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## State Water Resources Control Board

June 11, 2021

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

#### TO ALL PARTIES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **3. Rebuttal**

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

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

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

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

#### **4. Evidentiary Record for Phase 1A**

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

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

Sincerely,

SIGNATURE ON FILE

Nicole L. Kuenzi  
Hearing Officer  
Administrative Hearings Office

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

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## Kings River Phase 1A Exhibit List

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

## Kings River Phase 1A Exhibit List

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

### Kings River Phase 1A Exhibit List

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

### Kings River Phase 1A Exhibit List

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

### Kings River Phase 1A Exhibit List

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

### Kings River Phase 1A Exhibit List

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

### Kings River Phase 1A Exhibit List

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

### Kings River Phase 1A Exhibit List

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