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15
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF SAN FRANCISCO

18
19 SAN DIEGO COUNTY WATER
AUTHORITY,

20 Petitioner and Plaintiff,

21 v.

22 METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA; et al.,

23 Respondents and Defendants.
24

Case Nos. CPF-10-510830; CPF-12-512466

**RESPONDENT/DEFENDANT
METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA'S SECOND
PRETRIAL BRIEF**

Date: December 10, 2013

Time: 9:00 a.m.

Dept.: 304

Judge: Hon. Curtis E. A. Karnow

Actions Filed: June 11, 2010; June 8, 2012

Trial Date: December 17, 2013

1 This Court’s July 22, 2013 Case Management Order instructed the parties to file pretrial
2 briefs by December 3 “expressing their views regarding . . . witness and exhibit lists . . . with a
3 notation that each item of evidence pertains to one or more stated causes of action.” July 22,
4 2013 Order at 3. This brief responds to that request. *See* Exhibit A (MWD’s Exhibit List).

5 **I. INTRODUCTION**

6 The rates through which MWD recovers the costs of providing water to its member
7 agencies include: (1) supply rates, which are designed to recover the cost of the water resource
8 itself, and (2) transportation rates, comprised of the System Access Rate, System Power Rate,
9 and Water Stewardship Rate, which are designed to recover the cost of transporting water to
10 MWD’s member agencies.¹ SDCWA’s lawsuits against MWD allege that MWD unlawfully
11 collects costs through its transportation rates that are really supply costs.

12 Specifically, SDCWA argues that the costs MWD incurs under its contract with the State
13 of California (the Department of Water Resources, “DWR”) to transport State Water Project
14 (“SWP”) water to MWD’s member agencies are really supply costs, and thus should not be
15 recovered under MWD’s transportation rates. SDCWA also asserts that costs MWD incurs to
16 support member agencies in developing local water resources and conserve water are really
17 supply costs, and thus should not be recovered under MWD’s transportation rates either.

18 Separately, SDCWA alleges that MWD improperly or fails to account for the annual
19 variations in water purchases between the member agencies—what SDCWA calls “dry-year
20 peaking.” Specifically, SDCWA contends that the Los Angeles Department of Water and Power
21 (“LADWP”) imposes “dry-year peaking” costs on MWD’s system that MWD’s other member
22 agencies are forced to subsidize.

23 SDCWA’s lawsuits challenge these so-called deficiencies in MWD’s rate structure under
24 a variety of legal theories, which have somewhat different legal frameworks as set out in the
25

26 ¹ SDCWA’s Third Amended Petition for Writ of Mandate and Complaint for Damages and
27 Declaratory Relief (“TAC”) ¶ 3. MWD also charges a Treatment Surcharge to recover the cost
28 of providing water treatment to member agencies that do not have the facilities to make raw
water safe for domestic use.

1 Court’s Pre Trial Rulings. However, this Court has stated that, for the most part, the guiding
2 principle that will govern SDCWA’s challenge to MWD’s rates is reasonableness, *i.e.*, the Court
3 will reject SDCWA’s challenge to MWD’s rates if those rates are reasonable.

4 This brief sets forth the evidence in its exhibit list (the “Trial Exhibits”), attached hereto
5 as Exhibit A, that MWD plans to present to the Court during the final hearing/trial, which will
6 establish that the elements of MWD’s rate structure at issue are reasonable, and that SDCWA’s
7 claims should be rejected. The Trial Exhibits referenced in this brief, along with the trial
8 testimony and other evidence to be presented at trial, should MWD’s summary adjudication
9 motion be denied, also establish the invalidity of SDCWA’s challenges to MWD’s Rate
10 Structure Integrity (“RSI”) provision and its challenge to MWD’s method of calculating
11 “preferential rights.”

12 **A. Evidence Regarding MWD’s Rate Structure**

13 SDCWA challenges two aspects of MWD’s transportation rates: (1) MWD’s allocation
14 of SWP transportation costs it must pay under its contract with DWR (the “DWR Contract”) to
15 its System Access and System Power Rates; and (2) MWD’s allocation of the costs it incurs to
16 fund local water resource development and conservation programs to its Water Stewardship Rate.
17 As MWD’s Trial Exhibits will demonstrate, it is reasonable for MWD to recover both of these
18 costs through its transportation rates.

19 **1. The Trial Exhibits Will Show That MWD’s SWP Transportation
20 Costs Are Properly Allocated To MWD’s Transportation Rates**

21 One of MWD’s primary sources of water is the water that it obtains from the SWP under
22 the DWR Contract. That contract allocates to MWD the costs of transporting water to it.
23 Specifically, that contract allocates to MWD the costs of: (1) the facilities—such as aqueducts—
24 needed to deliver the water to MWD and (2) the power required to deliver the water to MWD.
25 MWD is obligated to pay these costs. The contract makes MWD (and the other state water
26 contractors) solely responsible for these costs; DWR is responsible for *none* of them. And,
27
28

1 MWD must pay the bulk of these SWP transportation costs regardless of the amount of SWP
2 water it receives.

3 MWD collects its SWP transportation facilities and power costs through (1) its System
4 Access Rate, which is designed to recover the costs of the facilities (such as aqueducts)
5 necessary to deliver water to MWD, and thus to its member agencies, and (2) its System Power
6 Rate, which is designed to recover MWD's costs of the power needed to deliver water to MWD,
7 and thus to its member agencies.

8 SDCWA does not take issue with MWD's setting rates that recover its transportation
9 costs. Rather, SDCWA argues that the costs MWD pays to deliver SWP water to its member
10 agencies are not MWD's transportation costs, but are instead MWD's supply costs.

11 MWD's Trial Exhibits show that SDCWA is wrong, and that MWD's allocation of its
12 SWP transportation costs to its System Access Rate and System Power Rate is reasonable, for
13 several reasons.

14 **First**, as stated, the DWR Contract explicitly *allocates* to MWD all transportation charges
15 necessary to deliver water from the sources of supply (*i.e.*, the SWP) to MWD, and MWD is
16 separately billed for those transportation charges. Also, through its bills DWR disaggregates (1)
17 the costs MWD incurs to purchase SWP water supplies, and (2) the costs MWD incurs to pay for
18 SWP transportation facilities, both of which largely are fixed costs that MWD must pay
19 regardless of the amount of SWP water MWD receives. *See, e.g.*, DTX-137 (*MWD2010-
20 00007219). Accordingly, MWD is able to properly and precisely allocate its SWP supply and
21 transportation costs to its own water rates. Thus, it is reasonable for MWD to consider SWP
22 transportation costs its own transportation costs, and the MWD's Board reasonably determined
23 to collect those costs through its rates designed to recover transportation costs.

24 **Second**, by paying its transportation charges under the DWR Contract, MWD has the
25 right to, and does, use SWP transportation facilities for conveyance of water that has *nothing*
26 to do with SWP water supply. Specifically, MWD can and does use the SWP aqueducts to "wheel"
27
28

1 or transport,² or to exchange, non-MWD water on behalf of MWD’s member agencies. It also
2 has the right to, and does, use SWP transportation facilities to transport its own non-SWP water
3 supply to its member agencies. Finally, it has to the right to, and does, use SWP facilities for
4 water storage, for later transportation to MWD and its member agencies. It is thus appropriate
5 for MWD to allocate the costs it pays to DWR for transportation facilities to its transportation
6 rates so that appropriate transportation costs are allocated to all water deliveries.

7 *Third*, MWD’s Trial Exhibits show that MWD’s collecting its SWP transportation costs
8 through its own transportation rates is consistent with industry guidelines.

9
10 **2. The Trial Exhibits Will Show It Is Reasonable For MWD To Recover**
11 **Costs Incurred To Fund Development Of Local Water Supplies And**
12 **Conservation Through Its Transportation Rates**

13 MWD’s Trial Exhibits show that the costs it incurs to fund programs to develop local
14 water resources and conserve water are reasonably recovered through MWD’s transportation
15 rates by way of the Water Stewardship Rate.

16 *First*, as MWD’s studies on resource management indicate, MWD’s programs to develop
17 local water resources and conserve water free up capacity in transportation facilities, which
18 allows MWD to avoid or defer incurring costs to build, expand, or repair transportation facilities.
19 It also frees up capacity to deliver water to member agencies, including through wheeling or
20 exchange transactions. Increased capacity and decreased transportation costs bear a clear and
21 direct relationship to MWD’s transportation-related expenses. It is therefore reasonable for
22 MWD to recover the costs of funding these local resource and conservation programs through
23 the Water Stewardship Rate.

24 *Second*, California law specifically mandates that MWD expand and incentivize the
25 development of local water supplies within its service area. Allocating the Water Stewardship
26 Rate to supply would permit entities that use MWD’s facilities for transporting non-MWD water

27 ² As noted in MWD’s First Pretrial Brief, California law governing wheeling (the “Wheeling
28 Statute”) applies only to certain transactions. MWD First Pretrial Brief at 47-49.

1 to defeat that mandate by evading the cost of expanding local supplies while importing additional
2 non-local water supplies.

3
4 **3. The Trial Exhibits Will Show That MWD Has Not Violated The
Wheeling Statute**

5 SDCWA’s claim under the Wheeling Statute alleges that (1) “MWD violates the
6 Wheeling Statute because . . . the price MWD charges San Diego under the Exchange Agreement
7 is an illegal wheeling rate” and (2) the general rate for wheeling service set forth in MWD’s
8 Administrative Code, which MWD supposedly charges to SDCWA in other transactions, is
9 illegal.³

10 MWD’s Trial Exhibits demonstrate that SDCWA’s Wheeling Statute claim should fail.
11 Specifically, those exhibits show that MWD’s general rate for wheeling service set forth in its
12 Administrative Code is reasonable, that the 2003 Exchange Agreement is not a wheeling
13 agreement, and that even if it were, the price SDCWA pays thereunder is reasonable.

14 As an initial matter, SDCWA has pointed to no specific wheeling transaction that it
15 challenges in the *2010* and *2012 Actions*. Therefore, its Wheeling Statute claim can only pertain
16 to MWD’s general rate applicable to providing wheeling service as defined in its Administrative
17 Code. The rate for wheeling service forth in MWD’s Administrative Code is comprised of the
18 System Access Rate, the Water Stewardship Rate, and the actual costs of power to transport the
19 wheeled water. SDCWA takes issue with the system-wide costs included in this rate by virtue of
20 the Water Stewardship Rate and the SWP costs included in the System Access Rate.

21 The SWP transportation costs allocated to the System Access Rate are reasonably
22 included in MWD’s rate for wheeling service. MWD supplies water to its member agencies
23 from two geographically distinct and distant places—Northern California and the Colorado
24 River. In order for MWD to do so, its system must be integrated and flexible. If a portion of the
25 SWP transportation costs were not included in MWD’s rate for wheeling service, then MWD’s
26 full-service customers would subsidize the benefit wheelers receive from MWD’s use of the

27
28 ³ SDCWA’s First Pretrial Brief at 38.

1 SWP transportation facilities.

2 The Water Stewardship Rate recovers the costs of funding programs that free up
3 transportation capacity in MWD’s system. Wheelers are especially benefitted from this
4 increased capacity because, under California law, MWD is only obligated to approve wheeling
5 requests when it has a certain amount of unused transportation capacity. Also, as a matter of
6 physics, MWD cannot wheel water absent the capacity to do so. Given that the programs funded
7 by the Water Stewardship Rate help enable wheeling transactions, it is reasonable that MWD
8 includes the Water Stewardship Rate in its rate for wheeling service.

9 As stated, SDCWA also attempts to challenge the price set forth in the 2003 Exchange
10 Agreement under the Wheeling Statute. But, as SDCWA well knows, that agreement does not
11 involve wheeling and the Wheeling Statute does not apply, for several reasons.

12 ***First***, the 2003 Exchange Agreement sets up an exchange of like amounts of water not a
13 conveyance of third-party water. Unlike other member agencies that purchase MWD water
14 through typical purchase orders, SDCWA has opted to obtain a portion of its MWD water under
15 a negotiated contract—the 2003 Exchange Agreement. Under this contract, in exchange for
16 Colorado River water SDCWA receives through a transfer agreement with the Imperial Irrigation
17 District (“IID”) and an allocation agreement under the Quantification Settlement Agreement
18 (collectively, the “IID/QSA Water”), MWD gives SDCWA a blend of SWP and Colorado River
19 water (the “Exchange Water”). The Exchange Water is a blend of MWD water, not third-party
20 water.

21 ***Second***, MWD is obligated to provide Exchange Water under the 2003 Exchange
22 Agreement regardless of available capacity in MWD’s system and without interruption, even
23 when its pipes are not in operation due to repairs or preventative maintenance. In contrast, the
24 Wheeling Statute applies only where there is statutory availability in the system, and wheeling
25 may be interrupted if MWD has a shutdown on its Colorado River Aqueduct or does not have
26 sufficient capacity at any time during the life of the wheeling transaction. SDCWA should be
27 well aware of the difference between water exchanges and water wheeling, as it has entered into
28

1 both kinds of transactions with MWD.

2 **Third**, and perhaps most important, MWD delivers the Exchange Water to SDCWA
3 regardless of whether SDCWA has first delivered water to MWD. It would be impossible for
4 MWD to “wheel” water that has not been provided to it yet. Indeed, SDCWA has agreed on
5 numerous occasions – before the State Water Board, the Sacramento Superior Court, and the
6 Court of Appeal – that the 2003 Exchange Agreement is not a wheeling agreement and the
7 Wheeling Statute does not apply to it.

8 But even assuming *arguendo* that the Wheeling Statute did apply to the 2003 Exchange
9 Agreement (it does not), the price is reasonable. Indeed, it was contractually negotiated and, as
10 SDCWA concedes, SDCWA *requested* that price. SDCWA already had the original 1998
11 Exchange Agreement in place, with a much lower price and a multi-decade term. In 2003,
12 SDCWA proposed to MWD amending the agreement, with SDCWA paying a different price (the
13 charges for conveyance that all member agencies pay under MWD’s current rate structure, which
14 is *not* the same as MWD’s rate for wheeling service since the power charge differs) in exchange
15 for MWD assigning \$235 million in state funding to SDCWA and providing SDCWA with 110
16 years of nearly-free canal lining water. MWD agreed with SDCWA’s proposal.

17
18 **4. The Trial Exhibits Will Show That MWD Recovers The Costs Of**
19 **Variation In Member Agency Demand From Year To Year And**
20 **“Peaking”**

21 MWD’s rates and charges recover both the costs of standing by to provide water to the
22 member agencies and of meeting the variations in member agency demands. SDCWA alleges
23 that MWD currently has no mechanism in place to recover the costs of meeting its member
24 agencies’ “dry-year peaking” demands. To the contrary, MWD has several rates and charges
25 that recover costs associated with the different types of demand the member agencies place on
26 MWD’s system. As MWD’s Trial Exhibits will demonstrate, MWD’s volumetric rates, under
27 which the charges necessarily increase as demand increases, and its Tier 2 Supply Rate,
28 Readiness-to-Serve Charge, and Capacity Charge ensure that no member agency is able to get a
“free ride” during years of higher than usual demand, whatever the reason.

1 **II. PROCEDURAL BACKGROUND**

2 This case began in 2010 as a relatively simple challenge to the reasonableness of MWD’s
3 rates through a petition for writ of mandate and reverse validation claim, for which review is
4 limited to the administrative record. Over time, SDCWA added claims to its mandamus cause of
5 action which the Court has determined expanded the scope of evidence this Court may consider
6 (SDCWA’s Wheeling Statute claim), and which affected the standard of review (SDCWA’s
7 Proposition 13 and 26 claims). As a result, this case is procedurally unusual. In typical writ and
8 validation proceedings, the parties present their evidence to the court in written briefs prior to the
9 final hearing because live testimony is generally not permitted. *See* Continuing Education of the
10 Bar, *California Civil Writ Practice*, §§ 8.18 (citing Cal. R. Ct. 3.1113(b) (made applicable to writ
11 proceedings by Cal. R. Ct. 3.1103(a)(2)), 8.20, and 9.29-30 (4th Ed.); *Am. Fed’n of State, County
12 & Mun. Emp. v. Metropolitan Water Dist. of Southern California*, 126 Cal. App. 4th 247, 263
13 (2005) (in a writ of mandate hearing, the trial court has broad discretion to decide the case on the
14 basis of declarations and other documents rather than live, oral testimony) (citations omitted);
15 *see also Poway Royal Mobilehome Owners Ass’n v. City of Poway*, 149 Cal. App. 4th 1460,
16 1478-79 (2007) (in validation actions review is limited to the administrative record and generally
17 does not involve witness testimony).

18 Here, the Court issued a Case Management Order on July 22, 2013 instructing the parties
19 to file pretrial briefs by December 3 “expressing their views regarding . . . witness and exhibit
20 lists . . . with a notation that each item of evidence pertains to one or more stated causes of
21 action.” July 22, 2013 Order at 3.⁴ In following this order and in keeping with the general rules
22 applicable to mandamus and validation actions, MWD submits its Second Pretrial Brief in
23 advance of the December 10, 2013 pretrial hearing. In this brief MWD sets forth the Trial
24 Exhibits that it plans to present to the Court during the final hearing/trial and that pertain to
25

26 ⁴ At the hearing on November 4, 2013, the Court instructed the parties to submit witness lists
27 before December 3, and the parties later stipulated to file them on November 12. 11/4/2013 Tr.
28 at 37:28-38:6. Section IV of this brief includes MWD’s amended Witness List, which reflects
the Court’s November 22, 2013 Order Regarding Time At Trial.

1 SDCWA’s first through third, fifth, and sixth causes of action (the Court has deferred trial on the
2 fourth cause of action in both cases). The evidence discussed in this brief establishes the validity
3 of MWD’s rates and charges. The Trial Exhibits referenced in this brief, along with the trial
4 testimony and other evidence to be presented at trial (should MWD’s summary adjudication
5 motion be denied) also establish the invalidity of SDCWA’s civil claims challenging MWD’s
6 RSI provision and MWD’s method of calculating preferential rights. Given that the Court
7 requested the parties’ views on evidence with a notation to the cause of action the evidence
8 pertains to, MWD has organized its evidence by cause of action, not by claim. However,
9 because the first through third causes of action in the *2010* and *2012 Actions* (the “Rate
10 Challenges”) contain multiple claims, where applicable, MWD notes when particular evidence is
11 related to a specific aspect of a claim in the Rate Challenges.

12 MWD reserves its right to introduce additional documents for impeachment or rebuttal
13 purposes on the first through third, fifth, and sixth causes of action.

14 **III. EVIDENCE IN MWD’S EXHIBIT LIST**

15 **A. Trial Exhibits Supporting MWD’s Rates And Charges (First Through Third Causes Of Action)**

16 **1. Relevance Of This Evidence**

17
18 The Court has ordered that the default rules applicable to mandamus and validation
19 actions challenging a quasi-legislative decision apply to SDCWA’s first through third causes of
20 action, with a few, limited exceptions. *See* November 5, 2013 Order at 12. These default rules
21 include the review of MWD’s rate-setting based on an arbitrary and capricious standard. *Id.* at
22 10-11. Under an arbitrary and capricious standard of review, MWD’s rates are presumed
23 reasonable, fair, and lawful, and SDCWA has the burden of proving otherwise. *Id.* at 11. The
24 Court’s inquiry remains largely the same under the standards applicable to SDCWA’s Wheeling
25 Statute, Proposition 13, and Proposition 26 claims: whether MWD’s rates are reasonable.⁵
26

27 ⁵ The Court has ordered that the standard of review for factual issues under the Wheeling Statute
28 claim is “substantial evidence.” November 5, 2013 Order at 15-17. The substantial evidence
standard is nearly identical to the arbitrary and capricious standard, in that “both require a

1 The Trial Exhibits MWD cites⁶ below show that SDCWA is unable to meet its burden to
2 show MWD's rates are not reasonable, and, where applicable under Proposition 26, that MWD
3 has met its burden to show that its rates are reasonable.

4 **2. Trial Exhibits Demonstrating MWD's Rates Are The Result Of A**
5 **Thorough Democratic Process**

6 **a. The Evolution Of MWD's Current Rate Structure**

7 MWD is not a for-profit enterprise, nor did MWD create itself or devise its own key
8 governing rules. The California Legislature created MWD and enacted the MWD Act, MWD's
9 enabling statute which governs MWD and, among other things, mandates that MWD set rates
10 that recover only the revenue necessary to pay its expenses. See MWD Pretrial Brief at 24
11 (citing MWD Act § 134). As DTX-045 demonstrates, until the late 1990s, MWD charged its
12 member agencies a single, bundled water rate. DTX-045 (MWDRECORD2012_006463 at
13 006471, 006496).⁷ In 1998, MWD's Board of Directors (which is comprised entirely of

14 reasonable basis for the decision.” *Warmington Old Town Assocs. v. Tustin Unified Sch. Dist.*,
15 101 Cal. App. 4th 840, 850 (2002). Similarly, while the Court has ordered a de novo review
16 under both Proposition 13 and Proposition 26, the inquiry provided by both provisions is a test of
17 reasonableness. See, e.g., *Evans v. City of San Jose*, 3 Cal. App. 4th 728, 736-37 (1992)
18 (Proposition 13 “does not embrace fees . . . that do not exceed the reasonable cost of providing
19 services necessary to the activity for which the fees are charged.”); Cal. Const. art. XIII C, § 1(e)
20 (“The local government bears the burden of proving by a preponderance of the evidence . . . that
21 the amount is no more than necessary to cover the reasonable costs of the governmental
22 activity”).

23 ⁶ As the Court's November 5, 2013 Order makes clear, the only claim within SDCWA's first
24 through third causes of action for which this Court may review extra-record evidence is
25 SDCWA's Wheeling Statute claim. November 5, 2013 Order at 17-18. In order to easily
26 distinguish between record and extra-record evidence, the Court asked the parties to “use an
27 asterisk or other indicia” to note where extra-record evidence was cited. 11/4/2013 Tr. at 27:13-
28 21. Accordingly, MWD marks all extra-record evidence cited in Section III (regarding the first
through third causes of action) with an asterisk.

⁷ In this brief MWD cites to Bates numbers in the administrative record in the *2012 Action*
because that record contains all of the documents in the administrative record in the *2010 Action*
(which pertain to the 2011-2012 water rates and charges), plus the documents relevant to the
2012-2013 and 2013-2014 water rates and charges. Where a document cited herein is contained
in the administrative record for both actions, MWD incorporates the document from the
administrative record in the *2010 Action* into this brief by citation to the administrative record in
the *2012 Action*.

1 representatives of all of MWD’s member agencies, as required by the MWD Act) began the
2 process of designing and implementing unbundled water rates and charges to reflect the different
3 services MWD provides in order to more equitably and transparently recover its costs. *See*
4 DTX-132 (MWDRECORD2012_006462_01); DTX-034 (MWDRECORD2012_005543 at
5 005545-005546). DTX-132 shows that MWD’s current rate structure is the result of a thorough
6 planning process, involving all member agencies, that began in July 1998 to evaluate whether
7 MWD could “conduct its business in a more efficient manner to better serve residents within its
8 service area.” DTX-132 (MWDRECORD2012_006462_01)⁸.

9 As demonstrated by DTX-045, throughout MWD’s strategic planning process, the Board,
10 including representatives from SDCWA and MWD’s other member agencies, sought input from
11 numerous stakeholders, including business and community leaders, and the public at large.
12 DTX-045 (MWDRECORD2012_006463 at 006470). For over a year, through December 1999,
13 MWD’s Board developed policy considerations that led to the adoption of Strategic Plan Policy
14 Principles. *Id.*; *see also* DTX-029 (MWDRECORD2012_003847). In April 2000, MWD’s
15 Board adopted a composite rate structure framework, which it worked on developing through
16 December 2000. *See* DTX-045 (MWDRECORD2012_006463 at 006470). In December 2000,
17 MWD’s Board adopted a Rate Structure Action Plan, and it refined its detailed rate design
18 through September 2001. *Id.* DTX-036 establishes that, on October 16, 2001, MWD’s Board of
19 Directors voted to adopt a revised, unbundled rate structure. DTX-036
20 (MWDRECORD2012_005730 at 005737-005739).

21 DTX-040 shows that SDCWA specifically voted to approve Resolution 8796 which
22 described the lengthy rate development process and initiated adoption of the new rates. DTX-
23 040 (MWDRECORD2012_006223 at 006238); *see also* DTX-038
24 (MWDRECORD2012_006159). As demonstrated by DTX-045 and DTX-042, public hearings
25 on the recommended rates and charges to be implemented under the new, unbundled rate
26

27 ⁸ This Bates number is pending as MWD and SDCWA are currently finalizing a stipulation to
28 supplement the administrative record in the *2012 Action*.

1 structure began in February 2002, and on March 12, 2002, MWD’s Board voted to approve rates
2 and charges under the new structure to go into effect January 1, 2003. DTX-045
3 (MWDRECORD2012_006463 at 006470); DTX-042 (MWDRECORD2012_006431 at 006439-
4 006441). MWD’s unbundled rate structure and the rates and charges that comprise it have
5 remained in effect for the last decade. *Compare* DTX-045 (MWDRECORD2012_006463 at
6 006517) *with* DTX-110 (MWDRECORD2012_016594 at 016696).

7 As DTX-049 shows, shortly after the rate structure went into effect in January 2003,
8 SDCWA commended that structure for its ability to “encourage cost-effective recycling,
9 conservation, and water management, accommodate a water transfer market, and secure a greater
10 level of financial commitment from [MWD’s] member agencies.” DTX-049
11 (MWDRECORD2012_007115 at 007122). SDCWA also recognized that the new, unbundled
12 rate structure provided “increased transparency and the ability to map cost to services rendered.”
13 *Id.*

14 **b. MWD’s Rate-Setting Process**

15 As established by DTX-109, MWD provides wholesale *supplemental* water supplies—it
16 has no exclusive right to serve in its service area—and to the degree a member agency has local
17 resources, develops local resources, implements conservation, or otherwise reduces demands,
18 that member agency is not required to use MWD water or water services and is free to opt out
19 fully or partially. DTX-109 (MWDRECORD2012_016583 at 016587). DTX-029 and DTX-101
20 show that the member agencies set and incur MWD’s rates and charges voluntarily—they set the
21 rates themselves and are not obligated to purchase any minimum amount of water from MWD.⁹
22 DTX-029 (MWDRECORD2012_003847 at 003848) (“[MWD] is a voluntary cooperative of
23 member public agencies created for the purpose of ‘developing, storing and distributing
24 water.’”); DTX-101 (MWDRECORD2012_013373 at 013421) (“No member agency of
25

26 ⁹ This evidence is generally relevant to the reasonableness of MWD’s rates and charges and is
27 specifically relevant to SDCWA’s claims under Propositions 13 and 26 and Government Code §
28 54999.7, which do not apply to rates and charges that are voluntary and not imposed. *See* Cal.
Const. art. XIII A; Cal. Const. art. XIII C, § 1(e); Gov’t Code § 54999.7(a).

1 Metropolitan is obligated to purchase water from Metropolitan. However, twenty-four of
2 Metropolitan's 26 member agencies have entered into voluntary 10-year water supply purchase
3 orders for water purchases through December 31, 2012."'). MWD's member agencies are free to
4 acquire supplies from other sources, and MWD's Board has adopted the concept of "direct
5 access," or customer choice for supplier, to accommodate a water transfer market. DTX-109
6 (MWDRECORD2012_016583 at 016587); *see also* DTX-029 (MWDRECORD2012_003847).
7 And as the Exhibits below demonstrate, MWD's rate-setting process is open and democratic, and
8 SDCWA is an active participant in that process.

9 Several months in advance of each rate vote, MWD presents each Board member,
10 member agency, and the public with a detailed letter setting forth MWD's revenue requirements,
11 the methodology for establishing MWD's rates, and the proposed rates and charges.¹⁰ *See* DTX-
12 039 (MWDRECORD2012_006166); DTX-076 (MWDRECORD2012_009962); and DTX-105
13 (MWDRECORD2012_013788). MWD opens these proposed rates for discussion at public
14 meetings, MWD's internal meetings, meetings with all member agency managers, and noticed
15 public hearings. DTX-041, DTX-090, and DTX-110 establish that MWD staff provides the data
16 supporting each proposal and develops additional rate options throughout these discussions.
17 MWD staff then presents each Board member with a final letter setting forth the details of the
18 proposed rate options and a staff recommendation. DTX-041 (MWDRECORD2012_006294);
19 DTX-090 (MWDRECORD011443); DTX-110 (MWDRECORD2012_016594). This ensures
20 that Board members, and the member agencies they represent, are fully informed in advance of
21 the vote and have sufficient time to consider the proposed rates.

22 The member agencies are well aware of the methodology by which MWD sets its rates.
23 For each rate-setting since the unbundling, MWD has engaged in a multi-step cost of service
24 ("COS") process during which it assigns certain expenses to related operation functions. DTX-
25

26 ¹⁰ This evidence is generally relevant to the reasonableness of MWD's rates and charges and is
27 specifically relevant to SDCWA's Government Code § 54999 claim, which contains notice
28 provisions that, if applicable, MWD has satisfied as shown by DTX-039, DTX-076, and DTX-
105.

1 090 demonstrates the COS process:

2 In Step 1, MWD determines its revenue requirements for the given fiscal year. *See* DTX-
3 090 (MWDRECORD011443 at 011472-011474). In Step 2, MWD allocates those revenue
4 requirements (*i.e.*, MWD’s costs) to operation functions which are designed to generate revenue
5 to pay for related expenses (supply, conveyance and aqueduct, storage, treatment, distribution,
6 etc.). DTX-090 at 011474-011482. In Step 3, MWD categorizes its functionalized costs based
7 on their causes and behavioral characteristics, including identifying which costs are incurred to
8 meet average demands versus peak demands and which costs are incurred to provide standby
9 service. DTX-090 at 011483-011489. The classification categories include: fixed demand costs,
10 fixed commodity costs, fixed standby costs, variable commodity costs, and hydroelectric costs.¹¹
11 DTX-090 at 011483.

12 In Step 4, MWD breaks its operation functions down into corresponding rate design
13 elements, which, in MWD’s rate structure are volumetric rates (*i.e.*, rates charged per acre-foot
14 of water MWD delivers to the member agency), and fixed charges (which do not vary with sales
15 in the current year). Among the unbundled volumetric rates in MWD’s rate structure are a
16 Supply Rate (Tiers 1 and 2) and transportation rates, which are: a System Access Rate, a System
17 Power Rate, and a Water Stewardship Rate. DTX-090 at 011490-500. MWD’s fixed charges
18 included a Readiness-to-Serve Charge and a Capacity Charge. *Id.*

19 DTX-088 shows that MWD’s rates and COS process were reviewed by an independent
20

21 ¹¹ Between Steps 3 and 4, agencies that provide water services will sometimes create separate
22 classes for customers with significantly different demand patterns. *See* DTX-030,
23 MWDRECORD2012_003865 at 003947. The American Water Works Association’s
24 (“AWWA”) M1 Manual does not require that MWD classify its member agencies into customer
25 classes; instead, it states that “[a] *widely used* rate structure for wholesale customers is a *uniform*
26 *volume rate to recover the costs of the wholesale customer class.*” *Id.* at 003948, 004120
27 (emphasis added). In any event, under AWWA’s M1 Manual, the variation in demand across
28 MWD’s member agencies is not significant enough to merit creating separate customer classes.
Compare DTX-030, MWDRECORD2012_003865 at 004118 (AWWA’s M1 Manual grouped
wholesale customers into *one class* where the maximum-day factors ranged from 1.2 to 2.5)
(emphasis added) *with* DTX-108, MWDRECORD2012_016154 at 016177 (member agency
peak-to-average sales ratios range between 1.07 and 1.72, excluding an outlier member agency
who purchases only 300 acre-feet of water on average each year).

1 consultant who determined that MWD's rates are in compliance with industry guidelines,
2 including AWWA's M1 Manual.¹² DTX-088 (MWDRECORD2012_011309 at 011321-
3 011323).

4 MWD is required by the Legislature to adopt rates by a majority vote of the members of
5 its Board of Directors. *See* MWD Act § 57. As DTX-091 and DTX-111 show, SDCWA
6 currently holds the second-highest voting block on MWD's Board at approximately 18%. DTX-
7 091 (MWDRECORD011564 at 011569-011571); DTX-111 (MWDRECORD2012_016995 at
8 016997-017003). SDCWA also holds the maximum number of seats (4) any member agency has
9 on the Board. *Id.* Despite this sizeable voting bloc, the state-mandated democratic nature of
10 MWD's rate-setting means that SDCWA, like any member agency, is not guaranteed the result it
11 favors with each vote. The MWD Board votes on multiple matters every month and the votes
12 change; often the votes are unanimous, but where they are not, every member agency has at
13 times been in the majority and at times in the minority. *See, e.g.,* DTX-111
14 (MWDRECORD2012_016995 at 016997-017001). SDCWA exercised its right to vote against
15 the rates at issue in the *2010* and *2012 Actions*, but the rates were passed by around a 60% and
16 76% majority, respectively.¹³ *See* DTX-091 (MWDRECORD011564 at 011569-011571); DTX-
17 111 (MWDRECORD2012_016995 at 016997-017001).

18 As demonstrated, SDCWA is an active participant in the rate-setting process. Indeed, the
19 following exhibits show that SDCWA voted for rates under the structure it now challenges in
20 numerous years following the unbundling, including 2005, 2006, 2007, 2008, 2009, and 2012.
21

22 ¹² This evidence is generally relevant to the reasonableness of MWD's rates and charges and is
23 specifically relevant to SDCWA's claim Government Code § 54999.7, which requires an agency,
24 at least once every ten years, to complete a COS study that describes the agency's COS
25 methodology "which may be identified by reference to appropriate industry ratemaking
26 principles, including guidance . . . [from] American Water Works Association." Gov't Code §
27 54999.7(c). If Section 54999.7 applies to MWD's rates, DTX-088 shows MWD has satisfied
28 this requirement.

¹³ Evidence regarding the percentage of the total votes in favor of the rates is relevant to
SDCWA's claims under Proposition 13 and 26, which, if applicable, contain a requirement that
the challenged tax be approved by a super-majority of the relevant electorate.

1 DTX-059 (MWDRECORD2012_008252 at 008263-008264); DTX-062
2 (MWDRECORD2012_008676 at 008681); DTX-066 (MWDRECORD2012_009261 at 009267-
3 009268); DTX-071 (MWDRECORD2012_009618 at 009626-009631); DTX-082
4 (MWDRECORD2012_010376 at 010383-010385); and DTX-111
5 (MWDRECORD2012_016995 at 016997-016998).

6 **c. The Rates At Issue**

7 The exhibits in this section describe the rates that SDCWA challenges, which are: the
8 System Access Rate, the System Power Rate, and the Water Stewardship Rate. By alleging that
9 MWD does not recover the costs of “dry-year peaking,” SDCWA’s challenge also relates to
10 MWD’s Readiness-to-Serve Charge and Capacity Charge.

11 DTX-045, DTX-090, and DTX-110 establish that the System Access Rate generates
12 revenues to recover the capital, operating, and maintenance costs associated with those
13 transportation facilities (*e.g.*, aqueducts and pipelines) necessary to deliver water to meet
14 member agencies’ average annual demands. DTX-045 (MWDRECORD2012_006463 at
15 006518); DTX-090 (MWDRECORD011443 at 011492); DTX-110
16 (MWDRECORD2012_016594 at 016697).¹⁴ The transportation facilities costs that revenues
17 from the System Access Rate recover are the “distribution” facilities (MWD’s facilities within its
18 service area) and the “conveyance” facilities (SWP facilities and Colorado River Aqueduct
19 (“CRA”). DTX-045 (MWDRECORD2012_006463 at 006518). MWD allocates costs
20 associated with the SWP in the same way it allocates costs associated with the CRA, which it
21 owns. In other words, every member agency pays both a Supply Rate for Colorado River and
22 SWP water supply, and the transportation rates for use of the CRA and the SWP. *See* DTX-090
23

24
25 ¹⁴ The transportation facilities costs that revenues from the System Access Rate recover are the
26 “distribution” facilities (MWD’s facilities other than its Colorado River Aqueduct facilities) and
27 the “conveyance” facilities (SWP and Colorado River facilities). DTX-045,
28 MWDRECORD2012_006463 at 006518. MWD allocates costs associated with the SWP in the
same way it allocates costs associated with the CRA. In other words, every member agency pays
both a Supply Rate for use of the CRA and the SWP, and transportation rates for use of the CRA
and the SWP. *See* DTX-090, MWDRECORD011443 at 011488, 011490.

1 (MWDRECORD2012_011443 at 011488, 011490); DTX-110 (MWDRECORD2012_016594 at
2 016695).

3 DTX-045, DTX-090, and DTX-110 establish that the System Power Rate generates
4 revenues to recover the costs of power necessary to pump water through the SWP and Colorado
5 River facilities to MWD, and through MWD facilities to the member agencies. DTX-045
6 (MWDRECORD2012_006463 at 006520); DTX-090 (MWDRECORD011443 at 011492);
7 DTX-110 (MWDRECORD2012_016594 at 016697).

8 As shown in DTX-045, DTX-090, and DTX-110, the Water Stewardship Rate recovers
9 the costs of funding demand management programs (local water resource development
10 programs, water conservation programs, and seawater desalination programs). DTX-045
11 (MWDRECORD2012_006463 at 006519); DTX-090 (MWDRECORD011443 at 011492);
12 DTX-110 (MWDRECORD2012_016594 at 016697). As stated in DTX-045, these demand
13 management programs incentivize the development of local water supplies and the conservation
14 of water which “reduce and defer system capacity expansion costs . . . and create available
15 capacity to be used to complete water transfers.” DTX-045 (MWDRECORD2012_006463 at
16 006519).

17 DTX-090 and DTX-110 show that the Readiness-to-Serve Charge recovers, *inter alia*,
18 SWP-related conveyance costs associated with peak demand (*i.e.*, capital financing costs) as well
19 as emergency storage and peak-related storage costs (*i.e.*, storage which provides operation
20 flexibility in meeting peak demands and flow requirements), and costs incurred to stand by and
21 provide services during times of unexpected need. DTX-090 (MWDRECORD011443 at
22 011484-011485, 011488, 011490, and 011494-0011495); DTX-110
23 (MWDRECORD2012_016594 at 016688-016689, 016693, 016695, and 016698-016699). Each
24 member agency’s Readiness-to-Serve Charge is based on that agency’s ten-year rolling average
25 of past total consumption, *i.e.*, all firm deliveries including water transfers and exchanges that
26 use MWD capacity. DTX-090 at 011495; DTX-110 at 016699.

27 And, as can be seen in DTX-090 and DTX-110, the Capacity Charge is intended to pay
28

1 for the cost of “peaking” capacity on MWD’s system, while providing an incentive for local
2 agencies to decrease their use of MWD’s system to meet peak day demands. DTX-090
3 (MWDRECORD011443 at 011492-011493); DTX-110 (MWDRECORD2012_016594 at
4 016697-016698). Each member agency’s Capacity Charge is based on that agency’s three-year
5 rolling average of its *maximum* summer day demand. DTX-090 at 011492; DTX-110 at 016697.
6 When MWD’s Board first decided a decade ago to implement the Capacity Charge, DTX-049
7 shows that SDCWA stated that it believed that the Capacity Charge would “provide the greatest
8 economic incentive to actively manage system peaking.” DTX-049
9 (MWDRECORD2012_007115 at 007123).

10 As DTX-090, DTX-110, and DTX-045 demonstrate, these rates and charges are
11 uniformly charged to all member agencies.¹⁵ DTX-090 (MWDRECORD011443 at 011492);
12 DTX-110 (MWDRECORD2012_0016594 at 016697) (“All system users (member agency or
13 third party) pay the [System Access Rate] to use [MWD’s] conveyance and distribution
14 system.”); DTX-090 at 011492; DTX-110 at 016697 (“All system users (member agency or third
15 parties) will pay the same proportional costs for existing and future conservation and recycling
16 investments.”); DTX-110 at 016697; DTX-090 at 011495 (The Readiness-to-Serve Charge is
17 “allocated to the member agencies based on each agency’s proportional share of a ten-year
18 rolling average of all firm deliveries (including water transfers and exchanges that use [MWD]
19 system capacity.”); DTX-110 at 016699; DTX-090 at 011492 (every member agency’s Capacity
20 Charge is levied by calculating “the maximum summer day demand placed on [MWD’s] system
21 between May 1 and September 30 for a three-calendar year period.”); DTX-110 at 016697;
22 DTX-045 (MWDRECORD2012_006463 at 006475) (The System Power Rate “is applied to all
23 deliveries to member agencies. Wheeling parties will pay for the actual cost (not system
24 average) of power needed to move the water.”).

25 As DTX-049, DTX-052, DTX-057, DTX-060, DTX-064, DTX-068, DTX-076, DTX-

26 _____
27 ¹⁵ This evidence is generally relevant to the reasonableness of MWD’s rates and charges and is
28 specifically relevant to SDCWA’s claim under the MWD Act, under which MWD’s rates must
be “uniform for like classes of service.” MWD Act § 134.

1 090, and DTX-110 indicate, the claims in SDCWA’s first three causes of action are aimed at
2 features of MWD’s rate structure that have been in place for over a decade. Specifically, in
3 every year since 2003, MWD has (i) included SWP transportation costs in its transportation rates
4 (through the System Access Rate and System Power Rate); (ii) charged the Water Stewardship
5 Rate to all users of the MWD system; and (iii) charged the Readiness-to-Serve and Capacity
6 Charges to recover the costs associated with providing standby service and member agency
7 peaking. *See* DTX-049 (MWDRECORD2012_007115 at 007124); DTX-052
8 (MWDRECORD2012_007531 at 007538); DTX-057 (MWDRECORD2012_007979 at 007986);
9 DTX-060 (MWDRECORD2012_008433 at 008441); DTX-064 (MWDRECORD2012_008856
10 at 008867); DTX-068 (MWDRECORD2012_009389 at 009399); DTX-076
11 (MWDRECORD2012_009962 at 009971); DTX-090 (MWDRECORD011443 at 011467);
12 DTX-110 (MWDRECORD2012_016594 at 016674); *id.* at 016703 (FY 2013/2014).

13 **3. The Trial Exhibits Show That Allocating SWP Transportation Costs**
14 **To MWD’s Transportation Rates Is Reasonable**

15 One primary source of the water MWD provides its member agencies is SWP water
16 MWD obtains under the DWR Contract. That contract allocates to MWD the costs of
17 transporting water to it. Specifically, that contract allocates to MWD the costs of (1) the
18 facilities—such as aqueducts—needed to deliver the water to MWD, and (2) the power required
19 to deliver that water to MWD. The contract also obligates MWD to pay those transportation
20 costs that are allocated to it. DWR is responsible for *none* of these costs under the contract, only
21 MWD is. And MWD must pay the bulk of its SWP transportation costs regardless of what
22 amount of SWP water it receives. MWD collects its SWP transportation facilities and power
23 costs through (1) its System Access Rate—which, as discussed, is designed to recover the costs
24 of the facilities necessary to deliver water to member agencies (such as aqueducts), and (2) its
25 System Power Rate—which is designed to recover MWD’s costs of the power needed to deliver
26 water to its member agencies. DTX-045, DTX-090, and DTX-110 show the System Access Rate
27 and System Power Rate recoup the capital, operation, and maintenance costs MWD must pay for
28

1 SWP transportation facilities, as well as the average power costs¹⁶ to convey water to MWD's
2 internal distribution system. DTX-045 (MWDRECORD2012_006463 at 006518); DTX-090
3 (MWDRECORD011443 at 011473, 011475, 011490); DTX-110 (MWDRECORD2012_016594
4 at 016680, 016682, 016695); *see also* MWD Admin. Code § 4125.

5 SDCWA does not challenge the propriety of MWD's having rates designed to recover its
6 transportation costs. Rather, SDCWA instead argues that the costs MWD pays to deliver SWP
7 water to its member agencies are not MWD's transportation costs, but are instead really MWD's
8 supply costs. The Trial Exhibits show that SDCWA is wrong, and MWD's collection of its SWP
9 transportation costs through its System Access Rate and System Power Rate is reasonable, for
10 several reasons.

11 **a. Evidence Demonstrating That SWP Transportation Costs Are**
12 **MWD's Transportation Costs**

13 The DWR Contract establishes that the costs MWD pays DWR for transportation under
14 that contract are MWD's transportation costs. It is thus reasonable for MWD to collect those
15 costs through rates designed to recover MWD's transportation costs.

16 The DWR Contract explicitly distinguishes between costs incurred to supply SWP (or
17 "project") water to MWD, and costs incurred to deliver SWP water from the source of supply to
18 MWD, and sets forth different charges for each. *Compare* DTX-055
19 (MWDRECORD2012_000001 at Art. 22(a)) *with id.* at Art. 23. Article 22 of the DWR Contract
20 sets out the terms applicable to MWD's payment for a supply of SWP water, which the DWR
21 calls the "Delta Water Charge."

22 By contrast, Article 23 of the DWR Contract sets out a "Transportation Charge" which
23 consists of "those costs of all project transportation facilities necessary to deliver project water to
24 [MWD]." It provides that those costs are "allocated to the contractor"—here, MWD.¹⁷

25 ¹⁶ Because the System Power Rate recovers the costs of average system power (as opposed to
26 actual point-to-point power), SDCWA is arguably the largest beneficiary of this rate component
because it is farther away from the SWP facilities than any other member agency.

27 ¹⁷ MWD is the "contractor" under the DWR Contract. DTX-055, MWDRECORD2012_000001
28 at 000011, 000033.

1 Articles 24 through 26 break the Transportation Charge into three different components,
2 each of which provide that the costs the DWR incurs to move water through the SWP facilities to
3 MWD are “allocated” to MWD.

4 Article 24 recovers the capital costs associated with the aqueducts necessary to transport
5 water to MWD. Specifically, it sets forth the capital cost component of the Transportation
6 Charge, which “shall return to the State . . . those [] costs of the project transportation facilities
7 necessary to deliver [project] water to [MWD].” It, too, provides that these costs are “allocated”
8 to MWD. DTX-055 (MWDRECORD2012_000001 at Art. 24(a)).

9 Article 25 pays for operation and maintenance of those aqueducts. It sets forth a
10 minimum charge for the costs of “operation, maintenance, power and replacement” of DWR’s
11 transportation facilities which costs, are also “allocated to [MWD].” DTX-055 at Art. 25(a).

12 Article 26 recovers power costs required to pump water through transportation facilities
13 to MWD. Specifically, it sets forth the variable charge component of the Transportation Charge
14 for operation, maintenance, power and replacement costs. This charge is dependent upon the
15 amount of water delivered to MWD, and Article 26 provides that these costs are “allocated” to
16 MWD. DTX-055 at Art. 26(a).

17 The contract not only provides that these transportation costs are allocated to MWD, it
18 also provides that DWR is *not* ultimately responsible for them. Each Article addressing the
19 Transportation Charge provides that *all* costs DWR might incur in the first instance to transport
20 water to MWD will be recovered from MWD via the Transportation Charge. For example,
21 Article 23 provides that the Transportation Charge shall “return to the state” the costs of
22 delivering water to MWD. DTX-055 at Art. 23; *see also id.* at Arts. 24(a), 25(a), 26(a)
23 (containing same language). In other words, DWR is ultimately responsible for *none* of the costs
24 associated with transporting water to MWD, only MWD is.

25 Also, MWD is responsible for paying the costs necessary to transport SWP water to it
26 regardless of whether it gets any water. Only Article 26—the charge that recovers costs for
27 pumping water through transportation facilities to MWD—depends on the amount of water
28

1 delivered to MWD. MWD is responsible for all of the other transportation costs even if it gets
2 no SWP water. (This does not mean that DWR is responsible for those Article 26 power costs if
3 MWD gets no water. Article 26, as noted, recovers costs associated with pumping water, and if
4 MWD gets no water, there are no power costs associated with pumping water to it.)

5 Moreover, not only is the Transportation Charge under the DWR Contract transportation-
6 related and legally allocated to MWD, but MWD was also required to start paying the capital
7 component of the Transportation Charge during construction of the SWP, which was years
8 before MWD ever received a supply of SWP water. DTX-055 at Arts. 6, 17, 29; DTX-135 (*p.
9 98-99).

10 The DWR Contract establishes that the costs MWD pays DWR for transportation under it
11 are MWD's transportation costs. It is thus reasonable for MWD to collect those costs through
12 rates designed to recover MWD's transportation costs.

13 **b. Evidence Demonstrating That MWD Uses SWP**
14 **Transportation Facilities For Transactions With No Supply**
15 **Component**

16 The Trial Exhibits demonstrate that there is an additional reason why it is appropriate for
17 MWD to collect its own SWP transportation costs through its transportation rates, as opposed to
18 its Supply Rate. Namely, MWD can and does use SWP transportation facilities in transactions
19 that have no supply component at all.

20 The DWR Contract gives MWD the right to use SWP transportation facilities to transport
21 non-project water, *i.e.*, water that does not come from SWP facilities. *See* DTX-055
22 (MWDRECORD2012_000001 at Art. 55(a)). MWD pays no additional transportation charges to
23 do so. The contract provides that the transportation costs MWD incurs to use SWP facilities to
24 transport non-project water are the same as those incurred to transport project water. DTX-055
25 at Art. 55(b)-(c). This means that MWD has the right to use the SWP facilities for purely
26 transportation-related transactions.

27 DTX-069, DTX-075, DTX-080, DTX-072, and DTX-086 demonstrate that MWD has
28 exercised this right on several occasions and that, in fact, SDCWA specifically has requested that

1 MWD wheel water it has obtained from other sources through the SWP facilities on its behalf.
2 DTX-069 (*MWDPRA044402); DTX-075 (*MWDPRA044184); DTX-080
3 (*MWDPRA044104); DTX-072 (*MWD2010-00007739); DTX-086 (*SDCWA2010-
4 2012_00082035) (SDCWA stating: “Since [MWD’s] wheeling service includes the member
5 agency *privilege* to use [MWD’s] rights to State Water Project facilities, [SDCWA] requests that
6 you provide the necessary coordination to ensure all issues, including delivery schedules,
7 through-delta conveyance capacity, and any other operational matters are timely addressed with
8 the [DWR].”) (emphasis added). In these transactions, MWD effectively leases the SWP
9 transportation facilities: it pays DWR for the costs of using its transportation facilities and it
10 holds a contractual right to use the facilities for transportation.¹⁸ See DTX-055
11 (MWDRECORD2012_000001 at Arts. 24-26, 55). Such transactions have no supply component
12 at all—MWD is using SWP facilities solely for transportation, not supply.

13 Also, to obtain water for transportation to member agencies, MWD, employing Article
14 55, also uses SWP facilities to transport water obtained from non-SWP sources. Specifically, as
15 DTX-102 shows, when the SWP provides MWD very little water, MWD buys water from third
16 parties, and conveys that water through SWP facilities to help meet member agencies’ water
17 needs. DTX-102 (*SDCWA2010-2012_00136906). Here again, under the DWR Contract,
18 MWD uses SWP transportation facilities in transactions that have nothing to do with SWP water
19 supply.

20 The DWR Contract also gives MWD the right to use SWP facilities for “interim storage”
21 of non-project water, for later transportation to MWD and its member agencies. DTX-055
22 (MWDRECORD2012_000001 at Art. 55(a)).

23 In keeping with MWD’s rate design goal of transparently linking each of its rate elements
24 to the precise services rendered (discussed above), MWD’s allocation of transportation-related
25

26 ¹⁸ Evidence regarding the ownership of the transportation facilities MWD uses to deliver water is
27 relevant to SDCWA’s Proposition 26 claim, and specifically to whether, if Proposition 26
28 applies, MWD’s rates fall under the exception for the use of “government property.” See Cal.
Const. art. XIII C, § 1(e)(4).

1 SWP expenses to its transportation rates is reasonable.¹⁹

2
3 **c. Evidence Demonstrating That Allocating SWP Transportation**
4 **Costs To The Transportation Rates Is Consistent With**
5 **Industry Guidelines**

6 MWD's Trial Exhibits demonstrate that MWD's allocation of transportation-related SWP
7 costs to its transportation rates complies with industry guidelines. DTX-134, a water rate design
8 text book written by George Raftelis, endorses differentiating between the costs associated with
9 obtaining a supply of water, and the costs incurred to transport that water supply to a water
10 utility. DTX-134 (MWDRECORD2012_016288_5282 at 5291-5292).²⁰ That is precisely what
11 MWD does.

12 Likewise, DTX-013 and DTX-133, both studies by MWD's independent rate consultant
13 Research Management International (RMI), also endorse separately allocating MWD's supply
14 costs and the costs MWD incurs to convey a water supply to its internal distribution system.
15 DTX-013 (MWDRECORD2012_001101 at 001112); DTX-133
(MWDRECORD2012_016288_1796 at 1874, 1876, 1880, 1904).²¹

16 MWD's Trial Exhibits demonstrate that it is reasonable to recover the SWP
17 transportation costs through the System Access Rate and System Power Rate because they
18 generate revenue to pay MWD's *transportation-related* SWP expenses.

19 **4. The Trial Exhibits Show That Allocating The Water Stewardship**
20 **Rate To The Transportation Rates Is Reasonable**

21 As noted, the Water Stewardship Rate recovers the costs of funding programs to develop
22 local water resources, or demand management programs (local water resource development

23 ¹⁹ In contrast with its current challenge, SDCWA previously commended MWD for such
24 transparency with regard to allocating SWP to its rates. In DTX-049, SDCWA stated that the
25 System Power Rate as "an excellent example of rate component transparency." DTX-049
(MWDRECORD2012_007115 at 007122).

26 ²⁰ These Bates numbers are pending as MWD and SDCWA are currently finalizing a stipulation
to supplement the administrative record in the *2012 Action*.

27 ²¹ These Bates numbers are pending as MWD and SDCWA are currently finalizing a stipulation
28 to supplement the administrative record in the *2012 Action*.

1 programs, conservation programs, and seawater desalination programs). *See* DTX-045
2 (MWDRECORD2012_006463 at 006519-006520) (MWD recovers the costs of funding its
3 demand management programs through its Water Stewardship Rate). SDCWA argues that it is
4 inappropriate for MWD to allocate the Water Stewardship Rate to MWD’s transportation
5 rates. However, the Trial Exhibits show that MWD’s allocation of the Water Stewardship Rate
6 is reasonable for several reasons.

7 First, as the Trial Exhibits indicate, MWD’s demand management programs free up
8 capacity in MWD’s transportation facilities, which allows MWD to avoid or defer incurring
9 costs to build, expand, or repair those facilities. *See* DTX-090 (MWDRECORD011443 at
10 011511) (“Investments in demand side management programs like conservation, water recycling
11 and groundwater recovery . . . help defer the need for additional conveyance, distribution, and
12 storage facilities.”); DTX-090 at 011515 (table estimating financial benefits to water
13 conveyance, storage, distribution and supply programs from Demand Management); DTX-087
14 (MWDRECORD2012_006463 at 006775) (“Without investments in conservation and recycling
15 [MWD] would have to build additional system capacity and charge a higher [System Access
16 Rate] to recover the cost of this additional capacity.”); DTX-087 (MWDRECORD2012_011305
17 at 011307-011308). As the principles in DTX-027 state, the Water Stewardship Rate recovers
18 the cost of funding Local Resource Programs (a type of local water resources development
19 program), which are designed to “avoid or defer MWD capital expenditures and avoid, defer, or
20 reduce the cost of MWD’s treatment and distribution systems.” DTX-027
21 (MWDRECORD2012_002868 at 002870-002871, 002873). SDCWA is a signatory of the Local
22 Resource Programs principles stated in this exhibit. DTX-027 at 002873; *see also* DTX-085
23 (*MWD2010-00236446 at 00236447) (SDCWA has admitted that MWD’s Seawater
24 Desalination Program “avoid[s]” costs including “MWD distribution system expansions.”). The
25 Water Stewardship Rate also recovers costs of water conservation and other demand
26 management programs. *See* DTX-090 (MWDRECORD011443 at 011492); DTX-110
27 (MWDRECORD2012_016594 at 016697).
28

1 The Trial Exhibits show that MWD has quantified the transportation-related costs that it
2 has been able to avoid because of decreased demand on its system. As DTX-019 (MWD's
3 Integrated Water Resources Plan) states, "greater than expected local supply development could
4 decrease the expected demand on [MWD's] system" which would defer the costs incurred to
5 build additional infrastructure such as the Central Pool Augmentation Project and San Diego
6 Pipeline No. 6. DTX-019 (MWDRECORD2012_001406 at 001504, 001506). MWD estimated
7 that such a decrease in demand would defer these projects between four and twenty-five years at
8 a savings of between \$324 and \$910 million. See DTX-020 (MWDRECORD2012_001520 at
9 001653, 001657); see also DTX-018 (*MWD2010-00465818 at 00465828) (estimating an over
10 \$2 billion savings from reduced demands on MWD's system).

11 Another result of the freed up capacity resulting from the programs funded by the Water
12 Stewardship Rate is that MWD has more capacity to deliver water to member agencies,
13 including through wheeling or exchange transactions. See, e.g., DTX-045
14 (MWDRECORD2012_006463 at 006519).

15 Second, MWD is mandated by California law to fund water development and
16 conservation programs like its demand management programs. See MWD Act § 130.5; DTX-
17 045 (MWDRECORD2012_006463 at 006519-006520). Allocating the costs the Water
18 Stewardship Rate recovers to supply would permit entities that use MWD's facilities only for
19 transportation to evade the costs associated with that mandate. DTX-049 shows that SDCWA
20 has previously supported "the goal of increasing the production of recycled water and increasing
21 support for economical water conservation programs requiring an increase in the Water
22 Stewardship Rate." DTX-049 (MWDRECORD2012_007115 at 007122).

23 **5. The Trial Exhibits Show That MWD Has Not Violated The Wheeling** 24 **Statute**

25 SDCWA alleges that MWD violates the Wheeling Statute in two ways: (1) the price
26 SDCWA pays under the 2003 Exchange Agreement is an illegal wheeling rate, and (2) the
27 general rate for wheeling service set forth in MWD's Administrative Code, which MWD
28

1 supposedly charges to SDCWA in other transactions, is, according to SDCWA, unlawful.

2 The Trial Exhibits demonstrate that SDCWA is wrong. First, MWD has only one rate for
3 wheeling service, which is set forth in MWD’s Administrative Code at Sections 4119 and 4405.
4 This published rate for wheeling service complies with the Wheeling Statute because it charges
5 fair compensation and MWD made the required written determinations. Second, the 2003
6 Exchange Agreement is not governed by the Wheeling Statute because it is not a wheeling
7 agreement. Third, even if the 2003 Exchange Agreement were a wheeling agreement, the price
8 SDCWA pays thereunder would be lawful for the reasons discussed below.

9
10 **a. The Trial Exhibits Show That The Rate For Wheeling Service
Under MWD’s Administrative Code Is Reasonable**

11 Because SDCWA has pointed to no transaction for which it is paying a wheeling rate
12 subject to the Wheeling Statute, the only wheeling rate that is appropriately at issue here is
13 MWD’s general rate for wheeling service set forth in its Administrative Code. *See* MWD
14 Administrative Code §§ 4119, 4405. As defined in its Administrative Code, MWD’s rate for
15 wheeling service applies to transactions of one year or less with member agencies and consists of
16 the System Access Rate, Water Stewardship Rate, and the actual cost of power for a wheeling
17 transaction (if the wheeling party does not provide its own power). *Id.*

18 Under the Wheeling Statute, no “public agency may deny a bona fide transferor of water
19 the use of a water conveyance facility which has unused capacity, for the period of time for
20 which that capacity is available, if fair compensation is paid for that use.” Cal. Water Code §
21 1810. “Fair compensation” is defined as “the reasonable charges incurred by the owner of the
22 conveyance system, including capital, operation, maintenance, and replacement costs, increased
23 costs from any necessitated purchase of supplemental power.” *Id.* § 1811(c). In making the
24 determinations required by the Wheeling Statute, the “public agency shall act in a reasonable
25 manner consistent with the requirements of law to facilitate the voluntary sale, lease, or exchange
26 of water and shall support its determinations by written findings.” *Id.* § 1813.

27 To a large extent, SDCWA’s wheeling challenge overlaps with its other rate challenge—
28

1 SDCWA treats MWD’s transportation rates and its rate for wheeling service as synonymous, and
2 contends that it is inappropriate to include MWD’s SWP transportation costs and the Water
3 Stewardship Rate in MWD’s rate for wheeling service because they exceed fair compensation
4 and that MWD has allegedly failed to make the requisite written findings. SDCWA Pretrial
5 Brief at 42. MWD’s Trial Exhibits demonstrate that SDCWA is wrong for the reasons discussed
6 below.

7
8 **(1) The SWP Costs Are Properly Allocated To The Rate**
9 **For Wheeling Service Under MWD’s Administrative**
10 **Code**

11 It is reasonable to include SWP transportation costs in MWD’s rate for wheeling service
12 because, as demonstrated in Section III.A.3, *supra*, MWD has the right to, and does, wheel non-
13 project water through the SWP on behalf of its member agencies, and SDCWA has requested
14 such SWP wheeling transactions many times. *See* DTX-069 (*MWDPRA044402); DTX-075
15 (*MWDPRA044184); DTX-080 (*MWDPRA044104); DTX-072 (*MWD2010-00007739);
16 DTX-086 (*SDCWA2010-2012_00082035). As DTX-109 shows, failing to require wheelers to
17 pay these costs would allow wheelers to obtain the benefits of the costs MWD pays for SWP
18 transportation facilities without paying for those benefits: “[i]f [MWD] allocated all SWP costs
19 to supply, then member agencies who use the SWP to convey non-Project water would avoid
20 costs that other member agencies were paying and some member agencies would be forced to
21 subsidize services provided to others.” DTX-109 (MWDRECORD2012_016583 at 016588).

22 Also, as DTX-109 explains, including system-wide costs such as the SWP transportation
23 charges in MWD’s rate for wheeling service is reasonable because “Metropolitan’s integrated,
24 flexible system directly benefits all agencies, including the Water Authority, as to all services,
25 including wheeling . . . [W]heeling . . . transactions benefit from a robust and flexible system,
26 including [MWD’s] right to use SWP facilities.” DTX-109 at 016586. Because wheelers can
27 only wheel water if unused capacity is available, they are especially dependent upon MWD’s
28 integrated conveyance network to create system capacity.

As DTX-136 demonstrates, inclusion of SWP costs in MWD’s general rate for wheeling

1 service is something that was contemplated and endorsed by RMI in 1995 because “it is the only
2 rate method examined that would satisfy the requirement . . . that Member Agencies be ‘held
3 harmless’ from any cost shifting due to wheeling.” DTX-136 (MWDRECORD2012_001222 at
4 001244, 001254). And, as DTX-026 shows, MWD has included SWP costs in its rate for
5 wheeling service since 1997. DTX-026 (MWDRECORD2012_002490 at 002497-002499); *see*
6 *also* DTX-023 (MWDRECORD2012_002430 at 002431, 002434).

7
8 **(2) The Water Stewardship Rate Is Properly Allocated To**
9 **The Rate For Wheeling Service Under MWD’s**
10 **Administrative Code**

11 As stated, under California law, MWD is not mandated to wheel water for a customer
12 unless a certain amount of its system capacity is unused, or free. As DTX-045 shows, including
13 the Water Stewardship Rate in MWD’s wheeling rate is reasonable because the demand
14 management programs funded through the Water Stewardship Rate free up system capacity for
15 wheeling transactions. DTX-045 (MWDRECORD2012_006463 at 006519) (“The capacity
16 made available by conservation and recycling is open to all system users and can be used to
17 complete water transfers.”).

18 DTX-109 demonstrates that:

19 Because conservation measures and local resource investments reduce the
20 overall level of dependence on the imported water system, *more capacity*
21 *is available in existing facilities for a longer period of time.* The space in
22 the system made available by conservation and recycling is *open to all*
23 *system users.* Similar to the public benefit charges implemented in the
24 electric and natural gas industries in California after ‘open access’
25 (customer choice of supplier) was implemented, *the regional benefits of*
26 *demand management are assessed to all users of the [MWD] system,*
27 *regardless of the source of the imported water supply.* Otherwise, member
28 agencies could avoid providing revenues to support regional demand
management activities through wheeling while still being able to realize
the benefits of the program to fund local activities.

DTX-109 (MWDRECORD2012_016583 at 016590) (emphasis added).

(3) MWD Made The Written Findings Required By the
Wheeling Statute

1 Contrary to SDCWA’s contentions, DTX-023 shows that MWD has made written
2 findings that support its determinations that allocating SWP transportation costs and the Water
3 Stewardship Rate to its general rate for wheeling service results in a rate that charges fair
4 compensation. DTX-023 (MWDRECORD2012_002430).

5
6 **b. The Trial Exhibits Show That The 2003 Exchange Agreement
7 Is Not A Wheeling Agreement²²**

8 The 2003 Exchange Agreement includes as a price term the conveyance charges
9 generally applicable to the member agencies. As detailed above, these rates are reasonable. *See*
10 Sections III.A.3-4, *supra*. As demonstrated by the Trial Exhibits below, SDCWA’s claim that
11 the Wheeling Statute is applicable to the 2003 Exchange Agreement is wrong. California law
12 defines wheeling as an agency transporting third-party water to its customer through its own
13 transportation facilities when those facilities have a certain amount of unused capacity available.
14 *See* Cal. Water Code § 1810 *et seq.* The Trial Exhibits identified here demonstrate that, contrary
15 to SDCWA’s assertions, the 2003 Exchange Agreement is not a wheeling agreement by its own
16 terms, and therefore any challenge under the Wheeling Statute is inapplicable to that contract.

17 First, the 2003 Exchange Agreement sets up an exchange of like amounts of water, not a
18 conveyance of IID/QSA Water to SDCWA. Under the terms of the 2003 Exchange Agreement,
19 SDCWA makes a certain amount of IID/QSA Water available to MWD at one location, and
20 MWD makes a “like quantity” of water available at another location—namely, SDCWA’s
21 intakes. *See* TAC ¶ 2; DTX-051 at Recitals at D, Art. 1.1(f), (h), (m), Art. 3.1(a), and Art. 3.2.
22 The 2003 Exchange Agreement neither requires, nor does it even contemplate, MWD’s
23 conveying, or “wheeling” the IID/QSA Water to SDCWA. MWD provides the Exchange Water
24 from “*whatever [MWD] source or sources*” it chooses. DTX-051 at Art. 1.1(m) (emphasis
25 added). As DTX-109 and DTX-099 demonstrate, this Exchange Water is a blend of SWP water,

26
27 ²² The evidence cited in this section contains extra-record evidence because SDCWA has alleged
28 that the 2003 Exchange Agreement is a wheeling agreement. As demonstrated through the
evidence cited in this brief, SDCWA is wrong.

1 water from the Colorado River, and other sources, meaning it is MWD water that SDCWA
2 receives, not the IID/QSA Water (third-party water). DTX-109 (MWDRECORD2012_016583
3 at 016586); DTX-099 (MWD2010-00184023).

4 Second, unlike wheeling, which need not be provided under California law unless there is
5 unused facility capacity, the delivery service to SDCWA under the 2003 Exchange Agreement is
6 uninterruptible. See DTX-051 at Arts. 3,2(d), 3.3; DTX-044 (at *p. 438-39). That is, MWD is
7 obligated to exchange MWD water for the IID/QSA Water SDCWA makes available, regardless
8 of whether there is unused capacity in MWD's system, or whether MWD's Colorado River
9 Aqueduct has been shut down for maintenance and repairs making the IID/QSA water
10 unavailable. By contrast, excess system capacity is required for the delivery of wheeled water.

11 Third, MWD provides SDCWA with Exchange Water well before it obtains the IID/QSA
12 Water. It would be impossible for MWD to "wheel" water that has not been provided to it yet.

13 Moreover, as the Trial Exhibits show, SDCWA has previously admitted, and in fact
14 argued, that the 2003 Exchange Agreement is not a wheeling agreement, and that the Wheeling
15 Statute does not govern it. In 2002, SDCWA and IID jointly petitioned the State Water
16 Resources Control Board ("Water Board") to approve an agreement providing for a long-term
17 transfer of conserved water from IID to SDCWA. DTX-044 shows that, in support of the joint
18 petition, SDCWA General Manager Maureen Stapleton testified in a public hearing that the 2003
19 Exchange Agreement is *not* a wheeling agreement:

20
21 The exchange agreement . . . requires that San Diego basically turn
22 over an amount of water to Metropolitan at its intake on the
23 Colorado River and then alike amount [sic], meaning just that
24 same amount in quantity, would be provided to us at our turnout at
25 the end of the Met pipes in San Diego County. ***It is radically
different than a wheeling agreement*** for a space available in that
26 we have a firm space in the aqueduct for the length of the
27 exchange agreement.

28 DTX-044 (at *p. 438) (emphasis added). Ms. Stapleton then confirmed that water purchased
under the 2003 Exchange Agreement "is different from a Katz Wheeling Law transfer in two
regards. One is it is a trade of one supply of water for another. And secondly, it is firm capacity

1 as opposed to space available.” DTX-044 at *p. 438-39.

2 In a Joint Motion for Summary Adjudication of claims brought against them under the
3 Wheeling Statute in the QSA Litigation,²³ SDCWA and MWD together argued that “the MWD-
4 SDCWA Exchange Agreement falls outside the scope of the Wheeling Law and thus the
5 agreement cannot be invalidated by it, nor can any duties under it be breached” DTX-078
6 (at *p. 20). The Joint Motion explained in detail that:

7 *[t]he Wheeling Law does not apply to the MWD-SDCWA*
8 *Exchange Agreement [T]he MWD-SDCWA Exchange*
9 *Agreement provides SDCWA no right to use unused capacity of*
10 *particular MWD facilities as would occur under the Wheeling Law,*
11 *but contractually obligates MWD to exchange SDCWA’s water or*
provide like quantities of water through whatever facilities it sees
fit.

12 DTX-078 at pp. 21-22 (emphasis added). For that reason, SDCWA and MWD contended that
13 “the parties’ actions under the Exchange Agreement are governed by the contract between the
14 parties *and not limitations under the Wheeling Law.*” DTX-078 at 22 (emphasis added).

15 **c. Even If The 2003 Exchange Agreement Were Governed By**
16 **The Wheeling Statute, The Price SDCWA Pays Under It Is**
17 **Reasonable**

18 Even if the 2003 Exchange Agreement were a wheeling agreement, which it is not, the
19 Trial Exhibits show that the price term negotiated by SDCWA and MWD complies with the
20 Wheeling Statute’s requirement of fair compensation. Indeed, the Trial Exhibits show that
21 SDCWA *requested* this price provision.

22 The price SDCWA pays under the 2003 Exchange Agreement was a negotiated term.
23 The 2003 Exchange Agreement is an amendment to a 1998 Exchange Agreement, under which

24 ²³ The Quantification Settlement Agreement Litigation (“QSA Litigation”), a coordinated
25 proceeding in the Sacramento Superior Court to determine the validity of agreements that
26 provide for the conservation, transfer, and exchange of Colorado River water, which was then
27 considered by the Court of Appeal. These agreements quantify the amount of water that IID and
28 others are permitted to divert annually from the Colorado River. In the QSA Litigation, Imperial
County argued that the proposed transfers violated the Wheeling Statute because the County had
not determined them to be environmentally and economically acceptable. *See In re*
Quantification Settlement Agreement Cases, 201 Cal. App. 4th 758, 839 (2011).

1 SDCWA agreed to pay a set price—one much lower than MWD’s rates that are “generally
2 applicable to the conveyance of water.” DTX-028 (*SDPRA0159081 at 0159096). DTX-028
3 shows that under the 1998 Exchange Agreement SDCWA agreed to pay a fixed price ranging
4 between roughly \$80 and \$123 per acre-foot of water it received from MWD in exchange for the
5 IID/QSA Water for a term of thirty years. DTX-028 at 0159096, 0159108.

6 As SDCWA’s Person Most Knowledgeable (“PMK”) on the 2003 Exchange Agreement
7 admitted, in 2003 SDCWA approached MWD to renegotiate the agreement, seeking a better
8 deal. *See Slater Depo. Tr. at 57:22-58:3.* The renegotiation resulted in two different options for
9 SDCWA. *See Slater Depo. Tr. at 165:24-166:16; 168:18-169:23; DTX-130*
10 *(*SDPRAE0003757); DTX-050 (*SDPRAE0036700).*

11 SDCWA’s first option, or “Option 1,” was to keep the price provision in the 1998
12 Exchange Agreement. DTX-050 (*SDPRAE0036700). SDCWA’s second option, which it
13 proposed, was “Option 2.” *Id.* Under Option 2, SDCWA would pay \$253 per acre-foot for the
14 first year, and then would pay the charges “generally applicable to the conveyance of water”
15 (*i.e.*, MWD’s transportation rates—the System Access Rate, the System Power Rate, and the
16 Water Stewardship Rate) thereafter. DTX-051 at Art. 5.2; *see also Slater Depo. Tr. at 65:9-*
17 *68:19; DTX-050 (*SDPRAE0036700).* In exchange for the negotiated price provision under
18 Option 2, SDCWA received 77,000 acre-feet per year of All-American Canal lining water (for
19 110 years), as well as MWD’s right to \$235 million for All-American Canal lining and
20 conjunctive use programs. *See Slater Depo. Tr. at 30:18-31:1; DTX-130 (*SDPRAE0003757).*

21 SDCWA chose “Option 2” which, as SDCWA’s PMK admitted, was reflected in the
22 2003 Exchange Agreement. *Slater Depo. Tr. at 31:21-32:13.* At the time SDCWA signed the
23 2003 Exchange Agreement in October 2003, MWD’s transportation rates, *i.e.*, the price SDCWA
24 chose to pay under the 2003 Exchange Agreement, had been in effect for nearly ten months.
25 *Compare TAC ¶¶ 24-25 with DTX-051 at p. 1; see also, e.g., DTX-138 (*MWD2010-*
26 *00274562).* As demonstrated by the Trial Exhibits described above in Section III.A.2.a,
27 SDCWA was part of the multi-year process that culminated in the adoption of the transportation
28

1 rates. If SDCWA wanted to avoid paying the System Access Rate, System Power Rate, and
2 Water Stewardship Rate under the 2003 Exchange Agreement, it could have kept the price
3 provision in the 1998 Exchange Agreement. However, SDCWA has admitted that it chose
4 Option 2 because it “absolutely” saw it as the better deal. Slater Depo. Tr. at 31:21-32:18,
5 172:1-12.

6 Furthermore, the 2003 Exchange Agreement states that MWD will “determine[]” the
7 facilities it will use to deliver the Exchange Water to SDCWA and, in practice, MWD uses the
8 SWP facilities to deliver water to SDCWA under the 2003 Exchange Agreement. DTX-051 at
9 Art. 1.1(m); *see also* DTX-109 (MWDRECORD2012_016583 at 016586). Indeed, as the 2003
10 Exchange Agreement (DTX-051), DTX-109, and DTX-099 establish, the water SDCWA
11 receives under the 2003 Exchange Agreement is a *blend* that consists of *SWP water and*
12 *Colorado River Water*. DTX-051 at Art. 3.2; DTX-109 (MWDRECORD2012_016583 at
13 016586); DTX-099 (*MWD2010-00184023).

14 As SDCWA has acknowledged, it depends on, and benefits substantially from, the
15 presence of SWP water in the water it obtains under the 2003 Exchange Agreement. As DTX-
16 116 shows, SDCWA estimates that the problems caused by high saline content in water, “cause[]
17 [SDCWA] ~\$ 375 million/year in economic damages.” DTX-116 (*at 2). Colorado River
18 Water—like the water SDCWA obtains from IID and Exchanges with MWD under the 2003
19 Exchange Agreement—has a much higher saline content than does SWP water. Thus, reducing
20 this harmful “salinity depends on the mix of SWP and CR water.” DTX-116 at 17 (emphasis
21 added); *see also* DTX-116 at 3 (map exhibiting that water coming from the SWP is far lower in
22 saline content than water coming from IID at Lake Havasu).

23 The only way MWD can provide this SWP water—which SDCWA admits that it
24 desperately needs for its low salinity content—under the 2003 Exchange Agreement, is if MWD
25 pays the costs necessary to transport that SWP water to MWD. It is therefore more than
26 reasonable for the price SDCWA pays under the 2003 Exchange Agreement to reflect the costs
27 necessary to transport that water so that it can be made available to SDCWA.
28

1 Even if the Wheeling Statute applied, the determination that the negotiated price
2 SDCWA pays under the 2003 Exchange Agreement is fair compensation for the services it
3 receives thereunder is supported by the written determinations in that contract and related
4 documents. *See* DTX-051.

5
6 **6. The Trial Exhibits Show That MWD Recovers The Costs Of
7 Variation in Member Agency Demand From Year To Year And
8 “Peaking”**

9 SDCWA argues that variations in purchases from year to year by one member agency—
10 LADWP—imposes costs on MWD’s facilities that MWD’s rates and charges allocate among all
11 MWD’s member agencies. Thus, SDCWA contends, these LADWP-generated costs are borne
12 by member agencies other than LADWP.

13 MWD’s Trial Exhibits demonstrate that MWD has a series of rates and charges that
14 properly recover the costs MWD incurs to meet variations from year to year in the member
15 agencies’ demands. That evidence also demonstrates that MWD has rates and charges designed
16 to recover other costs relating to variation in member agency demand, such as the cost of
17 MWD’s “standing by” to meet unexpected water needs, and the costs associated with meeting
18 “peak” demands within a given year.

19 **a. MWD Has Rates To Recover The Costs Of Variations In
20 Water Purchases From Year To Year**

21 To begin with, the Trial Exhibits demonstrate that the variations from year to year about
22 which SDCWA complains are overstated. SDCWA’s own experts calculated each member
23 agency’s average annual variations in purchases over the last ten years. DTX-108
24 (MWDRECORD2012_016154 at 016177). SDCWA’s experts calculated the ratios of highest
25 annual water use to average annual water use for all member agencies over the last decade.

26 They concluded that MWD’s largest customers (*i.e.*, those who purchase over 100,000
27 acre-feet of water per year, accounting for more than 70% of MWD’s total water deliveries) all
28 had a ratio between 1.07 and 1.32. *Id.* (SDCWA’s ratio was 1.11, which was the same as
Calleguas’s ratio, higher than West Basin’s ratio (1.07), and lower than LADWP’s ratio of 1.31).

1 SDCWA’s experts’ conclusions show that LADWP’s annual variations—represented by
2 a ratio of 1.31—fall right in the middle of all member agencies’ annual variations. *Id.* All of
3 MWD’s member agencies (except for MWD’s smallest customer) had ratios between 1.07 and
4 1.72. *Id.*

5 These annual variations are not surprising. All of the services MWD provides are in
6 essence “standby” services because MWD is a *supplemental* supplier of wholesale water. DTX-
7 109 shows that, as a supplemental water provider to the Southern California region, MWD must
8 always stand by, ready to serve the needs of its member agencies that fall outside their primary
9 sources of supply. DTX-109 (MWDRECORD2012_016583 at 016587).

10 In any event, even if it were true that member agencies exhibited very extreme variations
11 in demand from year to year, MWD’s rates and charges still reasonably account for those
12 variations, for several reasons.

13 First, MWD recovers these costs through its volumetric rates. As DTX-109
14 demonstrates, MWD undertakes a cost of service study—sometimes many of them—in every
15 rate setting cycle, which properly allocates MWD’s costs to its various rates and charges. These
16 studies show that MWD recovers nearly all of its costs (88%) through its “volumetric” water
17 rates—rates that depend on the volume of water member agencies buy. *See* DTX-109
18 (MWDRECORD2012_016594 at 016696). These volumetric rates mean that if in a particular
19 year a member agency *buys more water* than its usual demand in typical years, it will *pay more*
20 that year than it does in typical years.

21 Second, MWD’s Supply Rate further ensures that variation in demand from year to year
22 is captured in MWD’s water rates. As DTX-090 and DTX-110 show, if purchases in a calendar
23 year by a member agency that executed a purchase order exceed 90% of its base firm demand
24 (an amount based on the member agency’s past annual firm demands), then it must pay a higher
25 Tier 2 Supply Rate. DTX-090 (MWDRECORD011443 at 011499); DTX-110
26 (WDRECORD2012_016594 at 016700). If a member agency did not execute a purchase order,
27 the member agency must pay the higher Tier 2 Supply Rate for any amount exceeding 60% of its
28

1 base firm demand. *Id.* MWD’s COS-based rates therefore ensure not only that MWD recovers
2 the higher costs of additional water supplies, but they also effectively ensure that MWD recovers
3 costs resulting from increased demand on its water supplies and system capacity within a given
4 year from those member agencies that cause those costs.

5 Third, MWD’s rates also account for the costs of variation from year to year through the
6 Readiness-to-Serve Charge. The Readiness-to-Serve Charge recovers the standby and
7 emergency storage costs and capital costs for SWP and CRA facilities to meet peak monthly or
8 seasonal demand. *See* DTX-090 at 011473, 011483, 011494; DTX-110 at 016679-016680,
9 01688, 016698. As DTX-090 and DTX-110 demonstrate, the way that MWD calculates the
10 Readiness-to-Serve Charge addresses variation in annual demand. MWD bases a member
11 agency’s Readiness-to-Serve Charge each year on a ten-year rolling average of that member
12 agency’s past total consumption, *i.e.*, all firm deliveries including water transfers and exchanges
13 that use MWD capacity—with the exception of the Exchange Water SDCWA receives under the
14 2003 Exchange Agreement.²⁴ DTX-090 at 011495; DTX-110 at 016699. Thus, the Readiness-
15 to-Serve Charge requires member agencies with large annual variations in purchases to pay
16 more—if a member agency’s water use goes up drastically in one year, this variation will
17 increase what it must pay under the Readiness-to-Serve Charge for the next decade.

18 As DTX-110 demonstrates, MWD set its volumetric rates and the Readiness-to-Serve
19 Charge to recover 98% of MWD’s annual revenue requirement. DTX-110
20 (MWDRECORD2012_016594 at 016696).

21 MWD’s rates properly recover the costs of annual variations in its member agencies’
22 purchases.

23
24 **b. MWD Has Rates To Recover The Costs of Variations In Water**

25 ²⁴ While SDCWA argues that some member agencies are receiving certain standby and peaking
26 services without having to pay for them, it is actually SDCWA that gets the benefit of using
27 MWD’s system to carry out the 2003 Exchange Agreement without having to pay a higher
28 Readiness-to-Serve Charge. *See* DTX-108 (MWDRECORD2012_016154 at 016164) (MWD’s
Readiness-to-Serve calculation specifically excludes any water delivered to SDCWA under the
2003 Exchange Agreement).

1 **Purchases Within A Year (“Peaking”)**

2 As DTX-090 and DTX-110 demonstrate, MWD recovers the costs associated with
3 variation in demand within a year (*i.e.*, the times at which demand on MWD’s system is at its
4 peak) through its Readiness-to-Serve Charge and Capacity Charge.

5 The way that MWD calculates the Capacity Charge covers member agency peaking—*i.e.*,
6 variation in demand within a year. MWD’s Capacity Charge is a fixed charge assessed on each
7 member agency based on its *maximum* summer day demand. DTX-090 (MWDRECORD011443
8 at 011492); DTX-110 (MWDRECORD2012_016594 at 016697. The Capacity Charge not only
9 recovers the cost of providing MWD’s distribution facilities for peak usage, but it also recovers
10 the cost of providing seasonal peak storage capacity within MWD’s system (which gives MWD
11 the operational flexibility for meeting peak demands). DTX-090 at 011484-011485, 011488,
12 11490; DTX-110 at 016688-016689, 016693, 016695.

13 The Readiness-to-Serve Charge (discussed above) also recovers peak-related costs
14 because it recovers SWP conveyance facilities costs associated with meeting peak demand.
15 DTX-090 at 011473, 011483 and 011494; DTX-100 at 016594, 016688, and 016698. Each
16 member agency pays the Readiness-to-Serve Charge and the Capacity Charge, and, as explained,
17 every year those charges are calculated for each member agency based on its demand pattern.
18 DTX-090 at 011492-011493, 011495; DTX-110 at 016697-016698, 016699.

19 Thus, as MWD’s Trial Exhibits show, MWD’s rates and charges reasonably recover the
20 costs associated with variations in member agencies’ purchases.

21 **B. Evidence Supporting The Validity of MWD’s Rate Structure Integrity**
22 **Provision (Fifth Cause of Action) and MWD’s Calculation of Preferential**
23 **Rights (Sixth Cause of Action)**

24 SDCWA’s fifth cause of action challenging MWD’s RSI provision and sixth cause of
25 action challenging MWD’s calculation of preferential rights are civil claims for declaratory relief.
26 The principal facts and issues regarding these claims are described in the following submissions:
27 (1) MWD’s First Pretrial Brief, filed on October 18, 2013; (2) MWD’s Motion for Summary
28 Adjudication filed on September 20, 2013, in Case No. CPF-10-510830; (3) MWD’s Opposition

1 to SDCWA’s Motion for Summary Adjudication (Fifth Cause of Action), filed on November 12,
 2 2013; and (4) MWD’s Reply in support of its Motion for Summary Adjudication filed on
 3 November 21, 2013. To avoid duplication, each of these submissions and their supporting
 4 papers, declarations, and exhibits are incorporated herein by reference. As demonstrated by
 5 MWD’s submissions, SDCWA’s challenge to MWD’s RSI provision and calculation of
 6 preferential rights is without merit. Should MWD’s Motion for Summary Adjudication be
 7 denied, the exhibits that MWD may submit in its case-in-chief at the final hearing/trial on
 8 SDCWA’s fifth and sixth causes of action are identified in MWD’s Trial Exhibits.
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10 **IV. REVISED WITNESS LIST**

11 Pursuant to the Court’s Order at the November 4, 2013 pretrial hearing, on November 12
 12 the Metropolitan Water District of Southern California (“MWD”) submitted its proposed list of
 13 witnesses and time estimates for the December 17 final hearing/trial on the San Diego County
 14 Water Authority’s (“SDCWA”) claims in the *2010 Action* (Case No. CPF-10-510830) and the
 15 *2012 Action* (Case No. CPF-12-512466) other than the breach of contract claims. The Court’s
 16 November 22, 2013 Order states that “[e]ach of the two sides in this case is allocated 12 hours
 17 for all purposes, including argument, presentations, and any testimony (direct or cross).”

18 The Court’s July 22, 2013 Order states that the parties should file “witness . . . lists with
 19 time estimates per witness” on December 3, 2013. Accordingly, pursuant to the Court’s July and
 20 November Orders, MWD submits this revised list of the witnesses it intends to call on direct, and
 21 provides a time estimate for their direct testimony, as well as a time estimate for a presentation of
 22 the evidence in the administrative record, cross-examination of SDCWA’s witnesses, the
 23 testimony of rebuttal witnesses if necessary, and opening and closing arguments, all within 12
 24 hours. For the Court’s convenience, MWD lists potential rebuttal witnesses below (while
 25 reserving the right to call others as may be necessary).
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Witness or Presentation	Time Estimate	Cause(s) of Action	Description

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Opening Argument	1 hour	1st-3rd, 5th & 6th	
Presentation of Relevant Documents in the Administrative Record	2 hours	1st-3rd	The Court’s November 5, 2013 Order re Pre Trial Rulings provides that the Court’s review will be limited to the administrative record for all rate challenge claims except the Wheeling Statute claims. Per the Court’s Order, for these claims, witness testimony is inadmissible, and the December proceeding is a hearing on a writ motion, validation proceeding and request for declaratory relief (covering the MWD Act, common law, Government Code, Proposition 13 and Proposition 26 claims).
Direct Witnesses:			
June Skillman	45 minutes	1st-3rd, 5th & 6th	<p>June Skillman is the manager of MWD’s Budget and Financial Planning Section, and she has over 25 years of experience in budgeting, financial planning, and rate making in the energy and water industries. In her role at MWD, she is directly and substantially involved in the rate-setting process.</p> <p><u>Wheeling Statute Claims in Rate Challenges Testimony (1st-3rd COAs):</u></p> <p>Ms. Skillman may be called to testify regarding transactions in which MWD uses the DWR’s State Water Project facilities for purposes other than supply, including as a storage system and conveyance system to move water other than the water it receives from DWR under the State Water Project contract (“non-project water”) in order to meet its member agencies’ water needs. She may also be called to testify concerning the nature of the Exchange Water that MWD</p>

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			<p>provide to SDCWA pursuant to the Exchange Agreement.</p> <p><u>Preferential Rights Testimony (6th COA):</u></p> <p>Ms. Skillman may also offer testimony regarding how MWD calculates preferential rights under MWD Act Section 135, including what payments are and are not included in MWD's calculations.</p>
<p>Christopher Woodcock</p>	<p>1 hour</p>	<p>1st-3rd, 5th</p>	<p>Christopher Woodcock is an expert witness. Mr. Woodcock is the President of the water rate and financial consulting firm of Woodcock & Associates, Inc. He has had extensive involvement in water rate determination studies for both public and investor owned water utilities, and he is the former Chairman and longest standing member of the American Water Works Association, Rates and Charges Committee.</p> <p><u>Wheeling Statute Claims in Rate Challenges Testimony (1st-3rd COAs):</u></p> <p>Mr. Woodcock may present his opinions regarding:</p> <ul style="list-style-type: none"> • the appropriateness of including transportation components of the State Water Project contract charges as part of MWD's transportation rates; • the reasonableness of assigning the costs recovered in the Water Stewardship Rate to MWD's transportation rates; and • the propriety of MWD's recovery of its costs associated with the variability of purchases of MWD water by the member agencies.

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			<p><u>RSI Testimony (5th COA):</u></p> <p>Mr. Woodcock may also present his opinion regarding the interrelated nature of MWD’s rates and charges.</p>
Brent Yamasaki	15 minutes	1st-3rd, 5th	<p>Brent Yamasaki is MWD’s System Operations Section Manager and holds a degree in mechanical engineering.</p> <p><u>Wheeling Statute Claims in Rate Challenges, RSI Testimony (1st-3rd and 5th COAs):</u></p> <p>Mr. Yamasaki may offer testimony explaining how and why MWD moves water through conveyance facilities and its own distribution facilities to meet user demands.</p>
Kevin Donhoff	15 minutes	1st-3rd	<p>Kevin Donhoff is MWD’s Resources Implementation Section Manager.</p> <p><u>Wheeling Statute Claims in Rate Challenges Testimony (1st-3rd COAs):</u></p> <p>Mr. Donhoff may testify about MWD’s use of State Water Project facilities for conveyance and storage of non-project water.</p>
Brian Thomas	45 minutes	1st-3rd, 6th	<p>Brian Thomas is the former Assistant General Manager and former Chief Financial Officer of MWD.</p> <p><u>Wheeling Statute Claims in Rate Challenges and Preferential Rights Testimony (1st-3rd, 6th COAs):</u></p> <p>Mr. Thomas may offer testimony concerning the Exchange Agreement between MWD and SDCWA, including the negotiation of its terms.</p>

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Deven Upadhyay	1 hour	5th	<p>Mr. Upadhyay is the current Manager of MWD’s Water Resources Management Group.</p> <p><u>RSI Testimony (5th COA):</u></p> <p>Mr. Upadhyay may be called to testify regarding MWD’s Integrated Water Resources Plan (“IRP”), the Conservation Credits Program (“CCP”), Local Resources Program (“LRP”) and Seawater Desalination Program (“SDP”), and how these demand management programs are essential to meeting MWD’s long-term water supply reliability goals, as set forth in its IRP, and related matters. Mr. Upadhyay may also testify regarding the purpose and function of the RSI provision in protecting MWD’s integrated rate structure, which provides the revenues necessary to fund the LRP, CCP and SDP programs. Mr. Upadhyay may also offer testimony about the regional benefits of the LRP, CCP and SDP programs, funding for which is protected by the RSI provision. Mr. Upadhyay may provide testimony regarding the connection between a challenge to MWD’s rate structure and the continued administration of the LRP, CCP and SDP programs and related matters. He may also testify regarding project contracts that SDCWA voluntarily entered into with MWD that contain the RSI provision, the implementation of the RSI provision, and on other issues regarding the RSI provision and MWD’s demand management programs.</p> <p><u>Wheeling Statute Claims in Rate Challenges Testimony (1st-3rd COAs):</u></p> <p>Mr. Upadhyay may testify concerning the relationship between the Water</p>
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			Stewardship Rate and costs associated with transportation, such as MWD's ability to defer or avoid increased costs for capacity due to the avoided need for additional imported water to be transported to member agencies.
Steven Arakawa	15 minutes	5th	<p>Mr. Arakawa is MWD's Manager of Delta Bay Initiatives.</p> <p><u>RSI Testimony (5th COA):</u></p> <p>Mr. Arakawa may be called to testify regarding the proposals, negotiations, and ultimate adoption of the RSI provision by MWD's Board of Directors in 2004 and related issues in early 2005. He may further testify regarding the specific terms of the RSI provision, and the purpose and policy behind the provision. Mr. Arakawa may also testify regarding the exchange of information and documents that occurred between member agencies and MWD during the time the RSI proposal was being considered. He may also testify regarding the opportunity SDCWA was given to air its objections to the RSI provision before the provision was officially implemented in April, 2005, and the Board of Director's consideration and rejection of proposed alternatives.</p>
Cross-Examination of SDCWA's Witnesses	3 hours	1st-3rd, 5th & 6th	
Potential Rebuttal Witnesses:	1.5 hours		

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Above-listed witnesses		1st-3rd, 5th & 6th	Potential rebuttal testimony as applicable in the subject areas described above.
Professor Stephen P. Erie		1st-3rd, 5th & 6th	<p>Steven P. Erie is an expert witness. Mr. Erie is a professor at the University of California, San Diego, where he teaches, among other things, courses in political science, and serves as Director of the Urban Planning and Studies Program. He is an author of a number of published books and articles regarding the historical relationship between MWD and SDCWA as it pertains to many issues in this case.</p> <p><u>Wheeling Statute Claims in Rate Challenges, RSI, and Preferential Rights Testimony (1st-3rd and 5th-6th COAs):</u></p> <p>Mr. Erie may offer his opinions on the history of water issues in California as they relate to the issues in this case. Specifically, Mr. Erie may offer opinions regarding the historical relationship between MWD, SDCWA, and MWD's other member agencies. These include SDCWA's joining MWD in 1946, SDCWA's access and pursuit of water supplies besides MWD's, and SDCWA's participation in MWD's governance. MWD expects that Mr. Erie will also testify in rebuttal to historical claims that SDCWA is likely to make or imply at the final hearing/trial.</p>
Arnout Van den Berg		1st-3rd	<p>Arnout Van den Berg is MWD's Senior Resource Specialist, and his responsibilities include developing the general requirements for MWD's budget and developing MWD's revenue requirement (<i>i.e.</i>, the first step in the Cost-of-Service process).</p>

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			<p><u>Wheeling Statute Claims in Rate Challenges Testimony (1st-3rd COAs):</u></p> <p>Mr. Van den Berg may offer testimony regarding MWD’s Financial Planning Model, in the event that SDCWA puts forth evidence related to this topic.</p>
Deposition Transcripts to be Submitted:	No Court time required		
Scott Slater		1st-3rd	<p>Scott Slater served as outside counsel for SDCWA during the negotiations leading up to the signing of the Exchange Agreement between MWD and SDCWA in 2003. SDCWA designated Mr. Slater as a “person most knowledgeable” for purposes of deposition.</p> <p><u>Wheeling Statute Claims in Rate Challenges Testimony (1st-3rd COAs):</u></p> <p>MWD may offer deposition testimony from Mr. Slater by video. Mr. Slater’s testimony may be offered regarding the legality of MWD’s rates/rate structure, and the nature of the Exchange Agreement between MWD and SDCWA, including how it is unrelated to the Wheeling Statute claim and irrelevant as evidence concerning that claim.</p>
Dennis Cushman		1st-3rd, 5th & 6th	<p>Dennis Cushman has been SDCWA’s Assistant General Manager since 2002. SDCWA designated Mr. Cushman as a “person most knowledgeable” for purposes of deposition.</p> <p><u>Wheeling Statute Claims in Rate Challenges Testimony (1st-3rd COAs):</u></p> <p>Mr. Cushman’s testimony may offer deposition testimony regarding the</p>

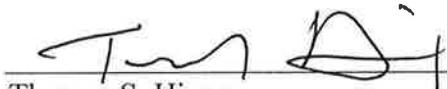
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			<p>legality of MWD’s rates/rate structure, and the effect invalidation of MWD’s rates would have on SDCWA and the other member agencies.</p> <p><u>RSI Testimony (5th COA):</u></p> <p>MWD may offer deposition testimony from Mr. Cushman by video. The issues covered in this video may include matters concerning the RSI provision. The issues covered may also include SDCWA’s understanding of and objections to the RSI provision; SDCWA’s opportunity to air those objections to MWD’s Board; SDCWA’s waiver and consent due to its ultimate decision to enter into project contracts under the LRP and CCP programs with MWD, despite the RSI provision, and receipt of funds.</p> <p><u>Preferential Rights Testimony (6th COA):</u></p> <p>Mr. Cushman’s testimony may also be offered regarding SDCWA’s interpretation of MWD Act Section 135’s preferential rights formula, and SDCWA’s internal discussions and understanding regarding what payments are properly excluded from the calculation of preferential rights.</p>
<p>Closing Argument</p>	<p>15 minutes</p>	<p>1st-3rd, 5th & 6th</p>	

1 DATED: December 3, 2013

Bingham McCutchen LLP

2
3 By:



4 Thomas S. Hixson
5 Attorneys for Respondent and Defendant
6 Metropolitan Water District of Southern
7 California

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Exhibit A

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
1st through 3rd Causes of Action						
DTX-001	n/a	n/a	n/a	6/30/1946	SDCWA First Annual Report	1st - 3rd
DTX-002	n/a	n/a	n/a	3/1/1957	DWR Bulletin No. 61 - Investigation of Alternative Aqueduct Routes to San Diego County	1st - 3rd
DTX-003	MWD-0055840	MWD-0055843	n/a	9/30/1959	Statement of SDCWA Before the Senate Fact Finding Committee on Water	1st - 3rd
DTX-004	n/a	n/a	n/a	4/12/1960	Comments by the MWD Board re MWD Act Amendments Proposed by LA DWP	1st - 3rd
DTX-005	n/a	n/a	n/a	5/12/1960	SDCWA Board Resolution Commending MWD Board for Comments of 4/12/60	1st - 3rd
DTX-006	MWDRECORD2012_000173	MWDRECORD2012_000563	2	11/4/1960	Contract Between DWR & MWD for a Water Supply	1st - 3rd
DTX-007	MWD-0065530	MWD-0065545	n/a	1/9/1961	Synopsis of Contract Between DWR & MWD for a Water Supply	1st - 3rd
DTX-008	MWD-0011556	MWD-0011561	n/a	1/24/1961	Concepts & Principles Underlying Contract Between DWR & MWD for a Water Supply	1st - 3rd
DTX-009	MWD-0029701	MWD-0029727	n/a	2/10/1961	MWD Statement Presented at Meeting of Senate Fact Finding Committee on Water	1st - 3rd
DTX-010	n/a	n/a	n/a	Dec-67	Price Elasticity of the Demand for Water in Southern California, by Bryan C. Conley	1st - 3rd
DTX-011	SDCWA2010-2012_00000907	SDCWA2010-2012_00001210	n/a	1993	Comprehensive Guide to Water & Wastewater Finance & Pricing (2d Edition), by George Raffelis	1st - 3rd
DTX-012	Rothstein Ex. 331		n/a	1995	Water utility Accounting, 3rd Edition (AWWWA)	1st - 3rd
DTX-013	MWDRECORD2012_001101	MWDRECORD2012_001135	20	10/6/1995	Cost of Service and Alternative Rates Study (RMI)	1st - 3rd
DTX-014	MWDRECORD2012_001165	MWDRECORD2012_001169	24	11/13/1995	Proposed MWD Policies on Water Wheeling	1st - 3rd
DTX-015	Rothstein Ex. 336		n/a	1996	A Model Water Transfer Act for California	1st - 3rd
DTX-016	Rothstein Ex. 337		n/a	1996	The Shape of Transfers to Come: A Model Transfer Act for California, by Brian E. Gray	1st - 3rd
DTX-017	MWDRECORD2012_001264	MWDRECORD2012_02012001310	32	1/9/1996	Recommended Water Rates for Fiscal Year 1996-97 & Resolutions Giving Notice of Intention to Impose Charges	1st - 3rd
DTX-018	MWD2010-00465818	MWD2010-00465845	n/a	Mar-96	The Economic Benefits of Local Management Programs	1st - 3rd, 5th
DTX-019	MWDRECORD2012_001406	MWDRECORD2012_001519	39	Mar-96	MWD Integrated Water Resources Plan, Vol. 1: Long-Term Resources Plan	1st - 3rd, 5th
DTX-020	MWDRECORD2012_001520	MWDRECORD2012_001658	40	Mar-96	MWD Integrated Water Resources Plan, Vol. 2: Metropolitan's System Overview	1st - 3rd, 5th
DTX-021	SDPRA0260503	SDPRA0260639	n/a	May-1996	Cost of Service Study (RMI)	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-022	MWDRECORD2012_001978	MWDRECORD2012_001997	54	6/25/1996	Transmittal of the Rate Refinement Recommendations	1st - 3rd
DTX-023	MWDRECORD2012_002430	MWDRECORD2012_002436	84	1/10/1997	Resolution of the MWD Board Fixing & Adopting Wheeling Rates (Res.8520)	1st - 3rd
DTX-024	MWDRECORD2012_002350	MWDRECORD2012_002407	82	1/14/1997	Resolution to Adopt Wheeling Rates Effective 1/15/97	1st - 3rd
DTX-025	MWDRECORD2012_002350	MWDRECORD2012_002407	82	1/14/1997	Resolution to Adopt Wheeling Rates Effective 1/15/97	1st - 3rd
DTX-026	MWDRECORD2012_002490	MWDRECORD2012_002517	87	1/14/1997	MWD Board Meeting Minutes	1st - 3rd
DTX-027	MWDRECORD2012_002868	MWDRECORD2012_002873	110	11/21/1997	MWD Board Letter 7-4	1st - 3rd, 5th
DTX-028	SDPRA0159081	SDPRA0159121	n/a	11/10/1998	Agreement Between the MWD & the SDCWA for the Exchange of Water	1st - 3rd
DTX-029	MWDRECORD2012_003847	MWDRECORD2012_003849	181	12/14/1999	MWD Final Draft Strategic Plan Policy Principles	1st - 3rd
DTX-030	MWDRECORD2012_003865	MWDRECORD2012_004226	183	2000	AWWA Manual M1 - Principles of Water Rates, Fees, & Charges (5th Edition)	1st - 3rd
DTX-031	MWDRECORD2012_005037	MWDRECORD2012_005049	227	12/12/2000	MWD Rate Structure Action Plan	1st - 3rd
DTX-032	MWDRECORD2012_005169	MWDRECORD2012_005186	235	1/22/2001	Proposed Rate Structure Action Plan - Draft Workplan	1st - 3rd
DTX-033	MWD2010-00271995	MWD2010-00271999	n/a	2/26/2001	Draft amendment to SDCWA/MWD Exchange Agreement	1st - 3rd
DTX-034	MWDRECORD2012_005543	MWDRECORD2012_005554	265	6/15/2001	Statement of Common Understanding Among Member Agency GMs Re MWD's Proposed Rate Structure	1st - 3rd
DTX-035	MWDRECORD2012_005707	MWDRECORD2012_005729	285	10/16/2001	MWD Board Action Letter 9-6	1st - 3rd
DTX-036	MWDRECORD2012_005730	MWDRECORD2012_005753	286	10/16/2001	MWD Board Meeting Minutes	1st - 3rd
DTX-037	MWDRECORD2012_005825	MWDRECORD2012_006140	291	12/28/2001	MWD Draft Report - Rates & Charges	1st - 3rd
DTX-038	MWDRECORD2012_006159	MWDRECORD2012_006162	295	1/8/2002	Resolution of the MWD Board Giving Notice of Intention to Impose Rates & Charges for FY 2002/03 (Res.8796)	1st - 3rd
DTX-039	MWDRECORD2012_006166	MWDRECORD2012_006222	297	1/8/2002	MWD Board Action Letter 9-1	1st - 3rd
DTX-040	MWDRECORD2012_006223	MWDRECORD2012_006239	298	1/8/2002	MWD Board Meeting Minutes	1st - 3rd
DTX-041	MWDRECORD2012_006294	MWDRECORD2012_006430	306	3/12/2002	MWD Board Action Letter 9-1	1st - 3rd
DTX-042	MWDRECORD2012_006431	MWDRECORD2012_006442	307	3/12/2002	MWD Board Meeting Minutes	1st - 3rd
DTX-043	n/a	n/a	n/a	3/12/2002	Resolution of the MWD Board Fixing & Adopting Rates & Charges for FY 2002/03 (Res.8805)	1st - 3rd
DTX-044	n/a	n/a	n/a	4/24/2002	Public Hearing on Amended Joint Petition of IID & SDCWA for Approval of Long-Term Transfer of Conserved Water	1st - 3rd, 6th
DTX-045	MWDRECORD2012_006463	MWDRECORD2012_006815	310	6/28/2002	MWD Final Report - Rates & Charges	1st - 3rd, 5th
DTX-046	MWD2010-00272378	MWD2010-00272387	n/a	12/9/2002	Draft amendment to SDCWA/MWD Exchange Agreement	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-047	n/a	n/a	n/a	2003	Elasticity of Demand for Water Resource Managers, by Donald Agthe & R. Bruce Billings	1st - 3rd
DTX-048	MWDRECORD2012_006945	MWDRECORD2012_007029	325	1/14/2003	MWD Board Action Letter 9-1	1st - 3rd
DTX-049	MWDRECORD2012_007115	MWDRECORD2012_007210	335	3/11/2003	MWD Board Action Letter 9-1	1st - 3rd, 5th
DTX-050	SDPRAE0036700		n/a	9/16/2003	Memo from Campbell to SDCWA Board re QSA Options Analysis	1st - 3rd
DTX-051	n/a	n/a	n/a	10/10/2003	Amended & Restated Agreement Between MWD & SDCWA for Exchange of Water	1st - 3rd, 6th
DTX-052	MWDRECORD2012_007531	MWDRECORD2012_007613	360	1/13/2004	MWD Board Action Letter 9-2	1st - 3rd
DTX-053	n/a	n/a	n/a	2/3/2004	Respondent's Brief - Rincon del Diablo MWD v. SDCWA	1st - 3rd
DTX-054	MWDRECORD2012_007700	MWDRECORD2012_007749	371	3/9/2004	MWD Board Action Letter 9-1	1st - 3rd
DTX-055	MWDRECORD2012_000001	MWDRECORD2012_000172	1	1/1/2005	Contract Between DWR & MWD for a Water Supply (originally signed 11/4/1960)	1st - 3rd
DTX-056	Rothstein Ex. 330		n/a	2005	Financing & Charges for Wastewater Systems (WEF Press)	1st - 3rd
DTX-057	MWDRECORD2012_007979	MWDRECORD2012_008079	395	1/11/2005	MWD Board Action Letter 9-1	1st - 3rd
DTX-058	MWDRECORD2012_008204	MWDRECORD2012_008251	405	3/8/2005	MWD Board Action Letter 8-1	1st - 3rd
DTX-059	MWDRECORD2012_008252	MWDRECORD2012_008267	406	3/8/2005	MWD Board Meeting Minutes	1st - 3rd
DTX-060	MWDRECORD2012_008433	MWDRECORD2012_008532	423	1/1/2006	MWD Board Action Letter 8-1	1st - 3rd
DTX-061	MWDRECORD2012_008628	MWDRECORD2012_008675	433	3/14/2006	MWD Board Action Letter 8-1	1st - 3rd
DTX-062	MWDRECORD2012_008676	MWDRECORD2012_008688	434	3/14/2006	MWD Board Meeting Minutes	1st - 3rd
DTX-063	MWD_EXPERTS_WOODCOC K00003289	MWD_EXPERTS_WOODCOC K00003427	n/a	2007	Integrated Area Study	1st - 3rd
DTX-064	MWDRECORD2012_008856	MWDRECORD2012_008948	447	1/9/2007	MWD Board Action Letter 8-1	1st - 3rd
DTX-065	MWDRECORD2012_009168	MWDRECORD2012_009260	461	4/10/2007	MWD Board Action Letter 8-1	1st - 3rd
DTX-066	MWDRECORD2012_009261	MWDRECORD2012_009273	462	4/10/2007	MWD Board Meeting Minutes	1st - 3rd
DTX-067	n/a	n/a	n/a	Jul-07	Managing Demand - Price vs. Non-Price Conservation Programs	1st - 3rd
DTX-068	MWDRECORD2012_009389	MWDRECORD2012_009482	475	1/8/2008	MWD Board Action Letter 8-1	1st - 3rd
DTX-069	MWDPRA044402	MWDPRA044404	n/a	2/22/2008	Request for Wheeling Services	1st - 3rd
DTX-070	MWDRECORD2012_009555	MWDRECORD2012_009617	484	3/11/2008	MWD Board Action Letter 8-2	1st - 3rd
DTX-071	MWDRECORD2012_009618	MWDRECORD2012_009635	485	3/11/2008	MWD Board Meeting Minutes	1st - 3rd
DTX-072	MWD2010-00007739	MWD2010-00007745	n/a	9/9/2008	MWD Board Action Letter 8-3	1st - 3rd
DTX-073	SDCWA2010-2012_00022462 (use MWDRECORD2012_009865)	SDCWA2010-2012_00022463	n/a	9/9/2008	MWD Board Action Letter 8-3	1st - 3rd
DTX-074	MWDPRA044169	MWDPRA044182	n/a	11/26/2008	Purchase Agreement for Water Transfer Between South Feather Water & Power and SDCWA	1st - 3rd
DTX-075	MWDPRA044184	MWDPRA044185	n/a	12/1/2008	Request for Wheeling Services	1st - 3rd
DTX-076	MWDRECORD2012_009962	MWDRECORD2012_010046	507	1/13/2009	MWD Board Action Letter 8-1	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-077	n/a	n/a	n/a	4/2/2009	MWD & IID Joint MSA of Imperial County & ICAPCD Claims	1st - 3rd
DTX-078	n/a		n/a	4/2/2009	MWD & SDCWA Joint Motion for Summary Adjudication - JCCP 4353	1st - 3rd, 6th
DTX-079	n/a	n/a	n/a	4/6/2009	IID Amicus Brief in Support of MWD & SDCWA Joint MSA	1st - 3rd
DTX-080	MWDPRA044104	MWDPRA044117	n/a	4/10/2009	Request for Wheeling Services	1st - 3rd
DTX-081	MWDRECORD2012_010307	MWDRECORD2012_010375	527	4/14/2009	MWD Board Action Letter Revised 8-3	1st - 3rd
DTX-082	MWDRECORD2012_010376	MWDRECORD2012_010389	528	4/14/2009	MWD Board Meeting Minutes	1st - 3rd
DTX-083	MWDRECORD2012_010506	MWDRECORD2012_010557	536	8/17/2009	Presentation re Item 8a Cost of Service Process	1st - 3rd
DTX-084	MWDRECORD2012_010927	MWDRECORD2012_010971	565	1/12/2010	MWD Board Action Letter 8-1	1st - 3rd
DTX-085	MWD2010-00236446	MWD2010-00236459	n/a	1/20/2010	Letter from Kightlinger & Stapleton to California Coastal Commission re Questions re Carlsbad Seawater Desalination Project	1st - 3rd, 5th
DTX-086	SDCWA2010-2012_00082035	SDCWA2010-2012_00082037	n/a	3/29/2010	Draft letter from Cushman to Kightlinger re Request for Wheeling Services	1st - 3rd
DTX-087	MWDRECORD2012_011305	MWDRECORD2012_011308	590	4/5/2010	Response to Public Comments to Proposed Rates & Changes	1st - 3rd, 5th
DTX-088	MWDRECORD2012_011309	MWDRECORD2012_011330	591	4/6/2010	Independent Review of FY 2010/11 Cost of Service & Rate Setting Process (Raftelis)	1st - 3rd
DTX-089	MWDRECORD2012_011333	MWDRECORD2012_011342	593	4/12/2010	Letter from Mr. Colantuono to Mr. Brick re Proposed Water Rates to be Effective Jan. 1 2011	1st - 3rd
DTX-090	MWDRECORD011443	MWDRECORD011542	599	4/13/2010	MWD Board Action Letter 8-2	1st - 3rd, 5th
DTX-091	MWDRECORD011564	MWDRECORD011574	602	4/13/2010	MWD Board Meeting Minutes	1st - 3rd
DTX-092	MWD2010-00219173		n/a	4/22/2010	Re: CRC Revenue	1st - 3rd
DTX-093	SDPRAE0000342		n/a	5/11/2010	Water Resource Management Report	1st - 3rd
DTX-094	SDCWA2010-2012_00167701	SDCWA2010-2012_00167719	n/a	6/7/2010	Review of Storage Management for the Water Planning & Stewardship Committee (Item 9-1)	1st - 3rd
DTX-095	SDCWA2010-2012_00132413	SDCWA2010-2012_00132419	n/a	6/8/2010	Water Planning & Stewardship Committee letter 9-1	1st - 3rd
DTX-096	MWD2010-0044674	MWD2010-00464782	n/a	Oct-10	Integrated Resources Plan (Report No. 1373)	1st - 3rd
DTX-097	MWDRECORD2012_012828	MWDRECORD2012_012870	723	4/12/2011	MWD Board Action Letter 8-5	1st - 3rd
DTX-098	MWDRECORD2012_012935	MWDRECORD2012_012944	731	4/12/2011	MWD Board Meeting Minutes	1st - 3rd
DTX-099	MWD2010-00184023	MWD2010-00184027	n/a	4/26/2011	Letter from Scully to Hentschke re Section 135 Preferential Rights	1st - 3rd, 6th
DTX-100	Rothstein Ex. 338		n/a	Jun-11	City of Tucson Water Wheeling Rate Study	1st - 3rd
DTX-101	MWDRECORD2012_013373	MWDRECORD2012_013457	782	8/15/2011	MWD Draft Appendix A - general information re MWD	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-102	SDCWA2010-2012_00136906	SDCWA2010-2012_00136941	n/a	11/8/2011	Water Resources Management Report: 2008-2010 Water Transfer and Exchange Transactions	1st - 3rd
DTX-103	n/a		n/a	11/8/2011	2008-2010 Water Transfer & Exchange Transaction	1st - 3rd
DTX-104	SDCWA2010-2012_00000362	SDCWA2010-2012_00000743	n/a	2012	AWWA Manual M1 - Principles of Water Rates, Fees, & Charges - 6th Edition	1st - 3rd
DTX-105	MWDRECORD2012_013788	MWDRECORD2012_013867	819	1/10/2012	MWD Board Action Letter 8-1	1st - 3rd
DTX-106	DENHAM0124	DENHAM0130	n/a	2/10/2012	MWD Invoice to SDCWA	1st - 3rd
DTX-107	MWDRECORD2012_014912	MWDRECORD2012_015159	896	3/7/2012	MWD Board Action Letter 8-4A & 8-4B	1st - 3rd
DTX-108	MWDRECORD2012_016154	MWDRECORD2012_016204	922	3/12/2012	MWD Cost of Service Rate Review (FCS Group)	1st - 3rd
DTX-109	MWDRECORD2012_016583	MWDRECORD2012_016593	943	4/5/2012	Response to SDCWA Report on Cost of Service Review	1st - 3rd, 6th
DTX-110	MWDRECORD2012_016594	MWDRECORD2012_016853	944	4/10/2012	MWD Board Action Letter 8-1	1st - 3rd
DTX-111	MWDRECORD2012_016995	MWDRECORD2012_017013	955	4/10/2012	MWD Board Meeting Minutes	1st - 3rd
DTX-112	ROTHSTEIN07020	ROTHSTEIN07030	n/a	4/10/2012	Direct Testimony of Eric Rothstein on Behalf of the Waukesha Water Utility	1st - 3rd
DTX-113	MWDRECORD2012_017164	MWDRECORD2012_017522	961	7/1/2012	MWD Biennial Budget FY 2012/13 & 2013/14	1st - 3rd
DTX-114	MWD_EXPERT_WOODCOCK 00000175	MWD_EXPERT_WOODCOCK 00000464	n/a	6/19/2013	MWD Special Variable Rate Water Revenue Refunding Bonds, 2013 Series E (Flexible Index Mode)	1st - 3rd
DTX-115	ROTHSTEIN0177	ROTHSTEIN0181	n/a	8/19/2013	E-mail from Mr. Rothstein attaching draft outline	1st - 3rd
DTX-116	Rothstein Ex. 334		n/a	8/22/2013	SDCWA Colorado River Salinity Control Update	1st - 3rd
DTX-117	n/a		n/a	9/9/2013	Direct Testimony of Eric Rothstein on behalf of Hawaiian Beaches Water Co., Inc.	1st - 3rd
DTX-118	ROTHSTEIN0063	ROTHSTEIN0087	n/a	9/19/2013	E-mail from Mr. Rothstein attaching draft report	1st - 3rd
DTX-119	Rothstein Ex. 328		n/a	10/28/2013	Expert Report of Eric Paul Rothstein	1st - 3rd
DTX-120	n/a			11/27/2013	Skinner Treatment Plant Blends, 2003-2013	1st - 3rd
DTX-121	MWDRECORD2012_000001	MWDRECORD2012_011574	n/a	n/a	2010 Administrative Record	1st - 3rd
DTX-122	MWDRECORD2012_000001	MWDRECORD2012_017522	n/a	n/a	2012 Administrative Record	1st - 3rd
DTX-123	n/a	n/a	n/a	n/a	Expert Disclosure for Christopher Woodcock	1st - 3rd
DTX-124	n/a	n/a	n/a	n/a	Expert Disclosure for Steven Erie	1st - 3rd
DTX-125	MWD_EXPERT_WOODCOCK 00000174	n/a	n/a	n/a	Water Distribution System Schematic Diagram L-1212	1st - 3rd
DTX-126	n/a	n/a	n/a	n/a	Appellants SDCWA, CVWD, & MWD Joint Reply & Cross-Respondents' Brief	1st - 3rd
DTX-127	n/a	n/a	n/a	n/a	IID's Appellant Reply Brief & Cross-Respondent Brief	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-128	SDCWA2010-2012_00011221		n/a	n/a	Water Authority's Northern California Transfers - Implementation Strategy	1st - 3rd
DTX-129	SDCWA2010-2012_00053034	SDCWA2010-2012_00053061	n/a	n/a	Delegates Vote Record At-A-Glance	1st - 3rd
DTX-130	SDPRAE0003757		n/a	n/a	Fact Sheet - Canal Lining Options for SDCWA	1st - 3rd
DTX-131	n/a		n/a	4/8/2013	Presentation re State Water Contract Review	1st - 3rd
DTX-132	MWDRECORD2012_006462_01*	MWDRECORD2012_006462_05*	n/a	3/12/2002	MWD Board Resolution 8805	1st - 3rd
DTX-133	MWDRECORD2012_016288_1796*	MWDRECORD2012_016288_1944*	n/a	May-1996	Cost of Service Study (RMI)	1st - 3rd
DTX-134	MWDRECORD2012_016288_5282*	MWDRECORD2012_016288_5292*	n/a	1993	Comprehensive Guide to Water & Wastewater Finance & Pricing (2d Edition), by George Raftelis (excepts)	1st - 3rd
DTX-135	n/a		n/a	Apr-1963	DWR Bulletin No. 132-63	1st - 3rd
DTX-136	MWDRECORD2012_001222	MWDRECORD2012_001255	30	Dec-1995	RMI Assessment of Principles for Pricing Water Wheeling Services by MWD	1st - 3rd
DTX-137	MWD2010-00007219	MWD2010-00007266	n/a	7/1/2010	DWR Statement of Charges to MWD	1st - 3rd
DTX-138	MWD2010-00274562	MWD2010-00274569	n/a	2/10/2003	MWD Invoice to SDCWA	1st - 3rd
DTX-139	MWD2010-00274983	MWD2010-00274990	n/a	2/9/2007	MWD Invoice to SDCWA	1st - 3rd
DTX-140	MWD2010-00274991	MWD2010-00274999	n/a	3/9/2007	MWD Invoice to SDCWA	1st - 3rd
DTX-141	MWD2010-00275450	MWD2010-00275456	n/a	8/10/2011	MWD Invoice to SDCWA	1st - 3rd
DTX-142	MWD2010-00275570	MWD2010-00275576	n/a	12/10/2012	MWD Invoice to SDCWA	1st - 3rd
DTX-143	n/a		n/a	3/24/1975	Cooperative Water Exchange Agreement - Main San Gabriel Basin	1st - 3rd
DTX-144	n/a		n/a	11/4/1977	Agreement between MWD & Castaic Lake Water Agency for Wheeling	1st - 3rd
DTX-145	n/a		n/a	1/14/1992	Memorandum of Understanding for Construction, Operation, & Maintenance of Water Facilities between MWD & Castaic Lake Water Agency	1st - 3rd
DTX-146	n/a		n/a	12/31/1992	Agreement No. 3335 - Wheeling of State Project Water to Castaic Lake Water Agency	1st - 3rd
DTX-147	n/a		n/a	3/2/2009	Agreement Between MWD & Castaic Lake Water Agency for Interconnection CLWA-01	1st - 3rd
DTX-148	n/a		n/a	5/31/1977	Letter from Monterey Park to MWD re emergency service connection	1st - 3rd
DTX-149	n/a		n/a	11/6/1990	MWD Board Letter re Agreement to Wheel Water to City of Sierra Madre	1st - 3rd
DTX-150	n/a		n/a	4/22/1964	Letter to MWD Board re water exchange with Desert Water Agency & CVCWD	1st - 3rd
DTX-151	n/a		n/a	12/8/1966	Letter from MWD GM to Board re exchange agreement with Desert Water Agency	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-152	n/a		n/a	12/21/1966	Letter from MWD GM to Desert Water Agency re exchange agreement	1st - 3rd
DTX-153	n/a		n/a	1/17/1967	Contract Between MWD & Desert Water Agency for Exchange of Water	1st - 3rd
DTX-154	n/a		n/a	3/10/1967	Letter from MWD GM to Desert Water Agency re exchange agreement	1st - 3rd
DTX-155	n/a		n/a	9/7/1967	Letter from MWD GM to Board re exchange agreement with CVCWD	1st - 3rd
DTX-156	n/a		n/a	10/13/1967	Contract between MWD & Coachella Valley County Water District for Exchange of Water	1st - 3rd
DTX-157	n/a		n/a	11/9/1967	Letter to DWR re contracts with Desert Water Agency & CVCWD	1st - 3rd
DTX-158	n/a		n/a	3/14/1972	1st Amendment to Contract Between MWD & Desert Water Agency for Exchange of Water	1st - 3rd
DTX-159	n/a		n/a	5/3/1972	Letter to Bureau of Reclamation re contract with Desert Water Agency & CVCWD	1st - 3rd
DTX-160	n/a		n/a	5/3/1972	Letter to DWR re contracts with Desert Water Agency & CVCWD	1st - 3rd
DTX-161	n/a		n/a	5/24/1972	Transmittal letter re Amendment to Contract Between MWD & Desert Water Agency	1st - 3rd
DTX-162	n/a		n/a	7/23/1972	Letter to Desert Water Agency re draft amendment	1st - 3rd
DTX-163	n/a		n/a	4/26/1983	Memo from MWD GM to Board re Continuation of Exchange Contracts with Desert Water Agency & CVCWD	1st - 3rd
DTX-164	n/a		n/a	7/7/1983	Agreement Between MWD & Desert Water Agency for Exchange of Water	1st - 3rd
DTX-165	n/a		n/a	6/28/1984	Advance Delivery Agreement between MWD & Desert Water Agency	1st - 3rd
DTX-166	n/a		n/a	7/12/2001	Letter Agreement Re Construction Water for DWCV-05 Service Connection Project	1st - 3rd
DTX-167	n/a		n/a	10/10/2003	Delivery & Exchange Agreement Between MWD & Coachella	1st - 3rd
DTX-168	n/a		n/a	10/10/2003	Amendment 18 to Water Supply Contract Between DWR & CVWD	1st - 3rd
DTX-169	n/a		n/a	10/24/2003	2003 Exchange Agreement between MWD, CVWD, & Desert Water Agency	1st - 3rd
DTX-170	n/a		n/a	10/24/2003	Amendment 27 to Water Supply Contract Between DWR & MWD	1st - 3rd
DTX-171	n/a		n/a	11/19/2007	Agreement re Establishment of Long-Term Operating Criteria	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-172	n/a		n/a	10/17/2008	Letter Agreement between CVWD & MWD re Agreement to Deliver Water in Addition to Allocated Amounts	1st - 3rd
DTX-173	n/a		n/a	9/14/2011	Supplemental Agreement for Implementing Deliveries to Specified Points Between MWD & CVWD	1st - 3rd
DTX-174	n/a		n/a	2/1/2012	Amendment to 10/17/08 Letter Agreement	1st - 3rd
DTX-175	n/a		n/a	6/14/2013	2nd Supplemental Agreement to Delivery & Exchange Agreement Between MWD & CVWD	1st - 3rd
DTX-176	n/a		n/a	11/14/2006	MWD Board Action Letter 7-6 re exchange agreements with CVWD & Desert Water Agency	1st - 3rd
DTX-177	n/a		n/a	6/15/2003	Wheeling Service Agreement Between MWD, SDCWA, & Fallbrook PUD	1st - 3rd
DTX-178	n/a		n/a	2/5/2005	Water Exchange Agreement Between SDCWA & Fallbrook PUD	1st - 3rd
DTX-179	n/a		n/a	7/13/2010	MWD Board Action Letter 8-7 re agreement with Orange County MWD	1st - 3rd
DTX-180	n/a		n/a	6/6/2011	Agreement re Short-Term Water Storage Partnership between MWD & Irvine Ranch Water District	1st - 3rd
DTX-181	n/a		n/a	4/18/2012	Agreement between DWR, MWD, Kern County Water Agency, & Santa Barbara County FCWCD	1st - 3rd
DTX-182	n/a		n/a	4/18/2012	Agreement between DWR, MWD, Antelope Valle East Kern Water Agency, & Kern County Water Agency	1st - 3rd
DTX-183	n/a		n/a	2/7/1985	MWD Agreement No. 1597 - Interim Water Supply Agreement for City of Needles	1st - 3rd
DTX-184	n/a		n/a	12/20/1990	Amendment 1 to Agreement No. 1597	1st - 3rd
DTX-185	n/a		n/a	8/30/2009	Agreement No. AO5146 - Conveyance of Water Between MWD & SDCWA (Placer County)	1st - 3rd
DTX-186	n/a		n/a	6/13/2000	MWD Board Action Letter 9-7 re Operating Agreement Between MWD & San Bernardino Valley MWD	1st - 3rd
DTX-187	n/a		n/a	7/10/2000	Coordinated Operating Agreement Between MWD & San Bernardino Valley MWD	1st - 3rd
DTX-188	n/a		n/a	3/13/2001	MWD Board Action Letter 9-6 re agreement with San Bernardino Valley MWD	1st - 3rd
DTX-189	n/a		n/a	4/10/2001	MWD Board Action Letter 9-11 re agreement with San Bernardino Valley MWD	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-190	n/a		n/a	5/14/2001	Coordinated Use Agreement for Conveyance Facilities & SWR Supplies Between MWD & SBVMWD	1st - 3rd
DTX-191	n/a		n/a	8/4/2008	Letter to SBVMWD re Mutual Assistance Request: Delivery of SBVMWD's Water to Fontana Water Company	1st - 3rd
DTX-192	n/a		n/a	3/22/2010	Letter to SBVMWD re Extension of Mutual Assistance Request	1st - 3rd
DTX-193	n/a		n/a	8/20/2013	MWD Board Action Letter 7-3 re exchange & purchase agreement with San Gabriel Valley MWD	1st - 3rd
DTX-194	n/a		n/a	9/6/2013	Agreement for Exchange & Purchase of Water between MWD & San Gabriel Valley MWD	1st - 3rd
DTX-195	n/a		n/a	11/7/2013	7th Amendment to Cyclic Storage Agreement Among MWD, 3 Valleys MWD, & Main San Gabriel Basin Watermaster	1st - 3rd
DTX-196	n/a		n/a	11/7/2013	9th Amendment to Cyclic Storage Agreement Among MWD, Upper San Gabriel Valley MWD, & Main San Gabriel Basin Watermaster	1st - 3rd
DTX-197	n/a		n/a	10/10/2003	Agreement Re Supplemental Water Among MWD, San Luis Rey Settlement Parties, & USA	1st - 3rd
DTX-198	n/a		n/a	11/6/1990	Memo from MWD GM to Board re Wheeling of SWP Water to Santa Barbara County Water Agency	1st - 3rd
DTX-199	n/a		n/a	10/27/1998	Memo from MWD GM to Board re Water Transfer Transaction with Western Water Company	1st - 3rd
DTX-200	n/a		n/a	10/9/2000	Agreement for Transferring Water between MWD, Western Water Company, et al.	1st - 3rd
DTX-201	n/a		n/a	2008	Agreement for Exchange & Conveyance of Water Between MWD & SDCWA	1st - 3rd
DTX-202	MWDRECORD2012_009865	MWDRECORD2012_009868	n/a	9/8/2008	MWD Board Action Letter 8-3 re wheeling & exchange agreement with SDCWA	1st - 3rd
DTX-203	n/a		n/a	2/14/2006	MWD Board Action Letter re joint connections & exchange agreement with San Gabriel Valley MWD et al.	1st - 3rd
DTX-204	n/a		n/a	4/24/2006	Joint Connections & Water Exchange Agreement No. AO-5059 among MWD, San Gabriel Valley MWD, et al.	1st - 3rd

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-205	n/a		n/a	6/14/1972	Contract for Temporary Emergency Delivery to International Boundary at Tijuana	1st - 3rd
DTX-206	n/a		n/a	10/1/1976	Amendment & Supplement No. 1 to Temporary Emergency Contract for Tijuana	1st - 3rd
DTX-207	n/a		n/a	8/14/1978	Amendment 3 to Supplemental & Amendatory Contract for Temporary Emergency Delivery to Tijuana	1st - 3rd
DTX-208	n/a		n/a	11/13/1979	Amendment to Contract for Temporary Emergency Delivery to Tijuana	1st - 3rd
DTX-209	n/a		n/a	9/15/1980	Amendment to Contract for Temporary Emergency Delivery to Tijuana	1st - 3rd
DTX-210	n/a		n/a	8/10/1981	Amendment to Contract for Temporary Emergency Delivery to Tijuana	1st - 3rd
DTX-211	n/a		n/a	9/14/1982	Amendment to Contract for Temporary Emergency Delivery to Tijuana	1st - 3rd
DTX-212	n/a		n/a	8/1/1990	Letter Agreement re Emergency Water Deliveries to Tijuana	1st - 3rd
DTX-213	n/a		n/a	1/27/1993	Letter Agreement re Emergency Water Deliveries to Tijuana	1st - 3rd
DTX-214	n/a		n/a	9/27/2003	Agreement for Temporary Emergency Delivery to Tijuana	1st - 3rd
DTX-215	n/a		n/a	11/26/2008	Amendment 1 to Agreement for Temporary Emergency Delivery to Tijuana	1st - 3rd
DTX-216	n/a		n/a	8/17/2010	MWS Board Action Letter 8-5 re exchange agreement with Westlands Water District & San Luis Water District	1st - 3rd
DTX-217	MWDRECORD2012_011905	2. MWDRECORD2012_011920	n/a	8/17/2010	MWD Board Meeting Minutes	1st - 3rd
DTX-218	MWD2010-00274562	MWD2010-00275576	n/a		MWD Invoices to SDCWA, 2003-2012	1st - 3rd, 6th
DTX-219	SDPRA0159133	SDPRA0159356	n/a	4/29/1998	Agreement for Transfer of Conserved Water between IID & SDCWA	1st - 3rd, 6th
DTX-220	n/a			9/11/2003	Presentation to MWD Board re Quantification Settlement Agreement	1st - 3rd, 6th
DTX-221	n/a			9/25/2003	Presentation titled Quantification Settlement Agreement: The Road to Reliability	1st - 3rd, 6th
DTX-222	SDPRA0019091	SDPRA0019107	n/a	9/25/2003	SDCWA Board Meeting Minutes	1st - 3rd, 6th
DTX-223	SDPRA0214858	SDPRA0214891	n/a	10/10/2003	Revised 4th Amendment to Agreement Between IID & SDCWA for Transfer of Conserved Water	1st - 3rd, 6th
DTX-224	n/a		n/a	12/21/2009	5th Amendment to Agreement Between IID & SDCWA for Transfer of Conserved Water	1st - 3rd, 6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-225	n/a		n/a	12/8/2003	Letter from SDCWA to MWD requesting exchange of transfer water	1st - 3rd, 6th
DTX-226	n/a		n/a	12/30/2003	Letter from SDCWA to MWD re notice of Colorado River transfer water available for exchange	1st - 3rd, 6th
DTX-227	n/a		n/a	5/24/2004	Letter from SDCWA to MWD reporting on conservation method	1st - 3rd, 6th
DTX-228	n/a		n/a	12/22/2004	Letter from SDCWA to MWD re quantity of water to be transferred in 2005	1st - 3rd, 6th
DTX-229	n/a		n/a	6/20/2005	Letter from SDCWA to MWD reporting on conservation method	1st - 3rd, 6th
DTX-230	n/a		n/a	10/24/2005	Letter from SDCWA to MWD re quantity of water to be transferred in 2006	1st - 3rd, 6th
DTX-231	n/a		n/a	4/5/2006	Letter from SDCWA to MWD reporting on conservation method	1st - 3rd, 6th
DTX-232	n/a		n/a	10/9/2006	Letter from SDCWA to MWD re Notice of Quantity of Water to be Transferred in CY 2006 & 2007	1st - 3rd, 6th
DTX-233	n/a		n/a	3/27/2007	Letter from SDCWA to MWD re Confirmation of Water Conservation	1st - 3rd, 6th
DTX-234	n/a		n/a	10/12/2007	Letter from SDCWA to MWD re Notice of Quantity of Water to be Transferred in CY 2008	1st - 3rd, 6th
DTX-235	n/a		n/a	3/31/2008	Letter from SDCWA to MWD re Confirmation of Water Conservation	1st - 3rd, 6th
DTX-236	n/a		n/a	11/19/2008	Letter from SDCWA to MWD re Notice of Quantity of Water to be Transferred in CY 2009	1st - 3rd, 6th
DTX-237	n/a		n/a	4/14/2009	Letter from SDCWA to MWD re Confirmation of Water Conservation	1st - 3rd, 6th
DTX-238	n/a		n/a	11/14/2009	Letter from SDCWA to MWD re Notice of Quantity of Water to be Transferred in CY 2010	1st - 3rd, 6th
DTX-239	n/a		n/a	3/26/2010	Letter from SDCWA to MWD re Confirmation of Water Conservation	1st - 3rd, 6th
DTX-240	n/a		n/a	11/16/2010	Letter from SDCWA to MWD re Notice of Quantity of Water to be Transferred in CY 2011	1st - 3rd, 6th
DTX-241	n/a		n/a	4/6/2011	Letter from SDCWA to MWD re Confirmation of Water Conservation	1st - 3rd, 6th
DTX-242	n/a		n/a	11/1/2011	Letter from SDCWA to MWD re Notice of Quantity of Water to be Transferred in Calendar Year 2012	1st - 3rd, 6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-243	n/a		n/a	10/31/2012	Letter from SDCWA to MWD re annual notice of quantity of water to be transferred in calendar year 2013	1st - 3rd, 6th
DTX-244	n/a		n/a	3/27/2013	Letter from SDCWA to MWD re Confirmation of Water Conservation	1st - 3rd, 6th
DTX-245	n/a		n/a	5/16/2013	Letter from SDCWA to MWD re Adjustment to quantity of water available to MWD	1st - 3rd, 6th
DTX-246	n/a		n/a	10/21/2013	Letter from SDCWA to MWD re Annual notice of quantity of water to be transferred in calendar year 2014	1st - 3rd, 6th
DTX-247	n/a		n/a	11/28/2011	Letter from Bureau of Reclamation to IID, SDCWA, MWD, & CVWD re Accounting for 2011 IID Transfer to SDCWA	1st - 3rd, 6th
DTX-248	n/a		n/a	12/6/2011	Letter from CVWD to Bureau of Reclamation re Accounting for 2011 IID Transfer to SDCWA	1st - 3rd, 6th
DTX-249	n/a		n/a	12/8/2011	Letter from Southern NV Water Authority to Bureau of Reclamation re Accounting for 2011 IID Transfer to SDCWA	1st - 3rd, 6th
DTX-250	n/a		n/a	12/9/2011	Letter from IID to Bureau of Reclamation re IID 2011 Accounting	1st - 3rd, 6th
DTX-251	n/a		n/a	12/9/2011	Letter from MWD to Bureau of Reclamation re Accounting for 2011 IID Transfer to SDCWA	1st - 3rd, 6th
DTX-252	n/a		n/a	4/11/2012	Letter from SDCWA to MWD re Confirmation of Water Conservation	1st - 3rd, 6th
DTX-253	n/a		n/a	4/12/2012	Letter from MWD to SDCWA re Notice of Default	1st - 3rd, 6th
DTX-254	n/a		n/a	4/13/2012	Letter from MWD to Bureau of Reclamation re MWD Supplemental Comments on Draft 2011 Decree Accounting Report	1st - 3rd, 6th
DTX-255	n/a		n/a	5/9/2012	Letter from SDCWA to MWD re response to Notice of Default	1st - 3rd, 6th
DTX-256	n/a		n/a	6/12/2012	Letter from MWD to SDCWA re Notice of Default	1st - 3rd, 6th
DTX-257	n/a		n/a	6/27/2012	Letter from SDCWA to MWD re response to Notice of Default	1st - 3rd, 6th
DTX-258	n/a		n/a	7/10/2012	Letter from SDCWA to MWD re IID Water Conservation & Related QSA Issues	1st - 3rd, 6th
DTX-259	n/a		n/a	8/1/2012	Letter from MWD to SDCWA re Compliance with Amended & Restated Exchange Agreement	1st - 3rd, 6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-260	n/a		n/a	8/16/2012	Letter from SDCWA to MWD re meeting to negotiate resolution of MWD concerns	1st - 3rd, 6th
DTX-261	n/a		n/a	8/27/2012	Letter from MWD to SDCWA re Compliance with Amended & Restated Exchange Agreement	1st - 3rd, 6th
DTX-262	n/a		n/a	9/21/2012	Letter from SDCWA to MWD re Dispute Resolution	1st - 3rd, 6th
DTX-263	n/a		n/a	9/27/2012	MWD signed acknowledgement of Dispute Resolution letter	1st - 3rd, 6th
DTX-264	n/a		n/a	11/28/2012	Letter from IID to Bureau of Reclamation re IID Revised Estimates of 2012 Colorado River Diversion	1st - 3rd, 6th
DTX-265	n/a		n/a	12/18/2012	Letter from SDCWA to MWD re revised IID estimates	1st - 3rd, 6th
DTX-266	n/a		n/a	12/20/2012	Letter from MWD to SDCWA re Request to Exchange Additional Conserved Water in 2012	1st - 3rd, 6th
DTX-267	n/a		n/a	7/10/2013	MWD Invoice to SDCWA	1st - 3rd, 6th
DTX-268	n/a		n/a		Index of QSA and Related Agreements	1st - 3rd, 6th
DTX-269	MWD2010-00190105	MWD2010-00191404	n/a		QSA Agreements	1st - 3rd, 6th
DTX-270	MWD2010-00189544	MWD2010-00190104	n/a		Pre-QSA Agreements	1st - 3rd, 6th
DTX-271	MWD2010-00188930	MWD2010-00189543	n/a		Post-QSA Agreements	1st - 3rd, 6th
DTX-272	MWD2010-00191405	MWD2010-00190264	n/a		QSA Handbook	1st - 3rd, 6th
DTX-273	n/a		n/a	11/18/2003	Letter from MWD to Bureau of Reclamation re Proposed Revised Monthly Schedule for 2003 Colorado River Net Diversions	1st - 3rd, 6th
DTX-274	n/a		n/a	11/25/2003	Letter from MWD to USBR re Revised Monthly Schedule for 2003 Colorado River Net Diversions	1st - 3rd, 6th
DTX-275	n/a		n/a	12/17/2003	Letter from MWD to USBR re Revised 2004 Monthly Colorado River Diversion Schedule	1st - 3rd, 6th
DTX-276	n/a		n/a	12/18/2003	Letter from MWD to USBR re Revised Schedule for 2003 Colorado River Net Diversions	1st - 3rd, 6th
DTX-277	n/a		n/a	12/23/2003	Letter from MWD to USBR re Revised Schedule for 2003 Colorado River Net Diversions	1st - 3rd, 6th
DTX-278	n/a		n/a	2/10/2004	Letter from MWD to USBR re Request for Approval of Revised Estimated Diversion from Colorado River - 2004	1st - 3rd, 6th
DTX-279	n/a		n/a	7/27/2004	Letter from MWD to USBR re Revised 2004 Monthly Colorado River Diversion Schedule	1st - 3rd, 6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-280	n/a		n/a	9/8/2004	Letter from MWD to USBR re Monthly Colorado River Diversion Estimates - 2005	1st - 3rd, 6th
DTX-281	n/a		n/a	11/9/2004	Letter from MWD to USBR re Revised 2004 Monthly Colorado River Diversion Schedule	1st - 3rd, 6th
DTX-282	n/a		n/a	12/27/2004	Letter from MWD to USBR re Revised 2004 Monthly Colorado River Diversion Estimates	1st - 3rd, 6th
DTX-283	n/a		n/a	7/12/2005	Letter from MWD to USBR re Revised 2005 Monthly Colorado River Diversion Estimates	1st - 3rd, 6th
DTX-284	n/a		n/a	10/21/2005	Letter from MWD to Bureau of Reclamation re Monthly Colorado River Diversion Estimate	1st - 3rd, 6th
DTX-285	n/a		n/a	11/4/2005	Letter from MWD to Bureau of Reclamation re Monthly Colorado River Diversion Estimates - 2006	1st - 3rd, 6th
DTX-286	n/a		n/a	11/29/2005	Letter from MWD to USBR re Revised 2005 Monthly Colorado River Diversion Estimate	1st - 3rd, 6th
DTX-287	n/a		n/a	6/1/2006	Letter from MWD to USBR re Revised 2006 Monthly Colorado River Diversion Estimates	1st - 3rd, 6th
DTX-288	n/a		n/a	9/5/2006	Letter from MWD to USBR re Revised 2006 Monthly Colorado River Diversion Estimates	1st - 3rd, 6th
DTX-289	n/a		n/a	9/27/2006	Letter from MWD to USBR re Monthly Colorado River Diversion Estimates - 2007	1st - 3rd, 6th
DTX-290	n/a		n/a	11/28/2006	Letter from MWD to USBR re 2005 Consumptive Use & Request for Article II(B)(6) Water	1st - 3rd, 6th
DTX-291	n/a		n/a	9/17/2007	Letter from MWD to USBR re Monthly Colorado River Diversion Estimates - 2008	1st - 3rd, 6th
DTX-292	n/a		n/a	11/29/2007	Letter from MWD to USBR re Request for Delivery of Mainstream Water Apportioned to AZ or NV	1st - 3rd, 6th
DTX-293	n/a		n/a	12/5/2007	Letter from MWD to USBR re Monthly Colorado River Diversion Estimates for 2008	1st - 3rd, 6th
DTX-294	n/a		n/a	6/20/2008	Letter from MWD to USBR re Revised Monthly Colorado River Diversion Schedule	1st - 3rd, 6th
DTX-295	n/a		n/a	9/30/2008	Letter from MWD to USBR re Estimates of MWD Diversions - 2009	1st - 3rd, 6th
DTX-296	n/a		n/a	10/30/2008	Letter from MWD to USBR re Revised Estimates of MWD Monthly Diversions - 2009	1st - 3rd, 6th
DTX-297	n/a		n/a	12/22/2008	Letter from MWD to USBR re Revised Monthly Colorado River Diversion Schedule - 2008	1st - 3rd, 6th
DTX-298	n/a		n/a	5/22/2009	Letter from MWD to USBR re Revised Schedule for Delivery of Supplemental Water for 2009	1st - 3rd, 6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-299	n/a		n/a	9/17/2009	Letter from MWD to USBR re Estimates of MWD Diversions - 2010	1st - 3rd, 6th
DTX-300	n/a		n/a	12/21/2009	Letter from MWD to USBR re Revised 2009 Monthly Delivery Schedule for Water Resulting from Canal Lining Projects	1st - 3rd, 6th
DTX-301	n/a		n/a	9/16/2010	Letter from MWD to USBR re Estimates of Monthly Diversions for 2011	1st - 3rd, 6th
DTX-302	n/a		n/a	12/28/2010	Letter from MWD to USBR re Request for Revision to Approved Diversions - 2010	1st - 3rd, 6th
DTX-303	n/a		n/a	9/14/2011	Letter from MWD to USBR re Estimates of Monthly Diversions for 2012	1st - 3rd, 6th
DTX-304	n/a		n/a	12/30/2011	Letter from USBR to MWD re Approval of Revised 2011 Diversions	1st - 3rd, 6th
DTX-305	n/a		n/a	9/17/2012	Letter from MWD to USBR re Estimates of Monthly Diversions for 2013	1st - 3rd, 6th
DTX-306	n/a		n/a	12/28/2012	Letter from MWD to USBR re Request for Revision to Approved Diversions - 2012	1st - 3rd, 6th
DTX-307	n/a		n/a	9/12/2013	Letter from MWD to USBR re Estimates of Monthly Diversions for 2014	1st - 3rd, 6th
DTX-308	n/a		n/a	11/15/2013	Letter from MWD to USBR re Request for Revision to Approved Diversions for 2013	1st - 3rd, 6th
DTX-309	n/a		n/a	Jun-2005	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2003	1st - 3rd, 6th
DTX-310	n/a		n/a	Jul-2006	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2004	1st - 3rd, 6th
DTX-311	n/a		n/a	Dec-2006	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2005	1st - 3rd, 6th
DTX-312	n/a		n/a	Dec-2008	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2006	1st - 3rd, 6th
DTX-313	n/a		n/a	Dec-2008	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2007	1st - 3rd, 6th
DTX-314	n/a		n/a	Aug-2009	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2008	1st - 3rd, 6th
DTX-315	n/a		n/a	May-2010	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2009	1st - 3rd, 6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-316	n/a		n/a	May-2011	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2010	1st - 3rd, 6th
DTX-317	n/a		n/a	May-2012	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2011	1st - 3rd, 6th
DTX-318	n/a		n/a	May-2013	US Bureau of Reclamation Colorado River Accounting & Water Use Report, Calendar Year 2012	1st - 3rd, 6th
DTX-319	n/a		n/a	8/22/2013	Audio recording of August 22, 2013 SDCWA Board Meeting	1st - 3rd
DTX-320	MWD2010-02275538	MWD2010-02275545	n/a	Jul-2012	MWD Invoice to SDCWA	
5th Cause of Action						
DTX-321	MWD2010-00520674	MWD2010-00520676	n/a	4/6/2004	Memo from Gastelum to MWDOC Re: Section 7	5th
DTX-322	MWD2010-00460785	MWD2010-00460789	n/a	6/18/2004	Ltr. from R. Gastelum to Member Agency Managers Re: RSI (Cushman Depo. Ex. 17)	5th
DTX-323	MWD2010-00472013	MWD2010-00472016	n/a	7/15/2004	Email from Kelly to Ortega Re: LRP Section 7 Language with attachments (Arakawa Depo. Ex. 122)	5th
DTX-324	SDCWA2010-2012_00165457	SDCWA2010-2012_00165460	n/a	7/16/2004	Member Agency Manager Meeting PPT (Cushman Depo. Ex. 19)	5th
DTX-325	SDCWA2010-2012_00198321	SDCWA2010-2012_00198328	n/a	7/22/2004	RSI PPT for Water Policy Comm. (Cushman Depo. Ex. 20)	5th
DTX-326	MWD2010-00183747	MWD2010-00183751	n/a	7/30/2004	Email from Hunt to Thomas Re: Proposed Section 7 language (Cushman Depo. Ex. 21)	5th
DTX-327	MWD2010-00018373	MWD2010-00018381	n/a	Aug-2004	Email from Kightlinger Re: RSI correspondence (Cushman Depo. Ex. 23)	5th
DTX-328	MWDPRA1022743	MWDPRA1022744	n/a	8/2/2004	Email from Gastelum to member agencies Re: RSI (Cushman Depo. Ex. 22)	5th
DTX-329	MWD2010-00472097	MWD2010-00472099	n/a	8/3/2004	Email from R. Gastelum to D. Pettijohn Cc: B. Thomas Re: RSI	5th
DTX-330	MWD2010-00235844	MWD2010-00235846	n/a	8/13/2004	SDCWA Ltr. to Kightlinger Re: RSI Proposal	5th
DTX-331	MWD2010-00235850	MWD2010-00235852	n/a	8/16/2004	MWD's FAQ Re: RSI (Cushman Depo. Ex. 24)	5th
DTX-332	MWD2010-00235840	MWD2010-00235843	n/a	8/16/2004	Ltr. from Kightlinger to Hentschke and Shoaf Re: RSI legality	5th
DTX-333	MWD2010-00235849		n/a	8/17/2004	Ltr. from Hentschke to Kightlinger Re: RSI proposal	5th
DTX-334	MWD2010-00235847	MWD2010-00235848	n/a	8/18/2004	Ltr. from Kightlinger to Hentschke Re: MWD response to SDCWA Ltr.	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-335	SDCWA2010-2012_00051380		n/a	8/19/2004	Ltr. from Hentschke to Kightlinger Re: RSI Proposal	5th
DTX-336	MWD2010-00018332		n/a	8/19/2004	Ltr. from D. Hentschke to J. Kightlinger Re: Reply to August 18, 2004 Letter	5th
DTX-337	MWDPRA1159005	MWDPRA1159006	n/a	8/20/2004	Email forwarding Gastelum Ltr. to Board Re: RSI	5th
DTX-338	MWDPRA1017859	MWDPRA1017860	n/a	9/23/2004	Email forwarding Gastelum Ltr. to Board Re: RSI	5th
DTX-339	MWD2010-00235757	MWD2010-00235764	n/a	Oct-2004	SDCWA White Paper on RSI (Cushman Depo. Ex. 25)	5th
DTX-340	MWD2010-00235785	MWD2010-00235789	n/a	11/18/2004	Ltr. from Gastelum Re: MWD Response to White Paper (Cushman Depo. Ex. 26)	5th
DTX-341	MWDPRA1017808	MWDPRA1017812	n/a	11/18/2004	Email from Wheeler to Member Agency managers Re: RSI with attachments	5th
DTX-342	SDCWA2010-2012_00181609	SDCWA2010-2012_00181612	n/a	11/18/2004	Ltr. from Gastelum to Member Agency Managers Re: RSI (Cushman Depo. Ex. 27)	5th
DTX-343	MWD2010-00235756	MWD2010-00235772	n/a	12/8/2004	Ltr. from Gastelum to Board Re: RSI (Cushman Depo. Ex. 28)	5th
DTX-344	MWD2010-00235732	MWD2010-00235755	n/a	12/14/2004	RSI PPT for 12-14-2004 meeting	5th
DTX-345	MWD2010-00523777	MWD2010-00523786	n/a	12/14/2004	Board Ltr. Re: RSI (Cushman Depo. Ex. 29)	5th
DTX-346	MWD2010-00523761	MWD2010-00523774	n/a	12/14/2004	Board Minutes	5th
DTX-347	MWD2010-00533294	MWD2010-00533299	n/a	12/21/2004	Ltr. from Gastelum to Member Agency managers Re: RSI vote	5th
DTX-348	MWDPRA1158419		n/a	12/29/2004	Email forwarding Gastelum Ltr. to Member Agency managers Re: RSI vote	5th
DTX-349	SDCWA2010-2012_00188602	SDCWA2010-2012_00188603	n/a	2/25/2005	LADWP Ltr. to MWD Board Re: RSI	5th
DTX-350	MWD2010-00471594	MWD2010-00471604	n/a	3/8/2005	PPT Re: RSI proposal	5th
DTX-351	MWD2010-00455991	MWD2010-00456006	n/a	3/8/2005	MWD Board Minutes	5th
DTX-352	MWD2010-00237866	MWD2010-00237870	n/a	7/12/2005	Board Ltr. Re: SDCWA desalination project	5th
DTX-353	MWD2010-00013208	MWD2010-00013222	n/a	8/2/2005	Ltr. from Arakawa to Weinberg Rejecting Contract without RSI	5th
DTX-354	SDCWA2010-2012_00173463	SDCWA2010-2012_00173469	n/a	7/14/2004	SD Rpt. To Water Policy Committee on MWD's RSI proposal (Cushman Depo. Ex. 18)	5th
DTX-355	MWD2010-00018234	MWD2010-00018246	n/a	4/18/2007	SDCWA Bd. Ltr. Re: Participation in MWD Water Management Program Incentive Contracts (Cushman Depo. Ex. 30)	5th
DTX-356	SDCWA2010-2012_00191315	SDCWA2010-2012_00191319	n/a	4/26/2007	SDCWA Bd. Meeting Minutes (Cushman Depo. Ex. 31)	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-357	SDCWA2010-2012_00173486	SDCWA2010-2012_00173487	n/a	5/16/2007	San Diego Ltr. Re: Secure funding from the Metropolitan Water District of Southern California's Conservation Credit Program for the Commercial, Industrial, and Institutional Voucher Program (Cushman Depo. Ex. 33)	5th
DTX-358	SDCWA2010-2012_00007933; SDCWA2010-2012_00004589	SDCWA2010-2012_00007934; SDCWA2010-2012_00004590	n/a	11/28/2007	San Diego Bd. Ltr. Seeking Board Approval to participate in MWD's Regional Residential Incentive Program (Cushman Depo. Ex. 34)	5th
DTX-359	SDCWA2010-2012_00005654	SDCWA2010-2012_00005658	n/a	12/6/2007	PPT Re: SD Participation in Metropolitan's Regional Residential Incentive Program (Cushman Depo. Ex. 32)	5th
DTX-360	MWD2010-00254748	MWD2010-00254754	n/a	May-2008	Enhanced Conservation Program Agreement No. 011-2006 (Cushman Depo. Ex. 38)	5th
DTX-361	MWD2010-00254901	MWD2010-00254902	n/a	6/8/2011	Ltr. To Lori Swanson from Raymond Jay Re: completion of 011-2006	5th
DTX-362	MWD2010-00254905	MWD2010-00254911	n/a	2009	Contract No. 012-2006 (Cushman Depo. Ex. 37)	5th
DTX-363	MWD2010-00192445	MWD2010-00192446	n/a	5/6/2011	Ltr. to Dion from Upadhyay Re: Completion of 012-2006	5th
DTX-364	MWD2010-00255039		n/a	6/8/2011	Ltr. to Portillo from Raymond Jay Re: completion of 012-2006	5th
DTX-365	MWD2010-00309617	MWD2010-00309627	n/a	6/9/2009	Bd. Ltr. Re: CCP Funding	5th
DTX-366	MWD2010-00252996	MWD2010-00253009	n/a	6/29/2010	Ltr. from Swanson to McDonnell Re: contract with SDCWA signature	5th
DTX-367	MWD2010-00309975	MWD2010-00309980	n/a	5/10/2011	Bd. Ltr. Re: Conservation Program Changes	5th
DTX-368	MWD2010-00192303	MWD2010-00192317	n/a	12/7/2007	Contract No. 24-2007 (Cushman Depo. Ex. 39)	5th
DTX-369	MWD2010-00254579		n/a		2008-09-29 Memo to Arakawa from Harrelson re Contract for 24-2007	5th
DTX-370	MWD2010-00256710	MWD2010-00256849	n/a	Nov-2010	Smart Landscape Grant Program Evaluation – Final Report	5th
DTX-371	MWD2010-00533396	MWD2010-00533411	n/a	8/2/2005	Ltr. from Arakawa to Weinberg Re: CII Conservation Credits Program Agreement. (Cushman Depo. Ex. 36)	5th
DTX-372	MWD2010-00255673	MWD2010-00255791	n/a	2008	Executed Contract No. 66654 (Cushman Depo. Ex. 35)	5th
DTX-373	MWD2010-00255897	MWD2010-00255899	n/a	7/16/2008	Addendum No. 5A to Contract 66654	5th
DTX-374	MWD2010-00256333	MWD2010-00256337	n/a		Addendum 6A to Contract 66654	5th
DTX-375	MWD2010-00256975	MWD2010-00256999	n/a	5/21/2010	Ltr to Stapleton from Hui re Addendum 13 to Contract 66654	5th
DTX-376	MWD2010-00248283	MWD2010-00248286	n/a	10/6/2010	Ltr. to Stapleton from Kightlinger Re: Approval of Projects	5th
DTX-377	MWD2010-00256937	MWD2010-00256937-943	n/a	Jun-2011	Addendum 12A to Contract 66654	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-378	MWD2010-00257001	MWD2010-00257010	n/a	5/8/2012	Addendum 13A to Contract 66654	5th
DTX-379	MWD2010-00257026	MWD2010-00257028	n/a	7/31/2012	Addendum 13B to Contract 66654	5th
DTX-380	MWD2010-00533645	MWD2010-00533652	n/a	5/1/2013	Addendum 13E to Contract 66654	5th
DTX-381	MWD2010-00470012	MWD2010-00470016	n/a	7/12/2005	Bd. Ltr. Re: Authorize entering into Seawater Desalination Program Agreement with SDCWA	5th
DTX-382	MWD2010-00525839	MWD2010-00525847	n/a	6/28/2007	Poseidon Briefing Package Re: Carlsbad Desalination Project	5th
DTX-383	MWD2010-00525692	MWD2010-00525693	n/a	2/27/2008	Ltr. to California State Lands Commission from Stapleton Re: Carlsbad Desalination Project	5th
DTX-384	MWD2010-00525822	MWD2010-00525823	n/a	7/24/2008	Ltr to Coastal Commission from SDCWA	5th
DTX-385	MWDPRA1019806	MWDPRA1019813	n/a	10/13/2009	Board Ltr. Re: Carlsbad project	5th
DTX-386	MWD2010-00183077	MWD2010-00183094	n/a	11/10/2009	MWD Bd. Ltr. Re: Authorize entering into a Seawater Desalination Program Agreement with SDCWA and its local retail agencies for the Carlsbad Desalination Project	5th
DTX-387	MWD2010-00461427	MWD2010-00461439	n/a	11/10/2009	MWD Bd. Minutes	5th
DTX-388	MWD2010-00237938	MWD2010-00237962	n/a	4/20/2010	Draft Ltr. to Stapleton from Kightlinger Re: Carlsbad Seawater Desalination Program Agreement - Contract 70025	5th
DTX-389	MWD2010-00237865		n/a	4/26/2010	Ltr. to Stapleton from Kightlinger Re Carlsbad Seawater Desalination Program Agreement - Contract 70025	5th
DTX-390	MWD2010-00182962	MWD2010-00183001	n/a	4/26/2010	Final Carlsbad Seawater Desalination Agreement transmitted with Ltr to Stapleton	5th
DTX-391	MWD2010-00192318	MWD2010-00192328	n/a	2007	Contract No. 78189 (Cushman Depo. Ex. 40)	5th
DTX-392	MWD2010-00526308	MWD2010-00526349	n/a	7/10/2007	Addendum 3 to Contract 78189	5th
DTX-393	MWD2010-00249675	MWD2010-00249727	n/a	7/21/2007	First Amendment to Contract 78189	5th
DTX-394	MWD2010-00526271	MWD2010-00526307	n/a	7/1/2008	Addendum 4 to Contract 78189	5th
DTX-395	MWD2010-00526264	MWD2010-00526270	n/a	10/14/2008	Addendum 5 to Contract 78189	5th
DTX-396	MWD2010-00526251	MWD2010-00526263	n/a	2/10/2009	Addendum 6 to Contract 78189	5th
DTX-397	MWD2010-00526243	MWD2010-00526250	n/a	9/25/2009	Addendum 7 to Contract 78189	5th
DTX-398	MWD2010-00248194		n/a	10/1/2009	Addendum 8A to Contract 78189	5th
DTX-399	MWD2010-00249569	MWD2010-00249571	n/a	10/1/2009	Addendum 8 to Contract 78189	5th
DTX-400	MWD2010-00248195	MWD2010-00248197	n/a	3/24/2010	Addendum 8B to Contract 78189	5th
DTX-401	MWD2010-00248091	MWD2010-00248109	n/a	5/25/2010	Addendum 11 to Contract 78189	5th
DTX-402	MWD2010-00257077		n/a	3/2/2011	Ltr. to Swanson from Webb-Cole re Re: approval of SDCWA's participation in Turf Removal Project	5th
DTX-403	MWD2010-00246962	MWD2010-00246974	n/a	5/10/2011	Addendum 12 to Contract 78189	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-404	MWD2010-00255199	MWD2010-00255200	n/a	11/28/2011	Ltr. to SDCWA Public Affairs Manager from Schaffer Re: Participation in Turf Replacement Program	5th
DTX-405	MWD2010-00241845	MWD2010-00241850	n/a	Dec-2011	Addendum 12B to Contract 78189	5th
DTX-406	MWD2010-00526434	MWD2010-00526460	n/a	Dec-2011	Addendums 12, 12A and 12B to Contract 78189	5th
DTX-407	MWD2010-00248136	MWD2010-00248146	n/a	5/21/2012	Addendum 13 to Contract 78189	5th
DTX-408	MWD2010-00248147	MWD2010-00248156	n/a	7/1/2012	Addendum 13A to Contract 78189	5th
DTX-409	MWD2010-00248157	MWD2010-00248159	n/a	7/1/2012	Addendum 13B to Contract 78189	5th
DTX-410	MWD2010-00526358	MWD2010-00526433	n/a	5/1/2013	Addendums 13C and 13E to Contract 78189	5th
DTX-411	MWD2010-00526488	MWD2010-00526501	n/a	7/1/2013	Addendum 14 to Contract 78189	5th
DTX-412	MWD2010-00014382	MWD2010-00014477	n/a	Jan-2009	Ramona Municipal Water District Project Report (Cushman Depo. Ex. 42)	5th
DTX-413	MWD2010-00253715	MWD2010-00253721	n/a	7/14/2009	Board Ltr. Re: Authorize entering into LRP agreement with SDCWA and Ramona for San Vicente Water Recycling Project	5th
DTX-414	MWD2010-00257348	MWD2010-00257381	n/a	11/18/2009	Ltr. from Mokhtari to DeBacker Re: LRP Agreement No. 94278 for the San Vicente Water Recycling Project (Cushman Depo. Ex. 41)	5th
DTX-415	MWD2010-00001936	MWD2010-00001951	n/a	8/17/2010	MWD Bd. Minutes	5th
DTX-416	MWD2010-00236016	MWD2010-00236017	n/a	8/25/2010	Ltr. To Stapleton from Kightlinger Re: Notice of intent to terminate	5th
DTX-417	SDCWA2010-2012_00012863	SDCWA2010-2012_00012864	n/a	8/25/2010	Ltr. from Kightlinger to Rincon Re: Termination of 012-2006	5th
DTX-418	MWD2010-00236020	MWD2010-00236021	n/a	8/25/2010	Ltr. from Kightlinger to McIntosh Re: Termination Process for 94278	5th
DTX-419	MWD2010-00480239		n/a	9/27/2010	Ltr. from Stapleton to Kightlinger Re: SDCWA Request for Mediation	5th
DTX-420	MWD2010-00463113	MWD2010-00463121	n/a	10/14/2010	Ltr. from Kightlinger to Stapleton Re: Request for Mediation	5th
DTX-421	MWD2010-00257463		n/a	10/18/2010	Ltr. from Stapleton to Kightlinger Re: Reply to Oct. 14, 2010 Ltr Re: contract termination proceedings	5th
DTX-422	SDCWA2010-2012_00155133	SDCWA2010-2012_00155134	n/a	10/19/2010	Ltr. from Upadhyay to Dion Re: Notice of Intent to Terminate 12-2006	5th
DTX-423	MWD2010-00235713	MWD2010-00235717	n/a	10/19/2010	Ltr. from Upadhyay to McIntosh and Stapleton Re: Termination Process for 94278	5th
DTX-424	MWD2010-00235986	MWD2010-00235987	n/a	10/21/2010	Ltr. from Kightlinger to Lewis at SDCWA Re: RSI	5th
DTX-425	SDCWA2010-2012_00051375	SDCWA2010-2012_00051379	n/a	11/17/2010	Ltr. from Stapleton to Kightlinger Re: Request for Mediation Re: Contracts 012-2006 and 94278	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-426	MWD2010-00483633	MWD2010-00483637	n/a	1/4/2011	Ltr. from Hentschke to vonHamm Re: Mediation	5th
DTX-427	MWD2010-00483726	MWD2010-00483727	n/a	2/9/2011	Ltr. from vonHamm to Hentschke Re: RSI Mediation	5th
DTX-428	MWD2010-00192437	MWD2010-00192441	n/a	4/6/2011	Ltr. from Hogan to Foley Re: SDCWA Request for Continued Mediation	5th
DTX-429	MWD2010-00483639	MWD2010-00483640	n/a	5/6/2011	Ltr. from Upadhyay to Stapleton Re: Contract Termination	5th
DTX-430	SDCWA2010-2012-00052172	SDCWA2010-2012-00052173	n/a	5/6/2011	Ltr. from Upadhyay to Dion Re: Completion of 012-2006	5th
DTX-431	MWD2010-00491043	MWD2010-00491044	n/a	5/6/2011	Ltr. from Upadhyay to McIntosh Re: Potential Termination for 94278	5th
DTX-432	MWD2010-00463170		n/a	5/9/2011	Ltr. from Hentschke to Upadhyay Re: RSI enforcement	5th
DTX-433	MWD2010-00480231	MWD2010-00480236	n/a	5/10/2011	MWD Legal Claims Committee Minutes	5th
DTX-434	SDCWA2010-2012_00014954	SDCWA2010-2012_00014965	n/a	5/10/2011	MWD PPT Re: RSI & SDCWA Contracts	5th
DTX-435	MWD2010-00462010	MWD2010-00462017	n/a	6/14/2011	MWD Board Ltr. Re: RSI termination	5th
DTX-436	MWD2010-00317828	MWD2010-00317841	n/a	6/14/2011	MWD Board Minutes	5th
DTX-437	MWD2010-00477402	MWD2010-00477407	n/a	6/14/2011	Minutes MWD Legal & Claims Comm.	5th
DTX-438	MWD2010-00019248	MWD2010-00019267	n/a	6/14/2011	PPT Re: RSI for Legal & Claims Comm.	5th
DTX-439	MWD2010-00010314	MWD2010-00010315	n/a	6/23/2011	Ltr. from Kightlinger to Stapleton Re: Bd. Action re RSI termination of agreements	5th
DTX-440	MWD2010-00463198	MWD2010-00463201	n/a	9/8/2011	Ltr. from Upadhyay to McIntosh Re: Termination of 94278	5th
DTX-441	SDCWA2010-2012_00148779	SDCWA2010-2012_00148880	n/a	2012	SDCWA Background and Key Points – MWD Rate Structure Integrity Provision (Cushman Depo. Ex. 43)	5th
DTX-442	MWD2010-00468971	MWD2010-00469008	n/a	Feb-2001	MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-443	MWD2010-00469013	MWD2010-00469066	n/a	Feb. 2002	2002-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-444	MWD2010-00469071	MWD2010-00469120	n/a	Feb. 2003	2003-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-445	MWD2010-00469124	MWD2010-00469169	n/a	Feb. 2004	2004-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-446	MWD2010-00469173	MWD2010-00469218	n/a	Feb. 2005	2005-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-447	MWD2010-00469276	MWD2010-00469327	n/a	Feb. 2006	2006-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-448	MWD2010-00469331	MWD2010-00469402	n/a	Feb. 2007	2007-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-449	MWD2010-00469406	MWD2010-00469443	n/a	Feb. 2008	2008-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-450	MWD2010-00469461	MWD2010-00469492	n/a	Feb. 2009	2009-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-451	MWD2010-00309751	MWD2010-00309787	n/a	Feb. 2010	2010-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-452	MWD2010-00469595	MWD2010-00469634	n/a	Feb. 2011	2011-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-453	MWD2010-00469688	MWD2010-00469715	n/a	Feb. 2012	2012-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-454	MWD2010-00310314	MWD2010-00310350	n/a	Feb. 2013	2013-02 MWD's Annual Progress Report to California Legislature – Achievements in Conservation, Recycling & Groundwater Recharge (SB60 Report)	5th
DTX-455	MWDPRA1023321	MWDPRA1023335	n/a	4/27/2004	2004-04-27 Semiannual Rpt. on LRP, CPP 2003	5th
DTX-456	MWD2010-00309417	MWD2010-00309431	n/a	10/12/2004	2004-10-12 Memo Re: Semi-annual Status Report on Metropolitan's Local Resources and Conservation Programs – January through June 2004	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-457	MWD2010-00309467	MWD2010-00309474	n/a	4/12/2005	2005-04-12 Semiannual Rpt. on LRP, CPP July through December 2004	5th
DTX-458	MWD2010-00309493	MWD2010-00309501	n/a	10/11/2005	2005-10-11 Semiannual Rpt. on LRP, CPP January through June 2005	5th
DTX-459	MWD2010-00309509	MWD2010-00309520	n/a	4/11/2006	2006-04-11 Semiannual Rpt. on LRP, CPP July through December 2005	5th
DTX-460	MWDPRA1054070	MWDPRA1054079	n/a	10/10/2006	2006-10-10 Semiannual Rpt. on LRP, CPP January through June 2006	5th
DTX-461	MWD2010-00310142	MWD2010-00310154	n/a	4/8/2008	2008-04-08 Semiannual Rpt. on LRP, CPP	5th
DTX-462	MWD2010-00310209	MWD2010-00310222	n/a	10/14/2008	2008-10-14 Semiannual Rpt. on LRP, CPP	5th
DTX-463	MWD2010-00309644	MWD2010-00309657	n/a	10/12/2009	2009-10-12 Semiannual Rpt. on LRP, CPP	5th
DTX-464	MWD2010-00309814	MWD2010-00309821	n/a	4/13/2010	2010-04-13 Semiannual Report on Local Resources, Conservation and Desalination Programs	5th
DTX-465	MWDPRA1037272	MWDPRA1037285	n/a	Oct. 2010	2010-10 Semiannual Rpt. on LRP, CPP	5th
DTX-466	MWD2010-00309965	MWD2010-00309974	n/a	Apr. 2011	2011-04 Semiannual Report on Local Resources, Conservation, and Desalination Programs	5th
DTX-467	MWD2010-00466217	MWD2010-00466226	n/a	10/10/2011	2011-10-10 Semiannual Rpt. on LRP, CPP	5th
DTX-468	MWD2010-00466198	MWD2010-00466204	n/a	10/11/2011	2011-10-11 Semiannual Report on Local Resources, Conservation and Desalination Programs	5th
DTX-469	MWD2010-00310105	MWD2010-00310110	n/a	4/10/2012	2012-04-10 Semiannual Report on Local Resources, Conservation and Desalination Programs	5th
DTX-470	MWDRECORD2012_002350	MWDRECORD2012_002407	n/a	12/17/1996	1996-12-17 Bd. Ltr. Re: Resolution to Adopt Wheeling Rates Effective January 15, 1997	5th
DTX-471	MWDRECORD2012_002430	MWDRECORD2012_002436	n/a	1/10/1997	1997-01-10 Bd. Ltr. Re: Resolution to Adopt Wheeling Rates Effective January 15, 1997	5th
DTX-472	MWDRECORD2012_005543	MWDRECORD2012_005554	n/a	6/16/2001	2001-06-15 Ltr. from Member Agencies General Managers to P. Pace Re: Statement of Common Understanding Among Member Agency General Managers Re: MWD's Proposed Rate Structure	5th
DTX-473	MWDRECORD2012_005660	MWDRECORD2012_005662	n/a	9/12/2001	2001-09-12 Comparison Between MA's Rate Structure Proposals	5th
DTX-474	MWDRECORD2012_005667	MWDRECORD2012_005674	n/a	9/18/2001	2001-09-18 Member Agency Manager's Proposal MWD Rate Structure	5th
DTX-475	MWDRECORD2012_005825	MWDRECORD2012_006140	n/a	12/28/2001	2001-12-28 Draft Report Rates and Charges	5th
DTX-476	MWD2010-00012310	MWD2010-00012502	n/a	Dec. 2008	2008-12 LRP Recycled Water and Groundwater Recovery Projects	5th
DTX-477	MWDRECORD2012_010667	MWDRECORD2012_010704	546	9/22/2009	2009-09-22 PPT: Board Workshop Cost of Service	5th

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Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-478	MWDRECORD2012_010711	MWDRECORD2012_010733	549	10/12/2009	2009-10-12 PPT: Information Item 7a Cost of Service Review	5th
DTX-479	MWDRECORD2012_010753	MWDRECORD2012_010764	553	11/9/2009	2009-11-09 PPT: Action Item 8-1 Consider Change to Cost-of-Service Methodology	5th
DTX-480	MWDRECORD2012_010775	MWDRECORD2012_010778	556	11/10/2009	2009-11-10 Bd. Ltr. Re: Consider and adopt changes to Cost-of-Service allocation methodology	5th
DTX-481	MWDRECORD2012_010779	MWDRECORD2012_010791	557	11/10/2009	2009-11-10 MWD Board Meeting Minutes	5th
DTX-482	MWDRECORD2012_010834	MWDRECORD2012_010873	561	1/11/2010	2010-01-11 PPT: Proposed 2010/11 Budget and 2011 Rates and Charges	5th
DTX-483	MWDRECORD2012_010874	MWDRECORD2012_010914	562	1/11/2010	2010-01-11 PPT: Proposed 2010/11 Budget and 2011 Rates and Charges	5th
DTX-484	MWDRECORD2012_010927	MWDRECORD2012_010971	565	1/12/2010	2010-01-12 Bd. Ltr. Re: Set a public hearing date; and receive report on proposed revenue requirements, and water rates and charges	5th
DTX-485	MWDRECORD2012_011260	MWDRECORD2012_011302	588	3/23/2010	2010-03-23 PPT: RE: 2010/11 Budget & Rates Board Workshop #3	5th
DTX-486	MWDRECORD2012_011309	MWDRECORD2012_011330	591	4/6/2010	2010-04-06 Independent Review of FY 2010/11 Cost of Service and Rate Setting Process	5th
DTX-487	MWDRECORD2012_011401	MWDRECORD2012_011430	596	4/12/2010	2010-04-12 PPT: proposed 2010/11 Budget and Rates and Charges	5th
DTX-488	MWDRECORD2012_011543	MWDRECORD2012_011562	600	4/13/2010	2010-04-13 Bd. Ltr. Re: Approve proposed 2010/11 fiscal year budget	5th
DTX-489	MWDRECORD2012_011564	MWDRECORD2012_011574	602	4/13/2010	2010-04-13 MWD Bd. Minutes	5th
DTX-490	SDCWA2010-2012_00052485	SDCWA2010-2012_00052491	n/a		LRP Application Guidelines	5th
DTX-491	MWD2010-00464962-979	MWD2010-00464979	n/a		Report on Integrated Water Resource Plan	5th
DTX-492	SDCWA2010-2012_00021793		n/a		Excel MWD Conservation Funding – City of San Diego	5th
DTX-493	SDCWA2010-2012_00025418	SDCWA2010-2012_00025432	n/a		Agreement No. 78183 San Elijo Water Reclamation System	5th
DTX-494	SDCWA2010-2012_00052441		n/a		Excel: San Diego Integrated Regional Water Management (IRWM) Plan Master Project List	5th
DTX-495	SDCWA2010-2012_00054917		n/a		Excel: San Diego Integrated Regional Water Management (IRWM) Plan Master Project List	5th
DTX-496	SDCWA2010-2012_00131171	SDCWA2010-2012_00131184	n/a	1/12/1982	1982-01-12 MWD Incentive Programs	5th
DTX-497	MWD2010-00463248	MWD2010-00463253	n/a	6/26/1987	1987-06-26 Bd. Ltr. Re: Administrative Code Change to Include Water Conservation Policy	5th

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Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-498	MWD2010-00463254	MWD2010-00463263	n/a	8/8/1988	1988-08-08 Bd. Ltr. Re: Financial Incentives for Water Conservation	5th
DTX-499	MWD2010-00308961	MWD2010-00308965	n/a	3/28/1995	1995-03-28 Bd. Ltr. Re: April Progress Report on the IRP Studies	5th
DTX-500	MWD2010-00463281	MWD2010-00463288	n/a	5/30/1995	1995-05-30 Bd. Ltr. Re: IRP- Reliability, Water Management and Conservative Guidelines, and the Preferred Resource Mix	5th
DTX-501	SDCWA2010-2012_00107829	SDCWA2010-2012_00107848	n/a	10/6/1995	1995-10-06 SDCWA Status Report on MWD's IRP Process	5th
DTX-502	MWD2010-00463357	MWD2010-00463502	n/a	12/26/1995	1995-12-26 Bd. Ltr. Re: Approval of IRP	5th
DTX-503	MWD2010-00463837	MWD2010-00463914	n/a	Jan. 1996	1996-01 IRP Vol. 3: Technical Appendices - Report No. 1107	5th
DTX-504	MWD2010-00463582	MWD2010-00463696	n/a	Mar. 1996	1996-03 IRP Vol. 1: Long-Term Resources Plan Report No. 1107	5th
DTX-505	MWD2010-00463697	MWD2010-00463836	n/a	Mar. 1996	1996-03 IRP Vol. 2: Metropolitan's System Overview Report No. 1107	5th
DTX-506	MWD2010-00463915	MWD2010-00463943	n/a	Mar. 1996	1996-03 IRP Executive Summary	5th
DTX-507	MWD2010-00464048	MWD2010-00464098	n/a	1/28/1997	1997-01-28 Bd. Ltr. Re: Status Report on the IRP and agenda and minutes Re: IRP	5th
DTX-508	MWD2010-00309170	MWD2010-00309174	n/a	6/18/1997	1997-06-18 Bd. Ltr. Re: Update on Completed and On-going Conservation Projects	5th
DTX-509	MWD2010-00309178	MWD2010-00309180	n/a	8/25/1997	1997-08-25 Bd. Ltr. Re: Urban Water Conservation Best Management Practices	5th
DTX-510	MWD2010-00309175	MWD2010-00309177	n/a	9/4/1997	1997-09-04 Bd. Ltr. Re: Urban Water Conservation Best Management Practices	5th
DTX-511	MWD2010-00309186	MWD2010-00309188	n/a	9/25/1997	1997-09-25 Bd. Ltr. Re: Advances to Member Agencies to Operate Conservation Programs	5th
DTX-512	MWD2010-00465867	MWD2010-00465988	n/a	Oct. 1997	1997-10 Local Resources Program Recycled Water and Groundwater Recovery Projects – Status Report	5th
DTX-513	MWD2010-00309189	MWD2010-00309192	n/a	10/27/1997	1997-10-27 Bd. Ltr. Re: Advances to Member Agencies to Operate Conservation Programs	5th
DTX-514	MWD2010-00464055	MWD2010-00464058	n/a	11/4/1997	1997-11-04 Bd. Ltr. from Re: Process for Evaluating Alternative Water Supplies Under the IRP	5th
DTX-515	MWD2010-00465846	MWD2010-00465851	n/a	11/21/1997	1997-11-21 MWD Bd. Ltr. Re: LRP Program Principles Developed by the Rate Refinement Participants	5th
DTX-516	MWD2010-00309167	MWD2010-00309169	n/a	12/5/1997	1997-12-05 Bd. Ltr. Re: Landscape Conservation Projects	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-517	MWD2010-00465989	MWD2010-00465026	n/a	4/28/1998	1998-04-28 MWD Bd. Ltr. Re: Implementation of LRP and Administrative Rules	5th
DTX-518	MWD2010-00466048	MWD2010-00466085	n/a	5/26/1998	1998-05-26 Bd. Ltr. Re: Implementation of LRP and Administrative Rules	5th
DTX-519	MWD2010-00466086	MWD2010-00466102	n/a	6/9/1998	1998-06-09 Bd. Meeting Minutes re LRP Implementation	5th
DTX-520	MWD2010-00309202	MWD2010-00309207	n/a	10/12/1999	1999-10-12 Bd. Ltr. Re: Request for Authorization to Participate in Conservation Programs	5th
DTX-521	MWD2010-00469777	MWD2010-00469923	n/a	12/12/2000	2000-12-12 Bd. Ltrs., Agendas, and minutes Re: desalination programs	5th
DTX-522	MWD2010-00309224	MWD2010-00309224	n/a	1/9/2001	2001-01-09 Bd. Ltr. Re: Report to California Legislature on MWD's efforts on water conservation	5th
DTX-523	MWD2010-00469839	MWD2010-00469845	n/a	2/13/2001	2001-02-13 Bd. Ltr. Re: Approve recommended Brackish and Seawater Desalination Policy Principles	5th
DTX-524	MWD2010-00470290	MWD2010-00470423	n/a	2/13/2001	2001-03-13 Bd. Ltrs., Agendas, and minutes Re: Conservation Programs	5th
DTX-525	MWD2010-00309226	MWD2010-00309237	n/a	2/13/2001	2001-03-13 Bd. Ltr. Re: Report on Member Agencies' recommendations for MWD's water conservation program	5th
DTX-526	MWD2010-00309241	MWD2010-00309246	n/a	5/15/2001	2001-05-15 Bd. Ltr. Re: Adopt resolutions in support of proposals for Proposition 13 funding requests	5th
DTX-527	MWD2010-00469804	MWD2010-00469809	n/a	8/20/2001	2001-08-20 MWD Bd. Ltr. Re: Approve Seawater Desalination Program and Administrative Guidelines	5th
DTX-528	MWD2010-00309339	MWD2010-00309343	n/a	8/20/2000	2002-08-20 Bd. Ltr. Re: Authorize two conservation programs and new items to receive incentives under Conservation Credits Program	5th
DTX-529	MWD2010-00469901	MWD2010-00469903	n/a	9/10/2002	2002-09-10 Bd. Ltr. Re: Seawater Desalination Program Update	5th
DTX-530	MWD2010-00309017	MWD2010-00309020	n/a	11/18/2002	2002-11-18 Bd. Ltr. Re: IRP Update Report	5th
DTX-531	MWD2010-00466109	MWD2010-00466115	n/a	4/8/2003	2003-04-08 MWD Bd. Ltr. Re: LRP Action Plan	5th
DTX-532	MWD2010-00309021	MWD2010-00309111	n/a	10/14/2003	2003-10-14 Bd. Ltr. Re: Review of Integrated Resources Plan Update draft report	5th
DTX-533	SDCWA2010-2012_00026640	SDCWA2010-2012_00026801	n/a	Mar. 2004	2004-03 Draft Financial Support Opportunities Technical Memorandum – Background Material	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-534	MWD2010-00466122	MWD2010-00466145	n/a	3/9/2004	2004-03-09 MWD Bd. Ltr. Re: LRP Project Mix	5th
DTX-535	MWD2010-00258522	MWD2010-00258625	n/a	Jul-04	2004-07 Integrated Water Resources Plan Update	5th
DTX-536	MWD2010-00464297	MWD2010-00464401	n/a	7/13/2004	2004-07-13 Bd. Ltr. Re: Approve the 2003 Integrated Water Resources Plan Update report	5th
DTX-537	MWD2010-00257222	MWD2010-00257238	n/a	3/8/2005	2005-03-08 MWD Board of Director Meeting Minutes	5th
DTX-538	MWD2010-00309432	MWD2010-00309466	n/a	3/8/2005	2005-03-08 Bd. Ltr. Re: Report on MWD's Five-Year Strategy for accomplishing conservation	5th
DTX-539	SDCWA2010-2012_00026557	SDCWA2010-2012_00026574	n/a	3/23/2005	2005-03-23 Email from B. Eubank to M. Mariscal Re: Olay Draft with attachment	5th
DTX-540	MWD2010-00255311	MWD2010-00255313	n/a	4/20/2005	2005-04-20 Email to D. Hentschke from L. Brainard Re: Rate Structure Integrity	5th
DTX-541	MWD2010-00255314	MWD2010-00255316	n/a	4/20/2005	2005-04-20 Email from D. Hentschke to L. Brainard Re: Rate Structure Integrity	5th
DTX-542	MWD2010-00255317	MWD2010-00255320	n/a	4/21/2005	2005-04-21 Email from L. Brainard to D. Hentschke Re: Rate Structure Integrity from 04-20-2005	5th
DTX-543	MWD2010-00255321	MWD2010-00255324	n/a	4/28/2005	2005-04-28 Email from L. Brainard to D. Hentschke Re: Rate Structure Integrity from 4-26-2005	5th
DTX-544	MWD2010-00309478	MWD2010-00309484	n/a	7/12/2005	2005-07-12 Bd. Ltr. Re: Report on implementation of first year MWD's Five-Year Conservation Strategy Plan	5th
DTX-545	MWD2010-00456054	MWD2010-00456059	n/a	7/12/2005	2005-07-12 Bd. Ltr. Re: Authorize entering into Seawater Desalination Program with Long Beach	5th
DTX-546	MWD2010-00471668	MWD2010-00471669	n/a	8/5/2005	2005-08-05 Email from P. Meszaros to Member Agency Managers Re: Metropolitan Managers Meeting	5th
DTX-547	MWD2010-00469916	MWD2010-00469923	n/a	8/16/2005	2005-08-16 Bd. Ltr. Re: Review of Options for MWD's Role in Seawater Desalination	5th
DTX-548	MWD2010-00309485	MWD2010-00309490	n/a	8/16/2005	2005-08-16 Bd. Ltr. Re: Adopt resolutions to accept \$3.2 million in state grants for four water conservation projects	5th
DTX-549	MWD2010-00467497	MWD2010-00467789	n/a	Nov. 2005	2005-11 Regional Urban Water Management Plan November 2005	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-550	MWD2010-00309502	MWD2010-00309508	n/a	12/13/2005	2005-12-13 Bd. Ltr. Re: Authorize implementation of conservation incentive level updates and program refinements from MWD's Five-Year Conservation Strategy Plan	5th
DTX-551	MWD2010-00012113	MWD2010-00012309	n/a	Aug. 2006	2006-08 LRP Recycled Water and Groundwater Recovery Projects	5th
DTX-552	MWD2010-00309524	MWD2010-00309529	n/a	8/15/2006	2006-08-15 Bd. Ltr. Re: Authorize refinements for MWD's Water Conservation Program	5th
DTX-553	MWD2010-00456173	MWD2010-00456177	n/a	10/10/2006	2006-10-10 Bd. Ltr Re: Rpt. on 2006/07 Enhanced Conservation Program Grant Recipients	5th
DTX-554	MWD2010-00464783-979	MWD2010-00464979	n/a	10/10/2006	2006-10-10 Bd. Ltr. Re: Transmittal of Integrated Water Resources Plan Implementation Report and other IRP related documents	5th
DTX-555	MWD2010-00490499	MWD2010-00490507	n/a	11/29/2006	2006-11-29 Member Agency/LRP Task Force Meeting Draft Agenda	5th
DTX-556	MWD2010-00470404	MWD2010-00470415	n/a	4/10/2007	2007-04-10 Board Ltr. Re: Review of Conservation Program	5th
DTX-557	MWD2010-00466146	MWD2010-00466160	n/a	4/10/2007	2007-04-10 Revised Bd. Ltr. Re: Authorize Updated Policy and Procedure for LRP	5th
DTX-558	MWD2010-00309551	MWD2010-00309562	n/a	4/10/2007	2007-04-10 Bd. Ltr. Re: Review of Water Conservation Program	5th
DTX-559	MWD2010-00309581	MWD2010-00309589	n/a	7/10/2007	2007-07-10 Board Ltr. Re: Authorize enhancements for Metropolitan's Water Conservation program	5th
DTX-560	MWD2010-00309590	MWD2010-00309592	n/a	7/10/2007	2007-07-10 Bd. Ltr. Re: Proposed Public Sector Water conservation Partnership Demonstration Program	5th
DTX-561	MWD2010-00310155	MWD2010-00310158	n/a	4/8/2008	2008-04-08 MWD Bd. Ltr. Re: Authorization of \$40 million expenditure from WSR Funds	5th
DTX-562	MWD2010-00236022	MWD2010-00236026	n/a	4/8/2008	2008-04-08 MWD Bd. Ltr. Re: Report on FY 2007/08 ECP Grant Recipients	5th
DTX-563	MWD2010-00461265	MWD2010-00461269	n/a	8/19/2008	2008-08-19 Bd. Ltr. Re: LRP agreement with MWD and OCWD	5th
DTX-564	MWD2010-00310193	MWD2010-00310208	n/a	10/14/2008	2008-10-14 Bd. Ltr. Re: refinements and additions to Metropolitan's Conservation Program	5th
DTX-565	MWD2010-00310288	MWD2010-00310293	n/a	1/13/2009	2009-01-13 Bd. Ltr. Re: Conservation prerequisite	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-566	MWD2010-00461308	MWD2010-00461312	n/a	1/13/2009	2009-01-13 Bd. Ltr. Re: authorization of LRP agreement with LADWP	5th
DTX-567	MWD2010-00310294	MWD2010-00310299	n/a	2/10/2009	2009-02-10 MWD Bd. Ltr. Re: \$20 million increase to CCP for FY 2008/09	5th
DTX-568	MWD2010-00464914	MWD2010-00464934	n/a	12/8/2009	2009-12-08 Bd. Ltr. Re: Report on development of a Long-Term Conservation Program as part of IRP Update	5th
DTX-569	MWD2010-00309797	MWD2010-00309837	n/a	4/13/2010	2010-04-13 Bd. Ltr. Re: Proposed Water Conservation Plan for FY 2010/11 and Reports on Conservation Credits Program and LRP programs	5th
DTX-570	MWD2010-00461449	MWD2010-00461551	n/a	8/17/2010	2010-08-17 Bd. Ltr. Re: authorization of LRP agreement for Wildomar Recycled Water Sys.	5th
DTX-571	MWD2010-00461560	MWD2010-00461563	n/a	8/17/2010	2010-08-17 Bd. Ltr. Re: opt-in/opt-out approach for Met. Conservation Program	5th
DTX-572	MWD2010-00465649	MWD2010-00465721	n/a	9/14/2010	2010-09-14 Report on IRP Stakeholder Forums and Online Survey	5th
DTX-573	MWD2010-00186802	MWD2010-00187176	n/a	9/30/2010	2010-09-30 Email and Bd. Ltr. from D. Man To: R. Nage, F. Paludi Re: Adopt 2010 Integrated Water Resources Plan Update	5th
DTX-574	MWD2010-00464417	MWD2010-00464666	n/a	Oct. 2010	2010-10 Integrated Water Resources Plan 2010 Update Technical Appendix	5th
DTX-575	MWD2010-00464674	MWD2010-00464782	n/a	Oct. 2010	2010-10 IRP Update Report No. 1373	5th
DTX-576	MWD2010-259849	MWD2010-259855	n/a	Oct. 2010	2010-10 IRP Update – Executive Summary	5th
DTX-577	MWDPRA1044979	MWDPRA1045352	n/a	10/12/2010	2010-10-12 Bd. Ltr. Re: Adoption of 2010 IRP Update	5th
DTX-578	MWD2010-00468130	MWD2010-00468533	n/a	Nov. 2010	2010-11 MWD Regional Urban Water Management Plan November 2010	5th
DTX-579	MWD2010-00458723	MWD2010-00458784	n/a	1/11/2011	2011-01-11 Bd. Ltr. Re: authorization of LRP agreement with MWDOC and IRWD	5th
DTX-580	MWD2010-00012503	MWD2010-00012709	n/a	Apr. 2011	2011-04 LRP Summary Report	5th
DTX-581	MWD2010-00470573	MWD2010-00470578	n/a	5/10/2011	2011-05-10 Bd. Ltr. Re: Authorize Changes to Water Conservation Program for implementation in fiscal year 2011/12.	5th
DTX-582	MWD2010-00462004	MWD2010-00462009	n/a	6/14/2011	2011-06-14 Bd. Ltr. Re: authorization of LRP agreement for Chino Basin Desalination	5th
DTX-583	MWD2010-00463214	MWD2010-00463218	n/a	6/14/2011	2011-06-14 Draft Bd. Ltr. Re: Review of RSI provisions from 6-14-2011	5th
DTX-584	MWD2010-00470464	MWD2010-00470520	n/a	8/16/2011	2011-08-16 Bd. Ltr. Re: Adoption of Conservation Plan	5th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-585	SDCWA2010-2012_00122682 and SDCWA2010-2012_00122684		n/a	8/31/2011	2011-08-31 Email DeBacker to Espe Re: Request for Information Re: CCP and LRP Data with attachments (Upadhyay Depo. Ex. 140)	5th
DTX-586	SDCWA2010-2012_00106471	SDCWA2010-2012_00106814	n/a	5/31/2011 - 11/13/2011	SDCWA Position Letters	5th
DTX-587	MWD2010-00310078	MWD2010-00310222	n/a	11/30/2011	2011-11-30 Ltr. from J. Kightlinger to Board of Directors Re: Transmittal of Draft Report Achievements in Conservation	5th
DTX-588	MWD2010-00263200	MWD2010-00263219	n/a	1/4/2012	2012-01-04 Agenda for Special Meeting of the District's Representatives to the MWD	5th
DTX-589	MWD2010-00462112	MWD2010-00462116	n/a	3/13/2012	2012-03-13 Bd. Ltr. Re: authorization of LRP agreement with LADWP	5th
DTX-590	MWD2010-00310111	MWD2010-00310116	n/a	5/8/2012	2012-05-08 MWD Bd. Ltr. Re: changes to water conservation incentives	5th
DTX-591	MWD2010-00462198-265	MWD2010-00462265	n/a	6/12/2012	2012-06-12 Bd. Ltr. Re: authorization of LRP agreement. with OC and San Clemente	5th
DTX-592	MWD2010-00469716	MWD2010-00469752	n/a	1/30/2013	2013-01-30 Bd. Ltr. Re: Transmittal of February 2013 MWD Annual Progress Report	5th
DTX-593	SDCWA2010-2012_00031655	SDCWA2010-2012_00031656	n/a		Ltr. from D. McColloom to R. Gastelum Re: Item 8-4 LRP Agreement with SDCWA	5th
DTX-594	N/A		n/a		http://www.sdcwa.org/local-supplies	5th
DTX-595	N/A		n/a		RSI Demonstrative	5th
DTX-596	N/A		n/a		RSI Demonstrative	5th
DTX-597	N/A		n/a		RSI Demonstrative	5th
DTX-598	N/A		n/a		RSI Demonstrative	5th
DTX-599	N/A		n/a		RSI Demonstrative	5th
6th Cause of Action						
DTX-600	MWD2010-00492662		n/a	6/30/2004	2004-06-30 Preferential Rights Calculations	6th
DTX-601	MWD2010-00492780		n/a	6/30/2005	2005-06-30 Preferential Rights Calculations	6th
DTX-602	MWD2010-00492889		n/a	6/30/2006	2006-06-30 Preferential Rights Calculations	6th
DTX-603	MWD2010-00492894		n/a	6/30/2007	2007-06-30 Preferential Rights Calculations	6th
DTX-604	MWD2010-00492972	MWD2010-00492975	n/a	8/22/2007	2007-08-22 Email Re: Preferential Rights Schedule with attachments (Cushman Depo. Ex. 53)	6th
DTX-605	MWD2010-00492914		n/a	6/30/2008	2008-06-30 Preferential Rights Calculations	6th
DTX-606	MWD2010-00493013		n/a	6/30/2009	2009-06-30 Preferential Rights Calculations	6th
DTX-607	MWD2010-00492980-81 and MWD2010-00493013		n/a	9/2/2009	2009-09-02 Email Re: Preferential Rights Schedule with attachments (Cushman Depo. Ex. 54)	6th
DTX-608	MWD2010-00492924		n/a	6/30/2010	2010-06-30 Preferential Rights Calculations	6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-609	MWD2010-00493052		n/a	6/30/2011	2011-06-30 Preferential Rights Calculations	6th
DTX-610	MWD2010-00492096		n/a	6/30/2012	2012-06-30 Preferential Rights Calculations	6th
DTX-611	N/A		n/a	6/30/2013	2013-06-30 Preferential Rights Calculations	6th
DTX-612	MWDRECORD2012_001069	MWDRECORD2012_001100	19	9/26/1995	1995-09-26 Bd. Ltr. Re: Transporting Water	6th
DTX-613	MWDRECORD2012_001152	MWDRECORD2012_001164	23	10/31/1995	1995-10-31 Bd. Letter Re: Adoption of Policy Principles for Wheeling	6th
DTX-614	MWDRECORD2012_002173	MWDRECORD2012_002226	70	11/5/1996	1996-11-05 Bd. Ltr. Re: Rate Refinement Process Phase 2 Wheeling Principles, Recommended Wheeling Rates Effective January 15, 1997, and Resolution Giving Notice of Intention to Adopt Wheeling Rates	6th
DTX-615	MWDRECORD2012_002237	MWDRECORD2012_002240	73	11/18/1996	1996-11-18 Bd. Ltr. Re: Rate Refinement Process Phase 2 Wheeling Principles, Recommended Wheeling Rates Effective January 15, 1997, and Resolution Giving Notice of Intention to Adopt Wheeling Rates	6th
DTX-616	SDCWA2010-2012_00084128	SDCWA2010-2012_00084146	n/a	Jul. 2002	2002-07 Issue Summaries SDCWA (Cushman Depo. Ex. 48)	6th
DTX-617	SDCWA2010-2012_00113202	SDCWA2010-2012_00113222	n/a	1/29/2004	2004-01-29 Preferential Rights Presentation (Cushman Depo. Ex. 49)	6th
DTX-618	SDCWA2010-2012_00076543	SDCWA2010-2012_00076563	n/a	2/26/2004	2004-02-26 Preferential Rights (Cushman Depo. Ex. 50)	6th
DTX-619	SDCWA2010-2012_00171450	SDCWA2010-2012_00171461	n/a	5/11/2004	2004-05-11 Reliability Analysis Regional Water Facilities Master Plan (Cushman Depo. Ex. 51)	6th
DTX-620	SDCWA2010-2012_00171735	SDCWA2010-2012_00171738	n/a	7/14/2004	2004-07-14 Email Re: News Release on Preferential Rights (Cushman Depo. Ex. 52)	6th
DTX-621	SDCWA2010-2012_00003447	SDCWA2010-2012_00003639	n/a	2005	2005 Urban Water Management Plan (Cushman Depo. Ex. 57)	6th
DTX-622	SDCWA2010-2012_00187410	SDCWA2010-2012_00187415	n/a	8/17/2005	2005-08-17 SDCWA Bd. Ltr. Re: MWD's Upcoming Board Workshop (Cushman Depo. Ex. 55)	6th
DTX-623	SDCWA2010-2012_00011222	SDCWA2010-2012_00011223	n/a	Jan. 2008	2008-01 Ltr. Water Authority's Northern California Transfers via MWD Wheeling Service Proposal (Cushman Depo. Ex. 62)	6th
DTX-624	SDCWA2010-2012_00181671	SDCWA2010-2012_00181673	n/a	2/10/2011	2011-02-10 Ltr. Re: Notice of Payment Under Protest and Demand for Establishment of Escrow Account and Refund (Cushman Depo. Ex. 63)	6th
DTX-625	SDCWA2010-2012_00171266	SDCWA2010-2012_00171268	n/a	4/6/2011	2011-04-06 Ltr to Kightlinger from Hentschke Re: Demand for Recalculation of Preferential Rights	6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Dates	End Dates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-626	SDCWA2010-2012_00171488	SDCWA2010-2012_00171489	n/a	4/26/2011	2011-04-26 Ltr to Hentschke from Scully Responding to 4/6/2011 Ltr Demanding Recalculation of Preferential Rights	6th
DTX-627	SDCWA2010-2012_00012823	SDCWA2010-2012_00012862	n/a	5/4/2011	2011-05-04 Ltr to Scully from Hentschke Re: Metropolitan's Response to Water Authority's Demand for Recalculation of Preferential Rights	6th
DTX-628	SDCWA2010-2012_00203750		n/a		MWD Delegates – Talking Points (Cushman Depo. Ex. 56)	6th
DTX-629	SDCWA2010-2012_00170723	SDCWA2010-2012_00170778	n/a		PPT: Re: Overview of SDCWA Issues (Cushman Depo. Ex. 47)	6th
DTX-630	SDCWA2010-2012_00110438		n/a		Spreadsheet 55 Years – Wheeling Exposure on IID Transfers (Cushman Depo. Ex. 61.)	6th
DTX-631	N/A		n/a	1/30/2001	2001-01-30 Complaint in SDCWA v. MWD, Case No. GIC 761526 (Superior Court of the State of California for the County of San Diego)	6th
DTX-632	N/A		n/a	5/21/2001	2001-05-21 Demurrer in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-633	N/A		n/a	5/21/2001	2001-05-21 MPA in Support of Demurrer in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-634	N/A		n/a	7/20/2001	2001-07-20 First Amended Complaint in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-635	N/A		n/a	8/31/2001	2001-08-31 Demurrer to First Amended Complaint in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of San Francisco)	6th
DTX-636	N/A		n/a	8/31/2001	2001-08-31 MPA in Support of Demurrer to First Amended Complaint in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-637	N/A		n/a	8/31/2001	2001-08-31 RJN in Support of Demurrer to First Amended Complaint in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-638	N/A		n/a	10/9/2001	2001-10-09 MPA in Support of Opposition to Demurrer in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-639	N/A		n/a	11/9/2001	2001-11-09 MPA in Support of Response to Opposition in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-640	N/A		n/a	4/5/2002	2002-04-05 Notice of Entry of Judgment in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-641	N/A		n/a	4/15/2002	2002-04-18 Notice of Appeal in SDCWA v. MWD, Case No. 320217 (Superior Court of the State of California for the County of San Francisco)	6th
DTX-642	N/A		n/a	9/30/2002	2002-09-30 Appellants' Appendix Vols. 1-3 SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-643	N/A		n/a	9/30/2002	2002-09-30 Appellants' Opening Brief SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-644	N/A		n/a	9/30/2002	2002-09-30 Appellants' R/JN SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-645	N/A		n/a	11/5/2002	2002-11-05 City of L.A.'s Respondents' Brief in SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-646	N/A		n/a	1/13/2003	2003-01-13 Respondents' Brief in SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-647	N/A		n/a	5/5/2003	2003-05-05 Appellants' Reply Brief in SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record Index #	Date(s)	Description	Applicable Cause of Action
DTX-648	N/A		n/a	3/25/2004	2004-03-25 Opinion in SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-649	N/A		n/a	4/9/2004	2004-04-09 Petition for Rehearing in SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-650	N/A		n/a	4/9/2004	2004-04-09 RJN in SDCWA v. MWD, Case No. A098526 (Court of Appeal of the State of California First Appellate District, Division Two)	6th
DTX-651	N/A		n/a	5/4/2004	2004-05-04 Petition for Review in SDCWA v. MWD, Case No. S124550 (California Supreme Court)	6th
DTX-652	N/A		n/a	5/24/2004	2004-05-24 Answer to Petition for Review in SDCWA v. MWD, Case No. S124550 (California Supreme Court)	6th
DTX-653	N/A		n/a		State Water Resources Control Board Order WRO 2003-0013, Revised in Accordance with Order WRO 2002-0016.	6th
DTX-654	N/A		n/a	7/2/2009	2009-07-02 Ruling after Motion Argued and Submitted, CONTESTED MATER NO. 138, MWD/SDCWA Joint Motion for Summary Adjudication of County's and ICAPCD's Water Code Sections 1810-1814 Claims and Affirmative Defenses (Sacramento Superior Court, Case No. JCCP 4353, entered July 2, 2009).	6th
DTX-655	N/A		n/a	1/7/2011	2011-01-07 Appellants SDCWA, Coacheila Valley Water District, and the MWD's Joint Combined Appellants' Reply and Cross-Respondents' Brief (Court of Appeal of the State of California, Third Appellate District Case Number C064293, filed January 7, 2011)	6th
DTX-656	N/A		n/a	1/6/2011	2011-01-06 IID's Appellant Reply Brief and Cross-Respondent Brief (Court of Appeal of the State of California, Third Appellate District, Case No. C064293, Filed January 6, 2011)	6th
DTX-657	N/A		n/a		http://www.sdcwa.org/preferential-rights	6th
DTX-658	N/A		n/a		Preferential Rights Demonstrative	6th

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-659	N/A		n/a		Preferential Rights Demonstrative	6th
DTX-660	N/A		n/a		Preferential Rights Demonstrative	6th
DTX-661	N/A		n/a		Preferential Rights Demonstrative	6th
DTX-662	N/A		n/a		Preferential Rights Demonstrative	6th
All Causes of Action						
DTX-663	Third Amended Complaint		n/a		Third Amended Complaint	All
DTX-664	Third Amended Complaint, Ex. A		n/a	2003	2003 Exchange Agreement (Cushman Depo. Ex. 46)	All
DTX-665	SDCWA2010-2012_00180319	SDCWA2010-2012_00180414	n/a	3/11/2003	2003-03-11 Bd. Ltr. Re: Adopt recommended water rates and charges (Cushman Depo. Ex. 59.)	All
DTX-666	MWDRECORD2012_011443	MWDRECORD2012_011542	n/a	4/13/2010	2010-04-13 Bd. Ltr. Re: Adopt recommended water rates and charges (Cushman Depo. Ex. 60)	All
DTX-667	N/A		n/a		SDCWA Discovery Response Verifications	All
DTX-668	N/A		n/a	12/17/2012	2012-12-17 San Diego County Water Authority's Response to Metropolitan Water Districts of Southern California's Requests for Productions of Documents (Set No. One)	All
DTX-669	N/A		n/a	4/4/2013	2013-04-04 San Diego County Water Authority's Amended Objections and Response to Metropolitan Water Districts of Southern California's Requests for Productions of Documents (Set No. One)	All
DTX-670	N/A		n/a	7/24/2013	2013-07-24 San Diego County Water Authority's Response to Metropolitan Water District of Southern California's First Set of Requests for Admissions	All
DTX-671	N/A		n/a	7/24/2013	2013-07-24 San Diego County Water Authority's Response to Metropolitan Water District of Southern California's Requests for Admissions (Set Two)	All
DTX-672	N/A		n/a	7/24/2013	2013-07-24 San Diego County Water Authority's Response to Metropolitan Water Districts of Southern California's Requests for Productions of Documents (Set No. Two)	All
DTX-673	N/A		n/a	7/24/2013	2013-07-24 San Diego County Water Authority's Response to Metropolitan Water Districts of Southern California's Requests for Productions of Documents (Set No. Three)	All

MWD's Exhibit List for the 2010 Action (Case No. CPF-10-510830) and the 2012 Action (Case No. CPF-12-512466)

Exhibit #	Beg Bates	End Bates	Admin Record #	Date(s)	Description	Applicable Cause of Action
DTX-674	N/A		n/a	7/24/2013	2013-07-24 San Diego County Water Authority's Response to Metropolitan Water District of Southern California's First Set of Form Interrogatories	All
DTX-675	N/A		n/a	7/24/2013	2013-07-24 San Diego County Water Authority's Response to Metropolitan Water District of Southern California's First Set of Special Interrogatories	All
DTX-676	N/A		n/a	7/24/2013	2013-07-24 San Diego County Water Authority's Response to Metropolitan Water District of Southern California's Second Set of Form Interrogatories	All
DTX-677	N/A		n/a	9/30/2013	2013-09-30 San Diego County Water Authority's Supplemental Response to Metropolitan Water District of Southern California's First Set of Special Interrogatories (Nos. 2, 29, 36, 52, 61, 64, 70, 73, 82)	All
DTX-678	N/A		n/a		All documents identified in San Diego County Water Authority's Exhibit List	All

*This Bates number is pending as MWD and SDCWA are currently finalizing a stipulation to supplement the administrative record in the 2012 Action.

***Where cites to Bates numbers in this list are to the administrative record in the 2012 Action, MWD hereby incorporates the same document from the administrative record in the 2010

1 *San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.*,
2 San Francisco County Superior Court Case Nos. CPF-10-510830 & CPF-12-512466

3 **PROOF OF SERVICE**

4 I am over eighteen years of age, not a party in this action, and employed in San
5 Francisco County, California at Three Embarcadero Center, San Francisco, California 94111-
6 4067. I am readily familiar with the practice of this office for collection and processing of
7 correspondence for mail/fax/hand delivery/next business day Federal Express delivery, and they
8 are deposited that same day in the ordinary course of business.

9 On December 3, 2013, I served the attached:

10
11 **RESPONDENT - DEFENDANT METROPOLITAN WATER**
12 **DISTRICT OF SOUTHERN CALIFORNIA'S SECOND**
13 **PRETRIAL BRIEF**



(VIA LEXISNEXIS) by causing a true and correct copy of the document(s) listed
above to be sent via electronic transmission through LexisNexis File & Serve to
the person(s) at the address(es) set forth below.

15
16 as indicated on the following **Service List**.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct and that this declaration was executed on December 3, 2013, at San
19 Francisco, California.

20 
21 _____
Kelley A. Garcia

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