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 9 and CENTRAL DELTA WATER AGENCY

10
 11 **BEFORE THE CALIFORNIA**
 12 **STATE WATER RESOURCES CONTROL BOARD**

13 In the Matter of Draft Cease and Desist) **OPPOSITION TO MOTION TO STRIKE**
 14 Order No. 2009-00XX-DWR Enforcement) **THE TESTIMONY OF TIMOTHY**
 15 Action 73 Against Woods Irrigation) **GRUNSKY**
 16 Company)
 17 _____)

18 **I.**

19 **INTRODUCTION**

20 South Delta Water Agency ("SDWA") and Central Delta Water Agency ("CDWA") herein
 21 oppose Modesto Irrigation District's ("MID") motion to strike the testimony of Timothy Grunsky.
 22 SDWA and CDWA reserve the right to submit oral argument in addition to the written opposition
 23 herein.

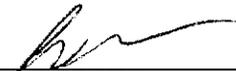
24 **II.**

25 **ARGUMENT**

26 Mr. Grunsky's testimony should be admitted and the Board can properly determine it's
 27 weight regardless of the fact that some of the WIC records have been lost, or are missing, there is
 28 nothing to prevent Mr. Grunsky from having reviewed a substantial amount of the WIC records
 and basing his opinions and knowledge, in part, on said review. In fact, Mr. Grunsky testified
 that his review of the records, at least in part, caused him to believe that WIC has been delivering
 water prior to 1914 and that there has been no interruption of service. Mr. Grunsky also testified
 that his knowledge with respect to WIC is based, in part, on conversations with his grandparents

1 and family who have been farming in the WIC area for generations. Mr. Grunsky is not
2 attempting to contest the contents of WIC's corporate documents. Rather, he is stating that his
3 knowledge, in part, is based on a review of same. Mr. Grunsky's testimony should be admitted
4 in full.

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6 Dated: July 1, 2010


S. DEAN RUIZ
Attorney for South Delta and
Central Delta Water Agency

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