discussions with
20 lots of people about how to do that. I was
21 frustrated, as other people were frustrated, that it
22 was, in my view, impossible in the course of the
23 summer to get those correlations. It was just too
24 early. A lot more study was needed. But I was very
25 focused on alerting everyone involved to the need

DEPOSITION OF MICHAEL GEORGE

1 for or the benefit that we could get from that kind
2 of data. And that regardless of whether we had a
3 wet year or a dry year -- in order to be able to
4 manage shortage situations in the future, we needed
5 that information.

6 Q And so do you know whether or not any of that
7 work was incorporated in any way in the water
8 availability analysis that was done for the curtailments
9 this year?

10 A It was not.

11 Q So did you or your office have any input into
12 the way that the determinations were made for folks that
13 divert water in the Delta?

14 A No.

15 MR. KELLY: That is it. I have no further
16 questions.

17 EXAMINATION BY MR. RUIZ

18 Q BY MR. RUIZ: I have a few quick questions, Mr.
19 George. I'm Dean Ruiz from South Delta Water Agency.

20 A moment ago you explained or re-explained your
21 understanding of the residence time concept. Can you
22 describe for me your understanding of the Delta pool
23 concept?

24 MR. CARRIGAN: Overbroad. Vague. Calls for a
25 legal conclusion. Incomplete hypothetical.

DEPOSITION OF MICHAEL GEORGE

1 Q BY MR. RUIZ: You can answer the question.

2 A And it is really broad. So people use the
3 term "Delta pool" on a fairly prophetic basis, in my
4 view. And I try, generally, when I refer to the
5 "Delta pool," to describe it as a group of related
6 issues.

7 So I think it has to do with the influence of
8 the tides on water availability -- levels, quality,
9 timing within the Delta. And, generally, the Delta
10 pool theory, as I would try to encapsulate it, is
11 that there is always water available, or at least
12 every day there is water available at most points of
13 diversion in the Delta because -- and this is where
14 the terminology gets confusing -- water seeks its
15 own level.

16 So if there is what we think of in Upland
17 usage as a cone of depression or a reduction in
18 water in a watercourse, the theory is that in the
19 Delta, because of its direct connection to the
20 ocean, there is always water available in the Delta
21 at most points of diversion at some time every day.

22 Q Are you aware of any points of diversion in the
23 South Delta where there is a period of time where water
24 isn't available for diversion?

25 MR. CARRIGAN: Calls for a legal conclusion.

1 Incomplete hypothetical.

2 THE WITNESS: So the Delta is a highly-managed
3 area. There are constraints on flow put into the Delta
4 for fish passage purposes, et cetera. And I'm aware
5 from discussions that I've had -- complaints that I've
6 heard -- that there are times where the operation of
7 those barrier structures negatively impact availability
8 of water.

9 Q BY MR. RUIZ: You are speaking with regard to
10 the level of water, as opposed to there actually being
11 water in a channel?

12 A Correct.

13 Q With regard to the 25 percent voluntary
14 reduction program -- and Mr. Kelly asked you a couple of
15 questions about that -- I understand that you said that
16 you were the point of contact. And you also recommended
17 the program. Is that a fair assessment?

18 A Correct.

19 Q Did you consider, in evaluating whether or not
20 to recommend that program, did you consider the concept
21 of residency time?

22 A I did not.

23 Q And why not?

24 A Honestly, it just didn't occur to me.

25 Q With regard to that program, a participant

DEPOSITION OF MICHAEL GEORGE

1 agreed to reduce its diversion or the point of diversion
2 by 25 percent. So there was still 75 percent left of
3 that particular diverter once diverted; is that a fair
4 assessment?

5 MR. CARRIGAN: Incomplete hypothetical. Assumes
6 facts not in evidence.

7 Q BY MR. RUIZ: Is that your understanding of how
8 the program worked?

9 MR. CARRIGAN: Same objections.

10 THE WITNESS: That there would be the
11 opportunity for the diverter to make diversions under a
12 valid riparian claim.

13 Q BY MR. RUIZ: For those that participated in the
14 program this last year, what was your general
15 understanding of what the source of water available to
16 those diverters was after they agreed to reduce by
17 25 percent?

18 MR. CARRIGAN: Vague. Overbroad. Calls for a
19 legal conclusion.

20 THE WITNESS: Water at their point of diversion.

21 Q BY MR. RUIZ: Do you know where that water
22 derived from?

23 MR. CARRIGAN: Same objections.

24 THE WITNESS: Primarily, inflows to the Delta
25 from its tributaries from the watershed.

DEPOSITION OF MICHAEL GEORGE

1 MR. RUIZ: I don't have any further questions.

2 MR. KELLY: Does anybody else have any?

3 Jennifer, do you have any?

4 MS. SPALETTA: I do not.

5 MR. KELLY: I just want to mark BBID's depo
6 notice of Mr. George.

7 (Whereupon, Exhibit No. 114 was
8 marked for identification.)

9 CONTINUED EXAMINATION BY MR. KELLY

10 Q BY MR. KELLY: Mr. George, let me just ask if
11 you've seen this before, if you reviewed it.

12 A I have.

13 Q And attachment A is a list of documents to be
14 produced. You spoke earlier today with Ms. Spaletta
15 about turning over or people having access to your
16 materials.

17 When you did that review and turned over
18 documents, was it pursuant to the deposition subpoena
19 identification of documents or was it pursuant to some
20 other direction?

21 A It was pursuant to requests by other parties,
22 either in relationship to my deposition or through a
23 Public Records Act request.

24 Q Did you look at any of these categories in
25 particular in identifying documents that you turned over

DEPOSITION OF MICHAEL GEORGE

1 to your attorneys? I just want to understand whether or
2 not, when you identified the documents that you turned
3 over to your attorneys to look through, whether or not
4 you looked at categories of documents in a Public
5 Records Act request or whether you specifically looked
6 at all of the categories in this attachment A to
7 determine whether or not you had, in fact, turned
8 everything over that might have been responsive to these
9 requests.

10 A When I reviewed this, I informed counsel that
11 I believed that everything that I had that was
12 responsive to this had already been made available
13 to him.

14 MR. KELLY: Okay. No further questions. Thank
15 you.

16
17 (The deposition concluded at 12:31 p.m.)
18

19 --o0o--

20
21 _____
22 THE WITNESS

DATE SIGNED

23 --o0o--
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REPORTER'S CERTIFICATE

State of California)
) ss.
County of Sacramento)

I certify that the witness in the foregoing deposition,

MICHAEL GEORGE,

was by me duly sworn to testify in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a duly Certified Shorthand Reporter Of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December 2015.

KATHRYN DAVIS
Certified Shorthand Reporter
Certificate No. 3808

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DISPOSITION OF ORIGINAL TRANSCRIPT

Date _____

Check One

_____ Signature waived.

_____ I certify that the witness was given the statutory allowable time within which to read and sign the deposition, and the witness failed to appear for such reading and signing.

_____ I certify that the witness has read and signed the deposition and has made any changes indicated therein.

By _____
KATHRYN DAVIS & ASSOCIATES

--oOo--

DEPOSITION OF MICHAEL GEORGE

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KATHRYN DAVIS & ASSOCIATES
Certified Shorthand Reporters
555 University Avenue, Suite 160
Sacramento, California 95825
(916) 567-4211

December 10, 2015

State Water Resources Control Board
Office of Enforcement
Attn: CHRISTIAN CARRIGAN
1001 I Street, 16th Floor
Sacramento, California 95814

Re: West Side Irrigation District Cease and Desist
Order & Byron-Bethany Irrigation District Civil Hearing

Date Taken: December 7, 2015

Dear Mr. Michael George:

Your deposition transcript is now available for review
And signature, and will be available for the next 30
days. This review is optional. An appointment is
required to review your transcript. Please bring this
letter with you.

You may wish to discuss with your attorney whether
he/she requires that it be read, corrected, and signed,
before it is filed with the Court.

If you are represented by an attorney, you may read his
or her copy of the transcript. If you read your
attorney's copy of the transcript, please send us a
photocopy of the Signature Line and Deponent's Change
Sheet.

If you choose not to read your deposition, please sign
here and return this letter to our office.

Signature

Date

Sincerely,

KATHRYN DAVIS, CSR No. 3808

cc: Ms. Spaletta; Mr. Kelly; Ms. Zolezzi; Ms. Leeper;
Mr. Ruiz; Mr. O'Laughlin; Mr. Tauriainen; Ms. McGinnis;
Ms. Morris

DEPOSITION OF MICHAEL GEORGE

Exhibits	2007/2008 55:19	8
	2009 53:18	
Exhibit 112 5:13 6:24	2014 16:8 60:5	85 70:15
Exhibit 113 41:13,15 42:16 45:4,7,9,12	2015 4:18,19 5:2 16:14,23 17:3, 6 22:17,21 36:10,13 41:4 44:13 53:11,12 60:6 76:14 81:2 83:20 90:12 93:1	86 62:11 64:13,14 67:20 68:8,9 87 64:15
Exhibit 114 103:7		
-	20s 62:17	9
	22nd 12:14,24 18:11	9 68:14
--o0o-- 5:12 104:19,23	25 82:14 83:24 85:23 86:24 87:14,16,17 88:4,20 89:9 101:13 102:2,17	99 4:6 9:36 5:2
--ooo-- 4:11,24		
1	28 20:3,15	A
1000 5:4	3	a.m. 5:2
103 4:7,21	3 4:19	ability 84:13
112 5:13 6:24	4	Absolutely 85:9
113 41:12,13,15 42:16 45:4,7,9, 12	45 4:19	access 9:7 60:25 103:15
114 103:7	5	account 43:15,23
12:31 104:17	5 4:17	accurate 10:2
14th 60:9	500 5:3	accurately 40:2
158 68:13	51 4:5	achieve 85:22
15th 40:24	58 42:8,12,18 45:5,6 86:11	achieved 85:22
16 4:18	5th 53:11 60:6	acquisitions 57:21
1641 43:9	6	acre-feet 70:23
1858 65:17	6 4:4	Act 8:12 45:13 103:23 104:5
19 94:15,17,18	7	Act's 41:17
1920s 62:19	7 5:1	action 10:17,18,21 11:2 76:15 77:1 92:1
1930 66:20	75 102:2	actions 85:21
1930s 66:24	76/77 62:16	active 52:11
1930s' 66:18	77 62:20,21,23	actual 33:16,21 43:6,25 78:7
1931 67:21 68:3 71:14,25		acuity 97:8
1975 53:1,2		addition 21:10
1st 12:18 54:2 83:21		additional 24:19
2		address 30:18
2 19:24 22:18		addressed 63:5 addresses 17:9

DEPOSITION OF MICHAEL GEORGE

adjudicated 77:24 79:14	analyzed 23:14	Argumentative 34:1
adjudication 74:22 77:2,13	analyzes 94:5	arguments 78:7 79:12
adjustment 43:15 44:25	and/or 74:2	ASAP 41:24
adjustments 44:24 86:25	Andrew 5:24 49:8 73:17 92:17	asks 28:11
administer 5:6	Andy 49:6,19 73:17	aspect 15:19
administration 46:15 79:15	anecdotal 43:5	assessment 101:17 102:4
Administrative 90:10 92:4	announced 46:8 53:10	asset 59:17
advance 10:25	anticipated 44:11	assumed 46:9 53:11
advantaged 79:16	APNS 33:16	Assumes 26:25 34:2 71:17 72:16 87:2 88:6 102:5
advantageous 82:12	apologize 64:16	assuming 60:1
advice 84:5,6,9	apologized 64:15	assurance 86:1
advised 49:16 56:5 58:1 90:14	apology 64:18	Atlas 64:5,23
advising 57:17,19,21	appeared 5:7	attaches 85:3
advisory 54:19	appendices 95:24	attachment 103:13 104:6
aerial 92:25	appendix 95:11	attempt 84:1
affairs 55:24	applicability 74:23 78:7	attempted 34:24 58:18
affirmations 5:7	application 60:10,11,16 83:17, 22	attempts 97:7
agencies 50:21	applied 60:9	attend 51:18,20 52:6
Agency 4:16 5:18 6:10,23 99:19	apply 40:2 77:23	attendance 74:18
agree 15:12 85:20	appointed 53:6,9 54:8 58:12 60:4 61:7,11 62:13	attention 40:23 69:1
agreed 102:1,16	appointment 46:8 53:10 60:17 61:7	attorney 5:17 11:16 27:19
agreement 83:25	approach 45:21,22	attorney-client 15:8 19:19 20:18 21:21 79:2
agriculture 65:16	approached 78:2	attorneys 16:4 73:12,14,21 74:14,16,18,20 75:1 78:23 84:12 92:22 104:1,3
ahead 32:21	approaches 46:7	attractive 76:24
Akroyd 6:15	appropriateness 19:8	August 4:19 60:9 68:18 83:19
alerting 98:25	approval 42:1	authority 6:8 54:3 75:2
allowed 31:15	approve 41:24 83:11 84:14 87:13 88:3,19	authorization 50:17
Almanac 63:25 64:4	approved 83:5,8	authorized 5:6
amazing 93:11	approving 44:1	availability 22:16,21 23:1 25:2 26:16 27:6,9 28:18,21 31:6 32:1 33:23 35:18,25 36:10,16 37:21 41:3 50:25 72:8 82:5 87:1 89:17 96:3,13,22 97:2 99:8 100:8 101:7
American 51:25 59:17	Approximately 55:1	availed 61:22
amount 30:16 31:17 43:7	April 12:18 37:3,8 38:23 39:6 40:24 41:6 75:5 76:22 80:5	
analyses 34:24	area 17:19 18:14 101:3	
analysis 26:16 27:9 28:21 31:7 32:1,5 33:16,24 35:17,22,23 36:1 38:8 80:7 87:1,23 89:17 90:2,6 96:22 97:17 98:9 99:8	areas 81:24	
analyze 29:10 35:8 47:22		

DEPOSITION OF MICHAEL GEORGE

average 44:12,15	beneficial 85:25	call 31:11 39:24 42:12 91:25
avoid 15:11	benefit 83:25 99:1	called 5:9 46:14 84:19
aware 8:16 16:24 17:1 21:17,24 35:7,10 39:18 41:5 81:1 89:18 93:10 100:22 101:4	Bethany 15:1 17:14,17,18,23 18:6,18 20:11 22:8	calls 18:19 25:16 26:4 27:12,13, 15 28:3,4,12,13 32:2,17 34:3 40:7 49:21 65:5 67:15 71:18 72:15 84:15 89:11 96:5 99:24 100:25 102:18
awhile 26:1	binder 19:25 45:6 62:10 94:15	
	bit 22:16 51:8,17 54:15 75:4,7 80:23 89:14 93:18	canceled 17:3
<hr/> B <hr/>	board 10:6 11:25 14:13 20:8 21:19 22:13,17 23:1 26:15 27:4 29:6 46:6,10 48:7,25 49:4 53:13,14,15,20 54:4,6 56:4,5 72:23 73:14 76:22 77:1,4,7,9 78:10,14,20 79:7,20,22 80:3 81:8,12,15,23 82:2,23 83:2,6 84:1,6,10,13,14 85:11 92:19,23	capability 81:23
Bachelor's 52:1,18	Board's 50:24 74:8 75:2 79:14	Capital 56:1
back 10:22,25 11:12 12:11 14:12 35:3 42:11 51:17 65:8 70:14 75:15,16 82:22 96:16	bona 83:15 84:19,20 85:3	Capitol 5:3
background 46:11 56:22,24	bonds 57:19	capture 29:10
backwards 53:3	bottom 68:14,17 69:9	care 77:25
balance 55:10	boutique 55:7	carefully 95:1
bank 18:2,3,7 54:18	break 25:20 36:20 75:8,9,10,13, 20	Caren 48:22 74:12
banker 54:12	Brian 23:6 33:4 48:16 97:14	Carrigan 5:22 15:6 16:18,19 18:19,22 19:4,13,18 20:9,17 21:2,20 22:18 24:10 25:3,16 26:4,18,25 27:12,18,23 28:3,8 32:2,8,17,19 34:1,5 40:7 49:21, 25 65:5 66:6 67:15 68:7 69:3, 16,23 70:6,11,25 71:7,17 72:15 73:2 75:6,11,18 78:12,25 84:15 87:2 88:6,9,22 89:11 92:23 95:20 96:5,15 99:24 100:25 102:5,9,18,23
banking 54:18 55:6	briefing 46:12 47:8	carrying 49:8
Banta-carbona 6:5	briefly 9:20	case 16:25 26:21 77:8
bar 52:12,14 76:21	broad 54:20 100:2	cases 60:24
Barbara 23:5 41:20 45:17,18 46:10,13 48:15 76:1,12 81:17	broadly 80:17 82:2	categories 103:24 104:4,6
Bare 12:7,10	brought 40:22 47:6 77:1	Cathy 23:5 33:4 45:17,19 46:11 48:15 81:18 92:12
barrier 101:7	building 37:10 40:25 65:18	caution 15:6
based 10:5,8 12:2 21:8 23:21 28:7 44:12 64:25 73:10 97:9	built 63:17	CCS 45:18
basic 59:20	Byron-bethany 6:11 51:16 70:20 71:11,15 90:12	CD 7:23,25 8:1
basically 29:5 60:1	<hr/> C <hr/>	CDO 19:20,23,24 20:1,16
basis 14:1 24:8,20 28:9,12 29:3 44:17 67:1,11 77:10 78:2,4 100:3	calculate 28:20	Cease 14:2,10,11 17:9 19:10
BBID 4:20 71:3 80:20 90:11,14, 17,25 91:10 92:1 93:1	calculation 41:2 44:2,24	Center 52:7
BBID'S 49:14 103:5	calibrate 82:1	central 4:16 5:17 6:23 35:13 50:20 72:2
began 65:24	California 5:4,6 6:14 52:12 57:9,12,24 58:1 59:20,22 62:24	CEO 58:8 61:1 63:11
begin 12:23		Certified 5:5
beginning 5:21 11:5 62:24		
behalf 58:14 59:14		
believed 104:11		

DEPOSITION OF MICHAEL GEORGE

cetera 29:15 39:4 54:20 101:4	college 51:18,20	conclusion 12:24 18:19 21:18 27:13,15 28:3,13 89:12 99:25 100:25 102:19
chains 4:18	Collins 11:8 13:3,4 17:19	conclusions 78:8
chair 79:6,20	color 93:14	concurred 12:22
change 44:2 80:24 81:1	colorable 84:25	conditions 11:6 12:20 61:21
channel 101:11	Columbia 52:16	conduct 90:17
channelizing 65:18	combined 68:21 89:24	conducted 89:16
channels 24:1,24 25:2,25 36:3	commenced 10:24 72:4	cone 100:17
characterization 56:18	commencing 5:2	confirm 7:15
chart 68:25	comment 37:19	confluence 26:11
Chief 8:6,8,10,14,20 11:18 57:2	comments 38:1 92:7	confusing 100:14
circumstance 78:4	commingles 20:12	connection 17:20 100:19
circumstances 16:7 19:7 26:10 31:16	Commission 55:25	conservation 41:22 43:1 62:6 86:6 96:24 98:11
City 14:14,22 15:22,25 16:6,8, 15 17:6,9	Commonwealth 52:15	conserved 87:15
Civil 90:10 92:4	communicated 31:24 32:6,24 34:20 35:3 73:21 80:16	consideration 27:8 28:6
claim 84:25 85:1 102:12	communicating 32:12	consistent 20:10
claimant 84:20	communication 15:17,20 17:11 20:19 21:22 79:2,3	constituents 39:21,23 49:3
claimants 43:2 83:16 84:20 85:13	communications 15:9,13,15 16:3 27:3	constraints 101:3
claimed 29:14 30:14 84:22	company 55:16,17,21,23 56:15 57:2,3,4,5 58:6,7,17,24 61:2 63:11	constructed 65:4,24 71:24 72:1
claims 23:16 62:3 85:7	company's 56:2,4	construction 61:9
clarifications 40:13	compare 23:23	consulted 59:11
clarity 47:22 48:9,21	compared 23:20 39:3 44:20 67:5 86:7	consumptive 87:17 97:24 98:1,7,10,16
classes 31:13,18	competent 95:24	contact 82:18 101:16
clean 77:8,13	complaint 10:23 11:14,17 90:10 92:5 94:11,22 95:5	content 29:7 78:16 84:8
clear 42:12 76:24	complaints 101:5	contentions 59:25
closed 80:2	complete 10:1 21:3 68:9 69:7 96:9	contentious 60:14
closer 82:11	completed 72:3 76:1	context 9:17 29:19 72:20 80:25 82:5 85:3 93:21
Coats 23:6 33:4,7,8 34:8 48:16 89:15 97:14	complicated 68:25	continue 77:15
collaborated 37:23	Compound 69:24 96:15	continued 4:7 11:7 14:9 67:13 68:4 103:9
collaborating 13:16	concept 26:17 47:2,24 48:11 99:21,23 101:20	continuing 13:10
collaborative 24:7	concluded 104:17	continuum 82:8
colleagues 13:25 49:2 51:6 61:3		Contra 64:2 65:21 67:7 70:19 94:7
collect 7:2		
collected 23:13		

DEPOSITION OF MICHAEL GEORGE

contract 16:8,23 17:3,7	75:6 78:12 92:12,13 104:10	date 12:18 41:8 104:21
Contractors 94:12	Counsel's 8:7,8,14	dated 4:18
contracts 16:12	counts 93:7	dates 41:10
Control 53:15,20 54:3 72:23 81:8,12	couple 24:21 92:18 101:14	David 76:20
convened 37:4 97:23 98:5	court 9:23 19:1	DAVIS 5:5
conversation 47:4 73:6 76:17, 18,20 78:17 79:9,19 80:9 81:21 84:8	cover 94:25 95:1	day 60:10 100:12,21
conversations 39:20 40:25 48:5 73:11,24,25 74:7,13,17 76:11,13 77:14 78:9,14,19	Craig 35:5	days 41:6
conveyance 58:3,18	create 75:25	deal 56:8
conveyed 28:10	created 23:22 53:16	dealing 46:7 59:22
convoluted 77:22	Creek 90:1	deals 95:7
cool 75:11	Cris 5:22	dealt 58:24
cooperated 7:4	crops 66:24	Dean 6:9 99:19
cooperating 13:16	crossroads 58:1	December 5:1 45:24 46:3 53:11 60:4
copy 68:9	crowd 39:24	decided 77:10
corner 68:12 69:21	crunchers 32:25 34:21 35:3	decision 43:9 83:10
correct 7:17 8:22 11:22 24:12 25:5 28:2 35:6 36:4 38:11 40:18 53:7,8 61:4 69:7 86:19 95:15,17 101:12,18	crunching 32:6,10	decision-making 81:5
corrected 31:6	cultivated 66:25	decisions 63:7 97:1,2
correcting 39:24	curious 71:22 85:5	deduce 31:18
correction 40:3,14 64:11	current 63:8	Dee 48:23
corrections 35:1,2 40:13 97:7	curtail 85:14	deemed 25:8
correctly 61:4	curtailment 41:7 97:1	deferred 46:19
correlated 98:10,16	curtailments 84:3 96:13 97:3 99:8	defining 47:19
correlation 87:24	curves 23:23	definition 90:19
correlations 98:23	cut 18:2,3,4,6 20:12 22:5	degree 51:22,24 52:1,18,19
Costa 64:2 65:21 67:7 70:19 94:7	<hr/> D <hr/>	degrees 52:20
Council 53:21	D'adamo 48:23	delayed 46:19
counsel 5:21,22 6:4,7,13,15 7:4,8 8:11,20 9:6 11:18 12:20, 22 13:24 14:13,14 15:10,25 16:6,24 17:16,22 19:21,23 22:25 24:11 25:4 26:22,24 27:3 28:10,15,22 36:14 46:6 48:5 49:4,5 50:21 69:4 73:3,10,12	D-1641 44:22	delegation 54:2
	Dame 51:21,22 52:4,19	Delta 5:18 6:9,23 13:11 23:24 24:1,24 25:2,7,8,11,14,25 26:9, 10,13 28:21,24,25 29:17 30:10, 18,22,23 31:1,14 35:4,9,12,14, 24,25 36:3 37:1,2,6,15,18,25 39:6,13,21,23 40:6,9,11 41:1,22 42:24 43:6,7,8,23 44:20 45:23 46:3,7,17 47:2,11,15,16,19,21, 24 48:11 50:3,5,6,20,23 51:10 53:7,12,17,20 54:8 57:24,25 58:3,4,9,11,12,15,16,19,21,24 59:1,3,8,9,10,19,23,25 60:1,2, 14 61:21,24 62:1,3,4,7,13,18
	Dan 6:11 51:16 59:15 62:19 86:20	
	dark 69:8 70:3	
	data 23:17 29:20 31:16 38:18 40:13 44:18 51:5,8 63:24 67:8 81:25 82:10 87:9 99:2	
	database 33:14,18 37:16,20 38:2,6 39:5 40:11,15	

DEPOSITION OF MICHAEL GEORGE

63:15,16,20,24 64:1,4,5,23 65:1,3,11,14,17,19,22 66:1,4, 10,22 67:13 68:2,4,5 70:16 71:13,21 72:9,13,25 73:7,9,13 74:3,8,17,21 76:6,9,14 77:2,14, 16,17 78:11,15,21,24 79:6,11, 15,17 80:11 82:15 86:25 89:6,9, 22,23 90:3,4,7 93:19,23,24 94:3 95:9 96:1,4,11,14 97:11,12,15, 17,22,25 98:4,15,16,18 99:13, 19,22 100:3,5,9,13,19,20,23 101:2,3 102:24	determining 23:25 detrimental 78:5 develop 24:17 46:18 50:8 developed 34:25 38:18 61:1 63:5 83:18 developing 87:12 88:18 development 39:8,12 61:8 65:14 dialogue 30:4 31:1 Diane 41:19 45:20 differentiate 30:19 31:15 difficult 87:22 diluting 20:24 21:12,16 22:8 direct 58:4 100:19 directing 45:18 69:1 direction 53:22 54:5 56:3 103:20 directly 57:25 58:14 director 57:7 discharge 18:17 68:19,20 70:4, 8 discharges 68:21,22 disclose 15:13,20 disclosing 15:15 17:11 discovered 8:16 discovery 7:21 discrepancies 44:14 discrepancy 43:24 discuss 29:1 74:25 77:3 79:5 81:20 discussed 11:12 12:19 17:18 26:24 29:9 42:3 43:4 73:13 74:19 78:23 79:25 80:1 81:22 92:9,11 96:25 discussion 15:4 16:18 19:13 25:12,21 26:22,23 27:19 30:21 36:24 39:9 41:21 43:18 44:17, 25 49:8 72:25 82:24 85:10 92:20 97:6 discussions 13:24 14:11,12 15:10,22,23,24 16:5 17:15,16,	22 19:20,23 22:24 23:4,8 24:16, 20,25 25:4 26:14 28:15,18,23 29:5,7,16,19 32:11,12,23 33:1 34:19 36:5,12,14 37:5 44:6,9 46:5 47:19 48:1,3,13,19,20 49:1,6,10,17 50:2 72:22 73:2,24 74:15 81:11,14,19 82:2 86:16 96:21 98:19 101:5 dispersed 40:25 disputes 77:11 District 6:12,16 10:24 11:5,9 14:3,7,9 16:10 19:11 20:4 21:6 51:16 52:16 64:2 70:19,20 71:16 76:21,23 77:6 78:3 District's 10:17,21 12:20 18:5, 8 21:9 49:12 90:12 districts 6:6 57:19 diversion 10:25 11:14 12:15, 16,17 14:8,15,18 19:9 21:7 25:7 29:14 30:13 33:16 43:13,22 87:10,19,20 89:9 98:1,17 100:13,21,22,24 102:1,20 diversions 10:24 11:10,13 12:23 13:9 15:23 16:22 17:1,6 23:16 42:25 65:12 66:13 67:6, 10 70:16,23 83:19,23 85:23 86:2,22 87:8,16,24 88:1 90:12 98:2 102:11 divert 14:9,22,24 67:13 68:4 71:16 78:5 96:4 99:13 diverted 16:14 20:13 26:3 30:10,13 66:11 71:3 72:11 86:8 88:5,21 89:3 102:3 diverter 102:3,11 diverters 24:1 29:11 31:9 33:21 37:1,2,6,15,19,25 66:10 102:16 diverting 20:4 division 13:6,13,18,19,25 23:7, 13 24:8 29:1,12,21 31:23 32:13, 24 33:5 34:20 36:6 37:3,23,24 38:15,24 48:4,14 56:2 89:16 97:6 divisions 55:23 Doctor 52:8 document 8:19 20:9 21:3 69:4, 6,23 70:6,25 71:7 95:20
--	---	---

DEPOSITION OF MICHAEL GEORGE

documents 7:2,6,16,18,24
8:24,25 9:3,5,6,8,9 16:12
103:13,18,19,25 104:2,4

Doduc 48:24

DOT 43:4

doubled 30:15

dozen 9:16

Draft 19:10

drain 15:1 17:15,17,18,23 18:6,
18 20:11 22:8 65:15

drains 18:6

drop 68:24 70:7 95:9

dropped 68:5 71:14 72:9 85:12

drought 11:6 14:2 44:14 46:20
62:14,15,16,17,19,20,22,23
63:8 66:4,11,13,15 76:2 86:13

droughts 62:25 63:1,5,10

dry 12:21 62:18 66:18,20 67:12
71:14 99:3

due 83:20

duly 5:6,9

DUNN 5:3

duplicate 35:21

duplicates 30:3,7 33:13

duplication 31:20

duplications 29:22,23

duplicative 29:17 31:5

duties 53:24

DWR 63:24 67:21 82:3 90:22

DWR'S 64:5

E

earlier 73:7 94:8 96:20,25
103:14

early 39:1,2 82:19 98:24

Earth 93:7

East 70:19

edit 19:15 20:14

edits 19:17

educate 65:10

educated 56:17 65:2

education 51:4 52:22 58:25
95:3,23

effect 45:24 66:23

effluent 14:22 15:22 16:10,15
17:10

effort 13:15 33:12 35:7,10
37:14,18,22 39:19 47:15 85:22
86:6

efforts 42:24 62:5 65:10,17
98:11

electronic 9:7,10

email 4:18 41:17,18 42:23 45:4,
17 80:25 86:12

emails 12:12 41:16 73:21

embedded 44:16,21 47:21

emergency 76:3

employed 22:25 54:9,10

employee 11:24

employees 11:8

employment 10:5 29:6 46:9

empties 17:24 18:2

encapsulate 100:10

end 18:4 20:21 44:1,25

ended 27:5

enforce 84:2

enforcement 5:25 6:2,3 8:10
10:17,18,21 11:2 13:13,20 75:2
76:15,25 85:21,24 92:1

engaged 58:11 59:12

enhanced 22:1,8

enhancing 20:23 21:11,15

ensuing 98:8

entered 16:8

entering 22:5 93:23

entire 85:25 94:24 95:5

entities 57:18

entitled 34:6 70:16 89:8,10

entity 58:10 59:11

entries 71:10

EPA 37:10 40:24 75:5 80:6

equation 90:5

equipment 54:21

essentially 51:4

establish 32:4

estate 55:13

estimates 94:6

estuary 65:11

evaluate 15:2 47:22 81:24

evaluated 39:3

evaluating 101:19

evidence 26:25 34:2 43:5
66:12 71:17 72:17 87:3 88:7
102:6

evolved 29:8

Evoy 23:5 41:20 45:17 46:10
48:15 76:1,12 81:17

exact 65:15

Examination 4:4,5,6,7 6:18
51:14 99:17 103:9

examined 5:10

examiners 36:21

excess 43:7 89:1

Excluding 73:2

exclusion 28:1

exclusive 30:22 80:18

Excuse 16:16 21:4 33:11 75:6

executive 48:7 55:15 57:2
74:8,11

executives 56:6

exemplary 60:21

exhaustive 60:20

exhibit 4:15 5:13 6:22,24 19:24
22:18 41:12,13,15 42:8,12,16,
18 45:4,5,6,7,9,12 62:11 64:13,
14 67:20 68:8,9 70:15 86:11
94:15,17,18 103:7

DEPOSITION OF MICHAEL GEORGE

exhibits 80:25 95:2,6
exigencies 46:19 63:2
exist 9:8 97:15
existence 71:23
expect 41:24
experience 62:24 63:12
expert 26:5,8,19 27:12 28:4,13 96:6
explain 24:18 54:15
explained 99:20
explication 74:22
explore 15:9
exposed 49:16
expressed 48:6
expressing 48:21
extensively 58:10
extent 11:10 25:3 58:2
eyes 64:18

F

face-to-face 73:24
facility 93:12
fact 9:22 47:5 104:7
factors 43:16
facts 20:15 26:25 34:2 69:5 71:17 72:16 76:25 87:3 88:6 97:15 102:6
factual 21:25 50:5,22 73:9 77:11
fair 56:18 101:17 102:3
fairly 58:10 100:3
faith 85:22
fall 8:12
familiar 9:19 10:18 18:14 51:9 94:19
familiarity 11:5 59:23
family 82:3
farther 46:22

faster 63:7
February 39:1 98:5
federal 65:23
feedback 39:22 40:8,11
feel 59:21 62:17
Felicia 48:23
fide 83:15 84:19,20 85:3
field 37:6
fields 62:9
figure 30:11 33:22 34:13 74:23
figuring 47:20
file 83:17,22
filed 11:14 92:8 94:12
files 29:12 50:10 51:9 60:25 62:2
filings 35:8
financing 57:8,17
find 33:17 34:10 42:15 72:21
finding 98:13,17
fine 19:22 92:22
finer 44:19
finish 42:14 69:16
finished 88:8,10,15
firm 55:14 56:8
fish 101:4
fisheries 43:13
flip 70:14
flow 23:18 25:11 26:2,10 38:18 42:4 67:5 101:3
flowed 25:14 65:19
flows 20:23 21:7,10,12,16 22:1, 7 23:14 25:8 26:9 35:23,24 36:2,8 67:14 71:14 72:9,10 85:12 95:9 98:2
flying 93:12
focus 38:19 55:9 88:1 97:24
focused 35:13 38:23 55:8 98:25

focuses 90:3,4
focusing 69:1
folks 71:15 72:9,10 85:13 99:12
follow-up 36:24
forecast 43:24 44:11
forgetting 65:15
form 83:17
formal 30:19
formed 19:7
fortunate 61:25
found 40:13
foundation 25:16 26:6,20 28:9 32:2,4,19 34:3 58:25 65:5 67:16 71:19 72:16 84:16
fourth 44:13
frame 42:1
framed 85:18
Frances 48:23
fresh 93:23
friend 11:24
friends 61:2
frustrated 98:21
full 9:7
function 8:13
funding 54:19
future 99:4

G

gain 30:1 36:7
gained 59:23
gather 30:20 50:8,9 61:3
gathered 50:22
gathering 50:5
gauge 23:17,18
gears 22:15
general 6:4 18:14 23:11 48:20 66:24 82:1 91:3 102:14

DEPOSITION OF MICHAEL GEORGE

generally 7:11,19 14:21 22:22 23:10 28:25 29:9 35:10 47:23 74:21 81:21 89:18 94:23 100:4, 9		identification 5:14 41:14 45:10 103:8,19
geographical 69:22		identified 12:21 30:7 31:9 50:2 104:2
George 4:17,20 5:8,16,21 6:19 8:18 36:23 45:12 51:15 64:14 68:9 70:3 88:12 94:15 99:19 103:6,10		identify 30:3,6 31:5 50:12
George's 7:15,18,24		identifying 33:13 103:25
Georgetown 52:7,9,19,25		immediately 26:2
Gilmore 91:4,19		impact 101:7
give 15:7 25:19 39:22 42:4 45:11 46:11 96:8		impertinent 51:8
Golden 55:15,17,18,20 56:7,14, 20,23 57:1		implement 83:6
good 5:15 6:19,20 51:15 85:22		implemented 17:4 34:15
Google 93:7		implementing 53:24
government 49:3		implications 50:3
governments 49:2		important 8:9 10:7 27:16 63:1 98:3
gradient 64:22		impossible 77:22 86:20 98:22
gradients 64:8		improper 18:17
graduate 52:3,22,25		in-delta 43:1 44:10
graph 68:17 69:9,20 70:8		in-depth 59:24
graphical 95:19		inaccurate 40:2
graphics 95:11		include 31:19 50:13
graphs 23:23 38:10,12		included 37:2 90:6
greater 48:9,21 81:23		including 28:25 46:16
Grober 41:20		incomplete 66:6 68:7 69:4,5 71:7,18 72:15 87:2 96:6 99:25 101:1 102:5
ground 13:9		incorporated 99:7
group 24:16 55:24 63:10 79:24 97:23 98:5 100:5		increase 97:7
groups 92:19		increasing 43:16 65:22
growing 66:22		incursion 63:25 65:22 66:21 67:9
guaranteed 85:13		independent 37:22 53:17,23
guess 10:9 59:21 60:12 66:8 71:22 72:5 86:16		independent-appointed 53:18
guessing 10:12		independently 50:8
guy 62:9		index 43:8,15 44:2,24
	<hr/> H <hr/>	individual 91:11
	half 9:16	individually 79:24,25
	handling 7:14	individuals 31:1
	handwritten 9:10	
	happen 88:4,20	
	happened 32:13 35:20 44:7 63:16,20 65:9 66:19 87:14	
	hear 19:23 27:3 88:12	
	heard 88:12 101:6	
	hearing 9:22 49:18	
	heavy-dashed 69:11	
	held 39:13	
	helicopter 93:8,15	
	helicopters 93:3,11,13	
	hereinafter 5:10	
	high-enough 85:24	
	highly-managed 101:2	
	historic 61:21 66:4	
	historical 65:14	
	history 61:24	
	hold 52:20 69:16 76:2	
	holders 43:14 54:22	
	honestly 44:3 51:7 101:24	
	hope 60:20 62:14	
	hour 5:2	
	Howard 41:19,23 44:1 48:23 74:12,14,15,19,25 82:25 83:9 87:13 88:3,18	
	hub 60:2	
	Human 56:1	
	hydrology 67:4	
	hypothetical 66:7 68:7 71:18 72:15 87:2 96:6 99:25 101:1 102:5	
	<hr/> I <hr/>	
	idea 85:15	

DEPOSITION OF MICHAEL GEORGE

industry 54:13,15,21 55:12
57:18

inflow 25:22,25 68:5 90:3,4,7

inflows 26:11 102:24

influence 65:8 100:7

inform 16:25 37:15 60:19

information 20:7 21:17,25
22:2,4,6,10 23:14,18,19 24:17,
19 29:10,11 31:24 33:22 34:15,
24 35:16 36:7 38:12,25 39:10,
11,15,25 43:6 49:16 50:5,8,9,
12,19,22 72:19 73:5 77:11 78:1
96:2 97:8 99:5

informed 14:7 56:9 60:12 67:2
104:10

infrastructure 57:8

infringe 15:7

infringes 79:1

input 24:9,14 39:18 56:4 61:25
96:12,19 97:3,10,16 99:11

inquiry 51:3

insight 34:25 36:7 61:3

inspection 12:14 90:19

inspections 90:17 91:25 93:1
96:23

instruct 19:19 20:17 21:20
78:25 79:3

instructed 49:17

instrument 44:21

insufficiency 13:7

insufficient 14:8,16

intake 22:5

integrated 54:13,14

integrating 39:10

intensified 11:7

interaction 97:14,20

interest 72:14

interested 22:22 46:23 58:15
63:16 98:12,13

interesting 72:18,21

interests 39:6,14 58:4 80:12

intermediate 56:8

intermingled 20:5

internally 15:5

interpret 31:15

interrelated 97:25

interrogated 5:10

intersects 18:7

intertwined 28:15

interview 60:7

interviewed 58:9 59:13,15

introductions 5:20

intrusion 64:8

investigate 11:9

investigated 18:16 19:6

investigation 10:23 11:13
12:3,9 13:3,13 18:20 21:19 98:6

investment 54:12,18 55:6

investments 54:20

investors 57:20

invitation 80:15

invitations 80:15,16

invited 38:16 80:20

involve 28:22 58:16

involved 23:7,24 24:15,20
26:22 29:4 30:23 32:12 35:19,
24 36:5,12,14,17 43:20 47:18
48:2,3,13,16,18 49:9 56:15
57:7,11,14,16,23 58:13,14,18
73:6 76:6 81:4 82:13 96:23
98:19,25

involvement 10:16,20 13:23
22:20 82:17 90:9,11 92:1,3

involves 20:18 21:21

involving 15:10 57:24

irrigation 6:6,12 10:17,21,24
11:5,9 12:15,17,19 14:3,7,9
16:10 18:5,8 19:11 36:3 49:11
51:16 70:19,20 71:15 76:21,23
77:6 78:2 90:12

islands 35:9,12,13,16 65:18

issuance 90:10

issue 27:5,16 30:18 42:2 51:4
58:23 94:8 95:8,12

issued 14:2 19:12 39:1

issues 46:15 47:6,20,23 48:22
59:25 60:3,13,14 62:4 63:1,4
73:9 75:2 76:7,8 77:9,13 79:16
96:21 97:25 100:6

item 11:12

iteratively 39:16

J

J.P. 57:7,11,15,16,23

January 53:11 60:6

Jeanne 6:4

Jennifer 5:17 18:24 103:3

Joaquin 6:8 25:10 68:19 70:4,
17 89:25

John 6:3 11:8 13:2,17,21 17:19
23:5 33:3 34:22 45:18,19 46:10
48:15 81:17 92:12 97:14

joined 97:22

joining 56:23 57:1

joint 13:15

jointly 53:19

July 68:18,24 70:10 83:19

June 4:18 45:1 68:18 83:19,21
86:16 94:12

Juris 52:8

justifications 14:15,17 15:3,5

K

Kaiser 76:20

Karen 41:20

KATHRYN 5:4

Kathy 12:7

Kelly 4:5,7 6:11 8:3 42:7,10,13
51:13,14,15,16 65:25 66:8
67:19 68:8 69:6,19 70:7,12

DEPOSITION OF MICHAEL GEORGE

71:1,9,22 72:22 73:10 75:9,13, 15,19 79:5 87:12 88:8,11 89:6, 13 93:16 96:1,11,19 99:15 101:14 103:2,5,9,10 104:14	Les 41:20 45:20	maintenance 43:12
Kennett 6:1	letter 94:25 95:1	make 5:20 16:9 20:8 23:1 34:25 37:18 39:9 44:18 63:7 70:1 97:7 102:11
key 69:21	levees 65:18	making 8:17 57:20 86:10 88:2 96:3
kind 31:12 59:4,16,19 62:13,17, 23 65:2 66:15 70:2 72:24 73:1 96:2 97:25 99:1	level 69:22 89:20 100:15 101:10	Mall 5:3
knew 63:11 87:8	levels 100:8	manage 99:4
knowledge 16:21 34:17 35:2 59:20,24 92:25 93:3	Liability 90:10 92:5	managed 35:8 56:2
knowledgeable 59:19	license 12:16	management 56:1 57:5 60:3
<hr/>	licenses 29:14	manager 91:3
L	light 12:21 43:10 85:19	managing 57:6,21
<hr/>	limit 15:11 97:1	manufacturers 54:22
	limited 35:11	map 64:7
	lines 45:22 68:18,21,23 69:8,19 70:3	maps 64:16,21,22
lacks 25:16 26:5,20 28:8 32:2, 19 34:2 65:5 67:15 71:18 72:16 84:15	list 60:20,21 70:18 103:13	March 11:1,14,21 12:14,24 18:11 39:2 70:24 71:4,11
lamented 76:1	listed 70:20	Marcus 48:23
lamenting 46:21	location 17:18 18:10	mark 41:11 42:10 45:7 103:5
large 31:10 94:18 97:23 98:5	locations 69:22	marked 5:14 6:22 19:24 41:14 42:8 45:4,5,10,12 103:8
larger 30:15	long 55:1 60:7,8 71:16	matching 33:18
late 62:17 66:22 68:18 86:16	long-term 44:15	material 67:4
late-1950s 50:18	longer 88:5,21 93:24	materials 61:8,15 94:2,4,24 103:16
Lauffer 49:7,23 73:16,17 74:2	lookback 44:12,15	matter 16:21 41:21 47:1 79:3
law 9:23 47:23 48:10 52:5,6,7, 19,23 79:11,17 85:2	looked 9:5 19:6 29:13 33:14 50:19 60:2 63:14,19,23,24 65:13,20 66:17 67:21 85:17 86:11 89:23 90:20 93:7 104:4,5	matters 46:24 57:12,24 58:14, 16 97:10
lawyer 92:14,15	lot 22:2 29:4 30:20 39:23 51:5 58:1 61:23,24,25 62:7 63:12 87:9,23 96:23 98:12,24	maximize 59:17
lead 13:12,14,20	lots 26:11 66:12 74:15 87:8 98:19,20	maximum 64:8
Leading 34:5	lower 44:10	Mcginnis 6:13
learn 16:5 62:8 63:4,6 68:3	lumped 47:23 48:11	means 93:20
learned 10:8	Lyris 40:22	measurement 64:3
leave 9:4 86:8	<hr/>	meet 90:25 91:2,6,22
left 52:3 102:2	M	meeting 37:11,14,16 40:24 43:5,19 74:1 75:5 76:22 80:6, 11,13,14,21 82:23 83:2 86:13
left-hand 69:20		meetings 33:21,23 73:20 79:24
legal 18:19 22:25 24:10 27:13, 15,16 28:3,10,13 47:20 50:3 73:8 78:8 84:6,9 89:11 96:5 99:25 100:25 102:19	made 7:21 13:17 22:17 24:5,7 30:2 33:23 37:15 50:19 54:19 84:24 85:7,22 87:1 92:7 99:12 104:12	member 49:11,14 52:11,14,15 63:9 79:20
Legislation 53:17		

DEPOSITION OF MICHAEL GEORGE

members 13:2 26:15 48:4,6,8 50:24 77:4,7 79:22 80:3	multiservice 54:17	object 78:25
memory 42:2 94:9		objected 73:10
met 46:10 91:8,11,17,19	<hr/> N <hr/>	objecting 28:12
method 28:19,20	names 33:18 73:12	objection 18:22 26:19 70:11 88:6
methodology 22:25 23:9,12 24:16,22 30:5 38:8 44:21	Narrative 34:5	objections 19:4 26:18 27:23 28:8 88:22 102:9,23
Michael 4:17,20 5:8,16 49:7 73:16,17	narrow 89:14	obligations 53:25
mid 50:18	Nathan 73:18	observation 20:11
middle 62:15	natural 55:13 65:11 98:1	observed 12:15 43:24 91:22
Milligan 43:3	naturally 49:9	observer 22:23
Milligan's 42:23	nature 11:9 43:18 79:10 95:3	observing 86:21
mind 31:11 41:10	NDOI 43:15,17,24 44:11,16,21, 24	occasions 90:15
mine 51:6	needed 29:22 31:5 48:21 79:13 95:3 98:24 99:4	occur 38:4 101:24
Minnesota 52:17	negative 66:23 70:10 72:10	occurred 8:19 10:5 86:14 93:1
minute 42:4 45:11	negatively 101:7	occurrence 67:9
misstate 80:8	Net 43:8	occurring 67:6
misstates 21:2 32:19 34:1	nonqualified 26:5	ocean 26:2 100:20
mistakenly 45:4	note 8:9 69:3	October 70:24 71:4,12
model 81:20	notes 9:10	offered 19:17 85:21
modelers 45:20	notice 4:16,20 6:22,25 7:3 8:24 14:16 39:17 40:19 103:6	office 5:24 6:1,3 8:6,7,8,10,14, 20 11:17 53:17 74:8,11 77:16 97:13 99:11
modeling 47:2,16 50:13 81:7, 12,15,21,22 82:5	noticed 80:19	Officer 57:3
models 81:24 82:1,10 94:6 95:4	notices 7:22 13:7 40:22	offices 5:3
modifications 34:25	Notre 51:21,22 52:4,18	older 64:19
Mokelumne 25:10 90:1	notwithstanding 14:15	one-time 44:7
moment 99:20	November 54:25	ongoing 24:20 44:9,17 97:7 98:8
Monday 5:1	number 28:23 29:21 30:8 31:10,16 32:25 33:15 34:21 35:3 51:3 55:22 80:17 87:17 96:21	open 80:1 83:1,15
month 71:4,10	numbers 32:7,10 33:18 90:7	operated 65:4,11
monthly 70:23		operation 65:24 101:6
months 71:11 72:11 83:19,24 98:9	<hr/> O <hr/>	operations 43:4 86:13
Moore 48:24		opined 84:13
Morgan 57:7,11,15,16,23	O'hagan 23:5 33:4 34:23 46:10 48:15 64:15 81:17 89:15 92:12 97:14	opinion 19:8 27:10,17,25 28:5, 7,9,14 48:6,21 74:21 96:5,8
morning 5:15,19 6:19,20 51:15	oath 9:21	opportunity 61:23 62:7 92:6 102:11
Mrowka 23:5 33:4 46:11 48:15 81:18 92:12	oaths 5:6	opposed 101:10

DEPOSITION OF MICHAEL GEORGE

opposite 71:11	passage 101:4	points 33:17 100:12,21,22
order 14:2,10,12 17:9 19:11 20:8,15 38:25 39:1,11 41:12 44:5 45:8 81:9 99:3	past 60:25 84:23,25	pool 46:3,7 47:2,11,16,19,24 48:11 50:3,6,23 72:25 73:7,9,13 74:3,9,17,21 76:6,9,14 77:2,14, 18 78:11,15,21,24 79:6,12,17 99:22 100:3,5,10
ordered 84:4	Patterson 6:5	pool' 45:24
outflow 41:22 43:6,7,8,17 86:18	Paul 48:17	portfolio 56:3,16 57:4
outflows 26:12 43:25	people 10:6 17:15 30:4,21 31:25 32:6,9 38:6 39:21 40:5,9, 11,19,25 48:12 50:2 58:2,15 61:23,25 67:13 68:4 72:23 80:16,18 82:3 85:21 90:25 91:18 96:4 98:12,20,21 100:2 103:15	portfolios 57:22
outreach 29:1,25 30:17,20,21 31:4 33:21,22 34:11,14 36:24, 25 37:3,8 38:3,4,7,9,13,20 39:6, 13,19 41:1 75:5 80:6,14	percent 82:14 83:24 85:23 86:24 87:14,16,17 88:4,20 101:13 102:2,17	position 9:1 35:4 53:9,18,19 56:12,20 60:8 77:17,20,21 88:24 89:6 96:7
outstanding 46:15	performance 80:2	positions 56:10,14
Overbroad 66:6 89:11 99:24 102:18	period 14:6 29:5 42:25 60:10 66:20 67:2 93:25 100:23	positive 86:2,4
oversaw 55:23 56:1	periods 30:25 62:18 66:5,18 67:13	possibly 81:18 90:23
overstated 31:17	permits 29:14	posted 39:16 40:17,20
overtaken 63:2	personal 9:17	potential 35:21
owns 62:9	personally 5:7	potentially 69:5 76:24 81:25
<hr/>	personnel 32:14 38:16	PRA 7:20
P	petitions 80:24 81:2	practical 47:20
<hr/>	Petruzzelli 6:1	practice 55:10
p.m. 104:17	phenomenon 44:10	Prager 6:3
package 94:24	photographs 12:5,10	pre-1914 30:11
pages 4:17,21 68:11	physical 19:6 73:8 98:1	pre-project 64:2 67:11
papers 46:14,18 47:2,6,8 75:22,23,25 76:1,5,10	pickup 62:9	pre-projects 63:21
paragraph 20:2,3,15,22	picture 96:9,10	precipitation 23:17
parallel 69:12	pictures 12:13 90:22 93:4,13	precision 67:1
part 15:4 16:4 21:19 29:25 41:16 45:12 49:19 50:25 53:13 59:18 68:1 81:9 85:8 86:15,23 89:23 96:20 97:5	piece 96:9	predecessor 35:6 60:22
participant 83:22,25 84:2 101:25	pieces 98:3	preemployment 47:7
participants 32:10	place 18:7 37:9 72:12	prepare 12:2,4 35:9 92:4
participate 83:17	plan 56:4 82:19 83:18,23	prepared 30:4 47:8 56:3
participated 28:23 102:13	plans 83:20 87:8	preparing 88:23
participating 47:25	plant 14:23 16:11 18:5,9 20:13	presence 75:1
parties 77:12 103:21	Plate 68:14	present 24:17 25:13 53:3 74:2, 14,16,20 80:3
partly 44:11	point 22:4 25:14 61:6 77:7 82:18 101:16 102:1,20	preserving 43:11
		pressure 43:11
		previously 7:25 19:24 45:5 65:19

primarily 23:17 38:23 48:3 54:1 55:10 57:16 65:20 67:7 79:25 90:3 102:24	50:10	
primary 7:5 58:23 82:18	proposing 43:14	<hr/> R <hr/>
prior 14:11 25:14 34:18 37:14 44:12 46:6 54:8 55:14,15 56:13, 20 57:1,6 58:12 59:18,25 60:11, 17 61:6 63:5,16 65:1,4,23 67:12 70:14 71:25 90:9	propounding 51:8	rained 63:14
priority 14:8 29:3 43:13 85:24	Prosecution 5:25 49:12,14,19	rains 62:25
private 57:17	provide 9:22 10:1 12:10 14:17 24:9,14 28:11 40:3 50:23 96:12, 19	raised 54:19
privilege 16:4 73:11	provided 9:5 12:7 23:15 29:10 38:18 54:18 72:19	raising 76:8
privileged 15:8,13,15,17,20,24 17:11,16 20:19 25:4	public 8:12 41:17 45:13 55:25 57:4,17 103:23 104:4	rationalizing 56:16
proceedings 13:20	publicly 80:19	re-explained 99:20
process 34:10,11,14 39:3,25 40:14 60:7,8 81:5 97:4	publicly-noticed 80:12	reach 37:18
produce 8:24	pumping 18:5,9 20:13	reached 37:25 61:2
produced 7:7,9,12,19,24,25 8:15 9:1 12:13 13:22 41:16 61:15 103:14	purpose 37:15	reaches 25:25
production 7:14	purposes 20:16 25:2 28:21 31:6 35:25 36:9 41:3 101:4	read 19:3 21:4 24:3 27:21,22 42:4,20 45:12 60:21,24 61:18 64:1 87:4,5 96:16,17
productions 8:16	pursuant 103:18,19,21	reading 31:3 42:6,14,17 45:14 94:9
professional 9:17,18	pursue 85:20	ready 51:13
program 43:1 62:6 82:14,17, 22,24 83:5,8,11,15 84:7,10,14, 18,23 85:8 87:13 88:19 96:24 101:14,17,20,25 102:8,14	put 24:15 38:13 40:12 66:14 76:2 86:9 101:3	real 43:4,22 55:13
project 50:18 59:8,9,10 61:9,17 71:24 72:2 95:13	Putah 90:1	realtime 44:19 82:11 86:13,21
projected 23:21	puts 20:11	reason 10:1 13:4 29:25 33:6
projections 31:18	putting 39:25	reasonable 85:20
projects 43:14 45:25 63:17 65:4,24 71:23 72:11	puzzle 96:9	reasoning 41:25
projects' 65:8	<hr/> Q <hr/>	Rebecca 6:15
proper 18:16	quality 20:23 21:11,15,25 22:3, 5,7 66:23 100:8	recall 25:12 38:25 39:7 40:21 41:8 44:3,4 45:2 46:8,13,17,21, 25 47:12 58:16 61:4 67:23,24 75:3 80:8 81:19 82:23,24 83:1 85:16 94:10
prophetic 100:3	question 9:2 10:11 15:14,16,19 17:10 18:23,25 19:2 25:19,24 26:7 27:21 28:11 42:19 62:11 66:9 69:17 85:18 87:4 88:8,13 100:1	recapture 21:9
proponents 82:19	questions 10:4,7,10,15 24:21, 23 51:13 75:17 94:21 99:16,18 101:15 103:1 104:14	receive 8:2 51:22 52:8 84:5
proposal 45:24 46:3 47:11 75:25	quick 36:20 99:18	received 84:9
propose 83:23	quiz 59:5	recently 8:4
proposed 16:25 17:2 45:23		recess 36:22 75:14
		reclaim 21:6 65:16,17
		recognition 86:17
		recognize 44:13 64:20
		recognized 29:20
		recognizing 78:3

DEPOSITION OF MICHAEL GEORGE

recollection 25:6 38:9,22 39:15 42:22 64:9	regulatory 55:24	requests 7:21 8:12 47:5 103:21 104:9
recommend 101:20	related 36:7 46:15 48:10 50:6 58:24 77:3,13 97:11 100:5	required 39:2
recommendation 87:13 88:3, 18,24	relates 10:16 97:17	reread 60:24
recommendations 63:13	relating 50:23	research 66:3 94:1
recommended 83:12,13 101:16	relation 14:24	residence 26:17,24 27:5,7 28:1 72:7 93:19,20,23 94:2 95:8,12, 16 99:21
record 5:16,20 8:9 19:3 24:3 27:22 42:7,12,20 45:3 69:3 75:15 87:5 93:16 96:17	relationship 87:25 103:22	residency 101:21
recorded 9:21	relationships 55:24	resident 26:12 28:6
records 8:12 9:7,10 41:17 45:13 103:23 104:5	relevant 72:7	residual 95:8
rediversion 21:8	relying 31:17	resolve 30:7
rediverting 18:17	remaining 93:24	resolved 50:4
reduce 29:22 42:25 83:23 87:8 102:1,16	remains 95:8	resources 6:14 23:15 38:17 50:16 53:15,20 54:3 55:13 61:16 72:23 73:14 81:8,12 85:19,25
reduced 67:14 86:25 87:16 89:8	remedial 51:5 95:3,22	respect 13:2 15:21 17:14 29:12 43:20 61:8 62:2 67:4 73:11 77:6,17 78:20 80:6 81:5 84:7 94:2 98:14
reducing 83:18 89:1	remember 11:15,17 19:16 24:25 31:9 44:5,6 49:7	respond 28:16
reduction 66:23 82:14 85:23 86:7,22 87:10,19,20 88:1 89:4 98:17 100:17 101:14	REMEMBERED 5:1	responded 46:22
reductions 43:22 84:3 86:1,17 87:7,11,24	Remind 8:1	response 7:19,20 8:24 15:7
refer 67:7 82:13 84:24 94:4 100:4	renew 27:23	responses 8:11 38:24 39:2
reference 61:19 95:10	reorganized 56:2	responsibility 7:5
referred 11:18 60:25 73:23 94:8 95:23	reorganizing 56:15	responsible 55:22
referring 28:1 46:2,13 47:10 64:5,10 66:15 69:8 70:3,13 72:24 85:6	repeat 18:24 19:1 24:2	responsive 104:8,12
refers 94:8	replacement 56:5	rest 17:21
refine 24:18 35:17	report 12:2,4,12 13:17,22 35:9, 16 64:1 65:21 67:21 68:10,13 70:15 94:7	restrictions 21:8
reflect 95:11	reported 90:20	restructuring 55:11
Reform 53:17	reporter 5:5 19:1	result 31:4 49:15 86:22
refrain 49:17	reporting 29:17 31:5 35:22	resulted 33:20 34:11,14 86:17
regard 57:8 97:21 101:9,13,25	reports 23:16 29:13 30:2,5,9 31:3,13 34:23 50:15 53:19 60:22 67:22	return 20:23 21:6,10,12,16 22:1,7 35:23,24 36:2,8 98:2
regulator 55:25	represent 20:15 61:17 68:19	revert 42:11
	representatives 31:2 37:7 40:9 80:12	review 8:25 19:10,14 37:16,19 38:1,23 50:9 61:13 62:16 66:3 67:19 80:2 81:9,24 92:7 95:23, 24 103:17
	represented 58:4,8	reviewed 7:10 19:6 42:18
	request 7:20 8:19 41:17 44:1 45:13 103:23 104:5	
	requested 7:3,7,18 37:11,12 76:10	

DEPOSITION OF MICHAEL GEORGE

45:15 61:8 62:2 65:1 75:22 92:2 94:2,4,11,14,22,23 95:1,2,5 103:11 104:10		services 54:19
reviewing 13:22 34:23 62:5	<hr/> S <hr/>	serving 54:12,14
Rich 81:17	Sacramento 5:4 25:9 68:20 70:5,9 89:24	session 30:17 37:3,8 38:3,4,7, 9,14,20 39:6,13 80:1,2 83:2
Rick 91:4	Sacramento/san 89:24	sessions 29:1 30:1,20,22 31:4 36:24,25 41:1
Riddle 41:19	safe 56:17	set 5:11 10:15 61:15 69:5 76:25
riding 62:8	salinity 63:25 64:3,8,22 65:22 67:9 69:22	sets 29:20
right-hand 68:12	salt 66:21,25	Setting 27:2
rights 13:7,18,19,25 14:21 23:7,13,22 24:8 29:2,15,21 30:14 31:23 36:6 37:4,23,25 38:16 46:16 48:4,14 54:22 56:9, 10,18,20,23,25 57:10 58:9,10 59:20 62:3 78:6 79:15 83:16 84:22,25 89:16	San 6:7 25:10 68:19 70:4,16	shared 13:18 16:11 38:6,13 39:5
Rights' 29:12 32:13 97:6	Satkowski 81:17	sheet 55:10
riparian 30:11 43:1 82:14 83:16 84:3,19,20,22,25 85:7,13 86:17 102:12	Sawyer 49:7,19 73:17 74:2	short 75:11,13
riparians 89:8	school 52:5,6,23 85:2	shortage 99:4
river 14:24,25 18:3,8 20:5,12,24 21:11,12,16 22:3,9 25:9,10 68:19,20,22 70:9,17	schooled 57:9	Shorthand 5:5
rivers 25:10 70:5	scope 59:4	Shortly 97:22
Robin 6:13	scrub 39:22	shotgun 62:8
robust 82:10	scrubbed 39:4	show 64:21 68:22
role 13:1 47:15 51:10 53:11 60:1,6 63:15 68:2 72:13 83:10 96:1,11 97:12	search 34:10	showed 80:18
room 5:20	season 10:25 11:14 12:17 66:22	shown 75:22
rough 44:20	Securities 54:10,11,17 55:5	shows 63:25 64:7 70:8 95:16
RTDOT 41:21 43:18	seek 37:19	side 6:5 10:16,21,23 11:4,8,20 12:19 14:3,6,9,13,17 16:9,14,22 18:4,8,17 19:11 24:22 26:16 28:18 35:22 36:16 38:21,22 49:11,18,20 76:21,23 77:5 78:2 79:13 90:5
Ruiz 4:6 6:9 99:17,18,19 100:1 101:9 102:7,13,21 103:1	seeks 100:14	Side's 16:24 41:7
rules 9:19	seepage 98:2	sides 8:13
run 50:11 82:11	select 68:10	SIGNED 104:21
run-up 50:17	sell 16:9	significant 38:19 42:24 44:14 65:12 66:21
running 31:25	sending 13:2	significantly 79:16
runs 69:11	senior 56:5	similar 64:22
	sense 82:7	SIMMONS 5:3
	sentence 20:4,10 21:3,5,13	simply 10:11 15:16 33:13 63:14
	separately 53:16	site 11:20 13:4,21
	separation 8:13	situation 13:9
	September 54:2 83:20	situations 99:4
	sequence 67:8	
	series 46:14 47:6,18 63:24 67:25	
	serve 53:7	

DEPOSITION OF MICHAEL GEORGE

skip 26:19	spreadsheets 32:7	study 67:8 98:7,15,24
small 64:16	spring 82:20	studying 87:9
smaller 73:15	staff 13:2,17 20:8 26:15 27:5 31:22 35:15 50:24 76:19	stuff 73:1 74:3
solely 21:8	stake 46:24	subject 21:7 38:9 41:21 46:23 47:1 73:6,22 79:2
SOMACH 5:3	stakeholders 97:24 98:6	submitted 60:16
sort 33:13	start 15:21 54:24	subpoena 103:18
sorted 77:21	started 5:19	subsequent 13:12 39:13 44:6, 24 65:17
sought 95:4,22	state 5:5 10:6 11:25 14:13 20:8 21:19 22:12,17 23:1 26:15 27:4 29:6 46:6,9,16 48:7,25 49:2,3,4 50:18,24 52:12,14,16 53:13,14, 19 54:3,5 55:16,17,18,20 56:7, 14,21,23 57:2 61:9,17 65:23 71:24 72:23 73:14 74:8 75:1 76:22 77:1,4,7 78:10,14,20 79:7,14 81:8,12,15,23 82:2,23 83:6,18 84:1,6,10,13 85:10 92:19,22 94:12	subsequently 95:4
sounds 75:12	stated 96:20	subset 73:15
source 25:22 72:20 102:15	statement 20:8,22 21:18 35:8	substance 78:10,15,21,23 79:6
sources 23:25 24:23 25:1	statute 54:1 65:15	substantial 56:22
south 6:9 35:13 50:20 99:19 100:23	statutes 53:24	substantially 67:14
Spaletta 4:4 5:15,17 6:18,19 7:13,23 8:2,5,18,23 11:15 15:12 17:8 18:20,23 19:1,10,15,22 20:14,21 21:4,24 22:19 24:5,12 25:5,20 26:7,23 27:2,17,20 28:2,7,17 32:4,15,18 33:1 34:4, 6 36:20,23 40:10 41:11,15 42:9, 11,22 45:3,11 49:23 50:1 51:12 61:5 70:1 72:6 75:4,21 78:13 80:5,23 84:18 93:18 103:4,14	stays 26:1	substantive 79:17,19
speak 8:14	Steve 48:24	successive 34:23
speaking 36:2 101:9	Stewardship 53:20	sufficiency 15:2
speaks 20:9 69:23 70:6,25 71:7 95:20	stick 26:19	sufficient 10:11
specific 22:6,10 24:21,23 30:17 35:1,13 36:15 39:19 40:10 62:2 73:5 77:5 81:19 97:3	stipulated 77:12	sufficiently 95:2
specifically 19:16 36:2 44:3,4 47:9 49:8 66:17 76:12 89:22 93:9 97:10,20 104:5	stipulations 16:25 17:2	suggest 43:17
spectrum 54:20	stopped 12:1	suggested 76:23
speculate 10:9	storage 41:22 43:12	Suite 5:4
speculation 25:17 26:4,20 32:3,17 34:3 40:7 49:21 65:6 67:15 71:18 72:16 84:15	strategic 56:4	summer 44:8 71:16 72:11 96:23 98:23
Spivy-weber 48:24	strategy 59:16	Sunday 11:25
spoke 15:25 103:14	stream 23:17,18	Supervisor 68:10
spot 66:14	streams 25:11	Supervisor's 67:20
spreadsheet 31:25 34:10	strike 66:1 91:16	supplement 72:12
	string 41:18 45:4,17	supply 13:8 23:25 24:22,24 25:1,23 26:16 41:2 72:12 80:7 90:5
	stringent 84:2	supply/demand 23:23
	structures 101:7	support 61:16
	Studies 51:25	supported 16:22 17:6 45:22 97:2
		supporting 12:17
		suppose 10:22
		surprise 68:3,6 71:13

DEPOSITION OF MICHAEL GEORGE

surprises 71:20
surrounding 77:9
suspended 13:10
Sutter 55:5
swamps 65:16
switch 22:15 36:21 80:4
switching 75:7,12
sworn 5:9 6:17
system 17:21 86:1,3,5,9 89:1

T

table 70:15,18
tailend 62:14
tailwater 20:5
taking 4:16 6:23 13:14,21 75:19 93:4,13
talk 22:16 28:17 61:23 74:2
talked 35:21 36:18 73:16 74:11 75:4 80:5,23 82:4 83:1 88:11 93:18
talking 19:18 72:6 75:21 82:25 87:17 95:14
Tam 48:24
Tauriainen 5:24 7:13,17 8:1,8, 19,21,22 73:18 74:1 92:20,23 93:14
team 5:25 43:4 48:7 49:12,14, 20 86:13
technical 90:19
temporary 80:24 81:1
tension 43:11
term 84:23,24 93:22 100:3
terminology 100:14
terms 89:2,4 98:4,17
testified 33:25
testimony 9:21 10:2 11:19 15:11 26:5 27:12 28:4,13 32:20 33:7 34:2,18 96:6
theories 48:10

theorized 86:22
theory 47:19,21 50:3 72:25 73:7,9,13 74:3,9,22 76:6,9,14 77:2,18 78:4,11,15,21,24 79:6, 12 100:10,18
thereof 5:2
thing 44:7 61:18
things 9:11 10:5 12:1 38:15 41:9 59:5 62:18 63:3 64:25
thinking 50:14 61:14 65:21
thought 40:1 51:7 79:13 81:25 88:14,25 89:4 90:21 91:17,18 98:3
three-volume 61:15
tides 100:8
Tim 6:7
time 13:24 18:12 22:3 25:15 26:13,17,24 27:5,7 28:1,6 29:9 37:5 38:23 39:3,8 43:4 46:13 47:14 50:15 53:10 60:19 65:23 67:3,8 72:7 75:8,11 86:20 87:22 91:7 93:19,20,23 94:3 95:8,12, 16 98:10 99:21 100:21,23 101:21
times 9:15,16 18:13 32:24 33:3 91:12,18,21 101:6
timing 100:9
today 6:21 9:20,22 10:2 103:14
told 61:5 75:24 76:7,8
tolerant 66:25
Tom 41:19,22 48:22 74:12,13, 15 82:24 83:9
top 68:12 69:20
topic 15:9 75:16,17 76:19 79:2
topics 75:7,12 76:10 80:4
touch 85:17
tours 58:25
Tracy 11:16 14:14,22 15:22 16:1,10,15 17:7,9
Tracy's 16:6
transfer 16:9 60:2 63:9
transfers 58:18,20

transit 93:24
translate 87:10
treat 25:13 29:17 35:24
treated 36:9,13
treating 25:22 27:5
Treatment 14:23 16:11
Trgovcich 41:20 48:22 74:12
tributaries 6:8 30:24 65:12 102:25
tributary 25:22,25
TUCPS 81:5,9
turn 19:25 62:11
turned 103:17,25 104:2,7
turning 103:15
type 81:20
types 8:23

U

ultimately 13:22 47:22 83:9
unclear 30:9
understand 7:6,23 9:24 10:13 11:19 14:1 17:20,23 23:9 25:18 26:8 29:23 30:5 31:2,14 43:21 47:7 54:16 59:3,6 61:21 65:8,13 70:2 72:5,8 77:23 78:6 87:10,14 89:20 91:20 92:16 95:25 97:11, 18 98:4,14 101:15 104:1
understanding 16:13 17:5 20:11 23:11 25:6 26:1 27:4,7 30:2 47:17 59:3,4 64:25 65:3,7, 25 66:2,19 67:12 72:19 82:21 83:14 88:2,19 89:7,15,25 93:20, 22 95:18 99:21,22 102:7,15
understood 20:16 51:6
undertake 98:6
undertaken 18:21
undertaking 53:24
underwriting 57:19
unimpaired 23:14 38:18
unique 97:15

DEPOSITION OF MICHAEL GEORGE

University 51:21 52:7		Weaver 73:18
unreasonable 12:23		website 40:17
unsettled 79:11		Wedbush 54:10,11,17,24 55:4 56:7
updated 40:16		week 7:24
updates 40:20		well-known 51:5
Upland 100:16		Wells 48:17
Uplands 70:16		West 6:5 10:16,20,23 11:4,8,20 12:19 14:3,6,8,13,17 16:9,14, 22,24 18:4,8,17 19:11 41:6 49:11,20 76:21,23 77:5 78:2
upstream 67:10,14		Western 57:3 58:5,7,17,23 61:1 63:11
urged 39:21		Westlands 6:16
urgency 80:24 81:1		wet 99:3
usage 100:17		Wetlands 59:8,9,10
users 48:9 54:23 66:1,4,10 70:19 78:6		white 46:14,18 47:1,6,8 75:22, 23,25 76:5,10
utilities 55:25 57:20		Wilson 35:5,7
utilize 35:15 45:6		Wilson's 35:16
	<hr/> W <hr/>	withdrawn 42:16
		word 85:2,5
		words 66:8
		work 10:6 35:18 45:20 46:18 50:4,13,17 52:3,23 53:3 54:19 57:16 58:12 59:8,13,16,18 63:9 98:15 99:7
		worked 59:6 102:8
		working 8:11
		works 82:22 83:14 98:15
		worse 46:1
		write 12:11,12 56:7
		written 12:2,4 60:22
		wrong 40:2 61:5
		wrote 41:23
		<hr/> Y <hr/>
Vague 18:22 65:6 66:6 89:12 99:24 102:18	wanted 10:15 13:8 36:23 45:16 63:3 76:7 83:16 91:19	year 11:1 35:18 44:13 52:25 68:3 71:4,14 81:2 84:4 85:12 99:3,9 102:14
valid 102:12	warm 12:21	
validate 85:7	Wasiewski 6:7	
Valley 4:16 72:2	Wastewater 14:22 16:11	
valuable 48:8	water 4:16 5:18 6:9,14,16,23 13:7,8,18,19,25 14:8,9,16,24,25 16:14 17:15,17 18:18 20:5,12, 13,23 21:10,11,15,25 22:3,5,7, 9,16,20 23:1,7,13,15,16,19,21, 22 24:8 25:2,7,8,13 26:9,16 27:6,8 28:18,21 29:2,3,12,14,21 30:9,14,16 31:6,23 32:1,13 33:23 35:17,25 36:6,10,16 37:4, 20,23,25 38:16,17 41:3 42:25 43:1,11,13 46:16 48:4,9,14 50:16,18,20,25 53:14,19 54:3,6, 13,14,21,22 55:13,16,17,20 56:3,9,14,18,20,23,24 57:2,3,4, 8,10,12,18,19,20,21 58:1,5,7,9, 10,17,18,23,25 59:20,23 60:13 61:1,9,16,17 62:3,6 63:9,11 64:2 65:19 66:1,4,10,11,23 67:20 68:10 70:18 71:3,16,24 72:8,12,23 73:14 74:8 75:1 77:4 78:6,10,14,20 79:7,15 81:8,12 82:5,23 83:6,16 84:1,6,10,13,14 85:11,15 86:9,10,18 87:1,15 88:4,20 89:2,5,8,10,16 92:19,23 93:19,23 94:3,12 95:8 96:3,4, 12,21,24 97:2,6 98:11 99:7,13, 19 100:8,11,12,14,18,20,23 101:8,10,11 102:15,20,21	
vehicle 76:24	water's 56:16	
verifying 62:5	watercourse 100:18	
Vernalis 68:20	watercourses 25:9	
view 63:13 77:8 84:21 98:22 100:4	Watermaster 13:11,12 23:24 35:4 47:15 50:5,7 51:10 53:7,12 54:9 58:13 60:1 62:13 63:15 65:1 68:2 71:13 72:13 77:17 89:7 96:2,12 97:13,23	
viewed 79:11	watershed 23:22 28:25 30:23 89:20,24,25 102:25	
vintage 50:19	watersheds 23:20	
Virginia 52:16	weather 23:16	
visit 11:20 13:5		
visited 11:4 17:19 18:10		
visits 18:15 91:25		
voluntary 42:25 62:6 82:14 83:15 86:7 96:24 98:11 101:13		

DEPOSITION OF MICHAEL GEORGE

years 44:12 55:2,3,17 57:1 58:8
59:22 66:11,13,15 67:5

Yeazell 33:9,11 34:8

Yeazell's 33:7

Z

Zolezzi 6:4 8:4,6 76:20

Zurich 59:17