

1 Tim O’Laughlin (SBN 116807)  
Valerie C. Kincaid (SBN 231815)  
2 Timothy J. Wasiewski (SBN 302306)  
O’LAUGHLIN & PARIS LLP  
3 2617 K. Street, Suite 100  
Sacramento, California 95816  
4 Telephone: (916) 993-3962  
Facsimile: (916) 993-3688  
5 Email: [towater@olaughlinparis.com](mailto:towater@olaughlinparis.com)  
[vkincaid@olaughlinparis.com](mailto:vkincaid@olaughlinparis.com)  
[tw@olaughlinparis.com](mailto:tw@olaughlinparis.com)  
6

7 Attorneys for **SAN JOAQUIN**  
**TRIBUTARIES AUTHORITY**  
8

9  
10 BEFORE THE  
11 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD  
12

13 IN RE STATE WATER RESOURCES ) **THE SAN JOAQUIN TRIBUTARIES**  
14 CONTROL BOARD PETITION ) **AUTHORITY’S PROCEDURAL AND**  
15 REQUESTING CHANGES IN WATER ) **EVIDENTIARY OBJECTIONS TO THE**  
16 RIGHTS OF THE DEPARTMENT OF ) **DEPARTMENT OF WATER RESOURCES**  
17 WATER RESOURCES AND U.S. BUREAU ) **AND U.S. BUREAU OF RECLAMATION’S**  
OF RECLAMATION FOR THE ) **CASE IN CHIEF IN SUPPORT OF CHANGE**  
18 CALIFORNIA WATERFIX PROJECT. ) **PETITION FOR THE CALIFORNIA**  
 ) **WATERFIX PROJECT**

19 \_\_\_\_\_ )  
20 MODESTO IRRIGATION DISTRICT, )  
OAKDALE IRRIGATION DISTRICT, )  
21 SOUTH SAN JOAQUIN IRRIGATION )  
DISTRICT, TURLOCK IRRIGATION )  
22 DISTRICT, CITY AND COUNTY OF SAN )  
FRANCISCO, a California municipal )  
23 corporation, each individually, and )  
collectively the SAN JOAQUIN )  
24 TRIBUTARIES AUTHORITY, )

25 Interested Parties. )  
26 \_\_\_\_\_ )  
27 )  
28 )

1 Interested Parties MODESTO IRRIGATION DISTRICT, OAKDALE IRRIGATION  
2 DISTRICT, SOUTH SAN JOAQUIN IRRIGATION DISTRICT, TURLOCK IRRIGATION  
3 DISTRICT, all of which are California Irrigation Districts, the CITY AND COUNTY OF SAN  
4 FRANCISCO, a California municipal corporation acting by and through its PUBLIC UTILITIES  
5 COMMISSION, and the SAN JOAQUIN TRIBUTARIES AUTHORITY (all parties collectively  
6 referred to as the SJTA), submit the following procedural and evidentiary objections to the proposed  
7 case in chief evidence provided by Department of Water Resources (“DWR”) and United States  
8 Bureau of Reclamation (“USBR”) (collectively Petitioners) in support of their joint change petition  
9 for the California Waterfix project.

10 SJTA respectfully requests that the State Water Resources Control Board (“SWRCB” or  
11 “Board”) rule on each of the following objections prior to admitting the subject testimony, exhibits  
12 and other evidence into the record, and prior to ruling on Petitioners’ change petition.

13 **1. All testimony from Maureen Sergent addressing impacts to other legal users of water**  
14 **should be precluded from admission into the record because it is irrelevant, lacks**  
15 **proper foundation and constitutes unqualified and inadmissible opinion**

16 Petitioners have presented proposed written testimony from Maureen Sergent (DWR-53),  
17 Senior Engineer with the Department of Water Resources, addressing the water rights that are the  
18 subject of the Waterfix change petition. SJTA sets forth the following objections to Ms. Sergent’s  
19 proposed testimony, and requests that she be precluded from providing any evidence or testimony  
20 as to the impact, or lack thereof, of the Project on legal users of water, as such testimony lacks  
21 proper foundation, is irrelevant and constitutes unqualified and inadmissible opinion. In the event  
22 Petitioners submit Ms. Sergent’s proposed written testimony in DWR-53 for admission into the  
23 record, SJTA requests that Section VI be precluded from admission for the same reasons.

24 Water Code section 1702 provides that the Board cannot grant permission to change a point  
25 of diversion until Petitioners demonstrate “that the change will not operate to the injury of any legal  
26 user of water involved.” Ms. Sergent acknowledges in her proposed written testimony that the  
27 operations of the Waterfix project (and the associated changes in points of diversion) may cause  
28 changes in SWP and CVP storage levels and releases. (DWR-53, 11:10, citing DWR-71, section

1 V.C.) However, Ms. Sergent concludes that these changes will not injure other legal users of water  
2 because “such water users do not have a right to stored water releases from the SWP/CVP.” (DWR-  
3 53, 11:12-13). She states, “[t]herefore, the quantity of water available for diversion by In-Basin  
4 water users will not be affected by any changes in stored water releases that may occur as a result of  
5 the CWF.” (DWR-53, 11:13-15.) These assertions are erroneous for several reasons, and must be  
6 precluded from admission because they are irrelevant, lack proper foundation and constitute  
7 unqualified and inadmissible opinion.

8 First, Ms. Sergent’s assertion presumes that all water released from a reservoir is stored  
9 water. This is a gross generalization that is not supported by DWR’s analysis. When the Petitioners  
10 draw their reservoirs lower, they have the ability to capture more runoff, and Ms. Sergent’s  
11 testimony readily admits that the Petitioners will be capturing more water if the Project is  
12 implemented. What DWR has failed to address in its analysis is whether such additional capture of  
13 runoff, in a given year and time, should be bypassed to meet a more senior downstream demand.  
14 The SJTA agrees that downstream riparian right holders do not have the right to the release of  
15 stored water, as Ms. Sergent states. However, riparian right holders do have the right to require  
16 Petitioners bypass natural flow to meet their senior riparian rights. Ms. Sergent’s testimony and  
17 analysis fails to address whether the impoundment of additional natural flow will cause injury to  
18 downstream riparian right holders. Specifically, the conclusion of no injury is erroneously based on  
19 the assumption that all water in the reservoir was lawfully stored and should not have otherwise  
20 been bypassed for senior demand. This issue must be addressed if Ms. Sergent’s opinion regarding  
21 the effect of the Project on other legal users of water is to have any relevance.

22 Furthermore, the SJTA disagrees with Ms. Sergent’s assertion that downstream pre-1914  
23 water right holders do not have the ability to divert previously stored water. Pre-1914 water right  
24 holders are not prohibited from diverting previously stored water. To the extent water from the  
25 Projects is abandoned or cannot be continuously controlled by the Projects, pre-1914 water right  
26 holders may validly divert previously stored water.

27 Ms. Sergent’s testimony also fails to address the issue of impacts from increased storage,  
28 commonly resolved by refill criteria. As DWR acknowledges in its 2016 Water Transfer White

1 Paper, refilling of reservoir storage space that is made available by a release of water in excess of  
2 what would be released without the approval of the petition adversely affects downstream users if  
3 the increased diversion to storage is done at a time when other downstream legal users of water  
4 could have diverted the water stored in the reservoir. According to DWR's White Paper, refill  
5 should only occur after downstream senior needs are met and Petitioners bypass water equal to or  
6 above the previous consumptive use. Despite Ms. Sergent's assertion that the Petitioners will be  
7 able to increase deliveries and storage beyond current existing operations, she fails to account for  
8 DWR's own principle that requires any party seeking to increase consumptive use through a change  
9 petition to bypass water to avoid harming downstream users. Because the Petitioners must  
10 demonstrate that implementation of the Project will not cause injury to other legal users of water  
11 (Water Code 1702), this issue of how increased storage impacts other legal users of water must be  
12 addressed before any relevant opinion regarding impacts to other water users can be asserted.  
13 Because Ms. Sergent fails to address this point, her testimony on this issue of injury cannot be  
14 considered relevant to the change petition and must be precluded.

15 Ms. Sergent also fails to acknowledge that there is a long-standing legal dispute as to  
16 whether water released from SWP/CVP facilities to meet water quality objectives is protected from  
17 diversion by other users or abandoned by the Projects and available for diversion. Specifically, as  
18 the Board is aware, D-1641 requires the Projects to meet certain salinity requirements in the Delta.  
19 (SWRCB-21, p. 183 [Table 3].) For years there has been an ongoing dispute as to whether this  
20 released water that reaches the Delta is protected from diversion by water users within the Delta, or  
21 whether that water is abandoned by the Projects and available for diversion. For instance,  
22 approximately one year ago, on June 16, 2015, the State Water Contractors (SWC) filed a complaint  
23 with the Board against diverters in the South and Central Delta alleging the unlawful diversion of  
24 stored water. SWC alleged that these diversions amount to 100,000 to 300,000 acre-feet in the  
25 summer and fall of dry and critical years, and require DWR and USBR to make additional releases  
26 of stored water in order to satisfy the D-1641 requirements. The basis of SWC's complaint is that  
27 the water released by the Projects to satisfy D-1641 requirements is protected from diversion by  
28 other users, including diverters in the Delta.

1           However, the assumption that water released to meet water quality objectives is protected  
2 from diversion is challenged by several facts. First, the Projects never petitioned the Board  
3 pursuant to Water Code section 1707 to change the use of their water rights to instream flow use in  
4 order to protect the released water. As a result, there is no express protection of this water from  
5 rediversion. Second, the Projects do not redivert all of the water released to meet water quality  
6 objectives, nor do the Projects exercise control over all of the water released. Finally, the actual  
7 water quality objectives are in place to protect agriculture diversions in the south and central Delta.  
8 Specifically, the water quality objectives require the Projects release water to ensure water is not too  
9 salty to grow salt intolerant crops, like beans. Thus, it would seem odd to have this objective in  
10 place, while also prohibiting the diversion of water in the south and central delta for agriculture, the  
11 very beneficial use the objective is in place to protect.

12           To date, the Board has not acted on the SWC’s complaint, and the issue remains unresolved.  
13 In fact, recent submissions from several parties in the curtailment enforcement matters<sup>1</sup> demonstrate  
14 that there is a continuing dispute as to this issue. The Central and South Delta Water Agencies  
15 alluded to this issue in arguing that general curtailment efforts cannot be applied to the Delta due to  
16 unique factual and legal circumstances.<sup>2</sup> In opposition to some of these points, Westlands Water  
17 District (WWD) asserted that “[w]ater that is released from CVP storage and travels through the  
18 Sacramento-San Joaquin Delta . . . to meet water quality standards and/or for export is not  
19 ‘abandoned’ flow that may be diverted.”<sup>3</sup> DWR asserted a position similar to WWD.<sup>4</sup>

---

22 <sup>1</sup> In the matter of the Draft Cease and Desist Order issued to The West Side Irrigation District, Enforcement Action  
23 ENF01949; and In the Matter of the Administrative Civil Liability Complaint issued to Byron-Bethany Irrigation  
24 District, Enforcement Action ENF01951.

24 <sup>2</sup> Central Delta Water Agency and South Delta Water Agency Legal Issues Brief, available at  
25 [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/byron\\_bethany/docs/bbid\\_wsid\\_cdwaprehl\\_b012516.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/byron_bethany/docs/bbid_wsid_cdwaprehl_b012516.pdf)

25 <sup>3</sup> Westlands Water District: Opposition to Motion for Summary Judgment, or in the Alternative, Summary Judgment,  
26 page 4, available at,  
26 [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/byron\\_bethany/docs/wisdbbid/wsidbbis\\_wwdopposition2motion4sumjudg022216.PDF](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/byron_bethany/docs/wisdbbid/wsidbbis_wwdopposition2motion4sumjudg022216.PDF)

27 <sup>4</sup> California Department of Water Resources’ Reply Brief, p. 5 [“Downstream water right holders have no right to divert  
28 SWP or [CVP] storage releases made either for re-diversion at Project facilities in the Delta or to meet Delta  
standards.”], available at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/byron\\_bethany/docs/wisdbbid/wsidbbid\\_dwrreplybrief022216.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/byron_bethany/docs/wisdbbid/wsidbbid_dwrreplybrief022216.pdf)

1 This issue has not been judicially or administratively decided. Indeed, the two cases cited by  
2 WWD in the curtailment enforcement matters do not resolve the issue of whether water released to  
3 meet Delta salinity objectives under D-1641 is protected from diversion or abandoned and available  
4 to Delta water users; neither case deals with water quality objectives, and both cases predate D-  
5 1641. (*Los Angeles v. Glendale* (1943) 23 Cal.2d 68 [holding that the pueblo rights of the City  
6 attached to waters released from storage and was not abandoned when the City sold the water to  
7 farmers, allowing the City to recover the irrigation water that flowed to the subterranean basin];  
8 *Stevens v. Oakdale Irrigation Dist.* (1939) 13 Cal.2d 343 [holding that water rights may be acquired  
9 by lower appropriators to foreign flow that has been abandoned by the producer, but such rights are  
10 subject to the contingency that the supply may be intermittent or may be terminated at the will of  
11 the producer].)

12 Ms. Sergent's assertion that no other legal water users will be harmed by the Waterfix  
13 project assumes that this legal issue has been resolved in Petitioners' favor. As this assumption is  
14 incorrect, any testimony from Ms. Sergent regarding the impact of the Project on other legal users  
15 of water lacks proper foundation and is not relevant to the change petition. As such, it must be  
16 precluded from admission.

17 Furthermore, Ms. Sergent's analysis is incomplete insofar as it assumes the continuing  
18 applicability of D-1641, and fails to acknowledge that the Board is currently in the process of  
19 developing updates to the Bay-Delta Plan. The Draft Substitute Environmental Document in  
20 Support of Potential Changes to the Water Quality Control Plan for the Bay Delta (Draft SED)<sup>5</sup>  
21 indicates a preference for new water quality objectives based on unimpaired flow. Despite the fact  
22 that the Draft SED has been in public circulation for more than three years, and despite the fact that  
23 DWR and USBR both submitted extensive comments on the document, the Petitioners made no  
24 attempt to analyze the effects of their proposed project under an unimpaired flow regime, adhering  
25 instead to an analysis guided by D-1641 requirements which may be superseded before the  
26 proposed Project even becomes operational. As Ms. Sergent's testimony regarding potential impacts

27 \_\_\_\_\_  
28 <sup>5</sup> Draft SED available at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/bay\\_delta\\_plan/water\\_quality\\_control\\_planning/2012\\_sed/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2012_sed/)

1 to other water users fails to account for any anticipated changes to the flows required by D-1641,  
2 her testimony on this issue is incomplete and irrelevant, and therefore must be precluded from  
3 admission into the record. Petitioners must demonstrate that the proposed Project will not cause  
4 harm to other legal users of water under an unimpaired flow regime as well.

5 Ms. Sergent’s analysis also fails to account for the requirement that any order approving the  
6 change petition “include appropriate Delta flow criteria.” (Water Code, § 85086[c][2].) The SJTA  
7 previously moved to dismiss the change petition on the basis that it failed to set forth a legally  
8 sufficient proposal of appropriate Delta flow criteria as required by Water Code section 85086,  
9 noting that without such a proposal there is no method or basis for determining during Part 1 of the  
10 hearing whether the proposed project will cause injury to other legal users of water. <sup>6</sup> In the  
11 alternative to its request that the Board dismiss the petition, the SJTA requested that the Board  
12 compel Petitioners to supplement their petition with the requisite information before the hearing. In  
13 response, the Board stated, “SJTA is correct that . . . Delta flow criteria could affect water flows or  
14 quality in a manner that causes impacts to other legal users of water.”<sup>7</sup> However, rather than  
15 dismissing the Petition, or requiring Petitioners to supplement their Petition (as would have been  
16 appropriate under Water Code section 1701.3), the Board denied the SJTA’s application and stated,  
17 **“we expect the petitioners to describe, as part of their case in chief, what Delta flow criteria**  
18 **they believe would be appropriate.”**<sup>8</sup> CEQA and NEPA also require that any analysis of a project  
19 must take into account the regulatory schematic known or likely to be implemented.

20 Petitioners have now submitted thousands of pages of documents as part of their case in  
21 chief. In apparent defiance of the Board’s directive, Petitioners have not described, in their case in  
22 chief, the Delta flow criteria that they believe would be appropriate under Water Code section  
23

---

24 <sup>6</sup> SJTA’s Application to Dismiss the Joint Petition of the Department of Water Resources and U.S. Bureau of  
25 Reclamation Changes in Water Rights for the California Waterfix Project., available at  
26 [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/docs/20160420\\_sjta\\_app.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/docs/20160420_sjta_app.pdf)

27 <sup>7</sup> Revised Hearing Schedule, Revised Notice of Intent to Appear, and Motion to Disqualify Hearing Officers –  
28 California Waterfix Water Right Change Petition Hearing, dated April 25, 2016, p. 3; available at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/docs/20160425\\_cwf\\_ruling.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/docs/20160425_cwf_ruling.pdf)

<sup>8</sup> Revised Hearing Schedule, Revised Notice of Intent to Appear, and Motion to Disqualify Hearing Officers –  
California Waterfix Water Right Change Petition Hearing, dated April 25, 2016, p. 3

1 85086, and instead appear to be relying on prior descriptions which the Board previously found to  
2 be inadequate. The SJTA respectfully submits that the Petitioners have repeatedly taken advantage  
3 of the Board's leniency on this issue, and have now gone so far as to defy the Board's directive.  
4 This issue cannot be delayed any longer and the SJTA hereby renews its motion to dismiss the  
5 petition for failing to set forth a proposal for appropriate Delta flow criteria under Water Code  
6 section 85086.

7 Finally, the issue of whether the proposed Project operations will cause injury to other legal  
8 users of water is a legal issue. To the extent Ms. Sergent seeks to provide a legal opinion as to  
9 whether proposed Project operations will cause injury to other legal users of water, the SJTA asserts  
10 that she is unqualified to do so, and that it is an improper legal opinion that intrudes into the Board's  
11 authority to decide that issue. (cf. California Evid. Code § 801; *Kotla v. Regents of University of*  
12 *California* (2004) 115 Cal.App.4th 283, 291 [in a wrongful termination case, holding that it was  
13 error to allow an expert to testify that defendant's firing of plaintiff was retaliatory, as that issue was  
14 for the jury to decide].) Accordingly, any such testimony constitutes unqualified and inadmissible  
15 opinion and should be precluded.

16 Accordingly, the SJTA requests that the Board preclude Ms. Sergent from providing any  
17 evidence or testimony as to the impact, or lack thereof, of the Project on other legal users of water,  
18 as such testimony lacks proper foundation, is irrelevant in the ways set forth above, and constitutes  
19 unqualified and inadmissible opinion. In the event Petitioners seek to admit Ms. Sergent's proposed  
20 written testimony in DWR-53, the SJTA requests Section VI be precluded from admission on the  
21 basis that it lacks proper foundation, is irrelevant and constitutes unqualified and inadmissible  
22 opinion.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



1 **2. The Board should preclude all testimony from John Leahigh regarding Petitioners'**  
2 **compliance with Water Rights Decision 1641, including all testimony based upon**  
3 **DWR-401, plus any opinions as to past or anticipated hydrologic conditions, because**  
4 **such testimony is irrelevant, lacks proper foundation and constitute unqualified expert**  
5 **opinion**

6 Petitioners have presented proposed written testimony from John Leahigh (DWR-61), Chief  
7 of the State Water Project Water Operations Office, to explain current operations of the SWP/CVP,  
8 and anticipated operations with the California Waterfix. The SJTA objects to Mr. Leahigh's  
9 proposed written testimony, and requests that he be precluded from offering (1) any testimony as to  
10 Petitioners' past or anticipated compliance with D-1641, including any testimony based upon  
11 DWR-401 and (2) any opinions as to past or anticipated hydrologic conditions on the basis that such  
12 testimony is irrelevant, lacks proper foundation and constitutes unqualified expert opinion. In the  
13 event Petitioners submit Mr. Leahigh's proposed written testimony in DWR-61 for admission into  
14 the record, SJTA requests that Sections V, VI, VII and VIII be precluded from admission for the  
15 same reasons.

16 Mr. Leahigh contends that the Petitioners have largely complied with the requirements of D-  
17 1641, and has prepared a table reflecting the number of exceedances from 1995 through 2015  
18 (DWR-61, 8:20-24). However, this table (DWR-401) improperly overestimates the ability of DWR  
19 and USBR to comply with the requirements of D-1641 by claiming compliance in situations where  
20 D-1641 requirements were relaxed by orders granting Temporary Urgency Change Petitions. As  
21 Leahigh states, "[t]he tabulation of SWP/CVP compliance records did not include exceedances of  
22 standards if approval was granted under orders by the State Water Board approving joint TUCPs  
23 filed by DWR and Reclamation to modify the SWP/CVP's obligation to meet the requirements"  
24 (DWR-61, 13:4-7). Moreover, aggregating all of the D-1641 requirements in order to track  
25 exceedance occurrences, as Mr. Leahigh has done, obscures DWR and USBR's consistent inability  
26 to meet critical south Delta requirements. A review of the last three years is clear proof of  
27 Petitioners' inability to satisfy their requirements under D-1641. In every year, USBR sought relief  
28 from the Water Quality Control Plan for releases from New Melones to meet D-1641. Every year,

1 this relief resulted in less inflow into the Delta. This raises the question of whether Petitioners will  
2 make up the shortfall from the Sacramento Valley releases, or continue to ignore meeting the  
3 objective. As Mr. Leahigh’s testimony does not demonstrate Petitioners’ ability to meet the  
4 unaltered requirements of D-1641, it is irrelevant to the change petition and must be precluded.

5         Rather than acknowledging DWR and USBR’s inability to meet D-1641 requirements  
6 during times of drought, e.g., the past four years, Mr. Leahigh dispenses with this problem by  
7 suggesting that the Board view the hydrologic and temperature conditions of the past four years as  
8 “**statistical outliers** from what would be within the expected range of conditions” (DWR-61, 13:20-  
9 22 [emphasis supplied]). Droughts are not “statistical outliers” in the State of California. (*United*  
10 *States v. State Water Resources Control Bd.* (1986) 182 Cal.App.3d 82, 98 [noting that the SWP  
11 and CVP were “conceived and formed” in part to provide “relief from devastating floods and  
12 droughts”]; *RiverWatch v. County of San Diego Dept. of Environmental Health* (2009) 175  
13 Cal.App.4th 768, 782 [“drought [is] a persistent threat in California”]). This is especially true with  
14 climate change. Although Leahigh claims that the graphs in DWR-406 through DWR-410 support  
15 his conclusion that the past several years are statistical outliers, his analysis is more anecdotal than  
16 mathematical, as evidenced by the fact that he does not cite any statistical analysis to support his  
17 conclusion. Leahigh’s dismissiveness of the possibility of future severe drought is antithetical to the  
18 notion of responsible forward planning, it discounts climate change, and it should call into question  
19 all of his predictions regarding DWR’s ability to comply with water quality objectives, such as,  
20 “[m]y opinion is that regulatory compliance with the CWF will be at least as good [as], if not better  
21 [than], . . . today given that CWF will add infrastructure flexibility to system operations” (DWR-61,  
22 7:25-27), and “it is my opinion that the SWP/CVP will continue to meet existing Delta water quality  
23 and fishery objectives and any additional regulatory requirements for the CWF at a similar success  
24 rate as demonstrated historically.” (DWR-61, 17:5-7). As Mr. Leahigh has not demonstrated that he  
25 is qualified to provide an opinion as to whether the past four years of drought should be considered  
26 statistical outliers, he should be precluded from offering any testimony or opinion based upon such  
27 a conclusion, including whether Petitioners will be able comply with D-1641 in the future if the  
28 proposed Project is implemented.

1 Although Mr. Leahigh's opinions as to Petitioners' future ability to meet D-1641 objectives  
2 are objectionable for the reasons stated above (and although such testimony should be precluded  
3 from admission for those reasons alone), SJTA also objects to any such opinions on the basis that  
4 they are not supported by modeling. Accordingly, SJTA objects to such testimony on the basis that  
5 it is conclusory and lacks proper foundation. Petitioners must demonstrate to the Board that they are  
6 capable of meeting their obligations under D-1641 through modeling and analysis, not through the  
7 mere opinion of Mr. Leahigh.

8 Furthermore, as with Ms. Sergent's testimony on the issue of water rights, Mr. Leahigh's  
9 testimony regarding operations fails to account for the Board's current and ongoing process of  
10 updating the Bay-Delta Plan with a preference for water quality objectives tied to unimpaired flow.  
11 Instead, Leahigh explains proposed Waterfix operations assuming continued applicability of D-  
12 1641. As a result, his testimony and analysis as to operations is irrelevant and misleading, and  
13 therefore must be precluded from introduction into the record.

14 For these reasons, the SJTA requests that the Board preclude Mr. Leahigh from offering (1)  
15 any testimony as to Petitioners' past or anticipated compliance with D-1641, including any  
16 testimony based upon DWR-401 and (2) any opinions as to past or anticipated hydrologic  
17 conditions, as such evidence is irrelevant to the instant petition, lacks proper foundation, and  
18 constitutes unqualified expert opinion. In the event Petitioners submit Mr. Leahigh's proposed  
19 written testimony in DWR-61 for admission into the record, SJTA requests that Sections V, VI, VII  
20 and VIII be precluded from admission.

21 **3. The Board should preclude any and all testimony from Parviz Nader-Tehrani**  
22 **regarding Petitioners' compliance with D-1641, the adverse effects of the Project on**  
23 **other legal water users, and all testimony based upon DWR-513 because such**  
24 **testimony is irrelevant, lacks proper foundation and constitutes unqualified opinion**

25 Petitioners submitted written testimony from Parviz Nader-Tehrani, a Civil Engineer  
26 employed by DWR, to explain the modeling performed to evaluate changes in the water quality and  
27 water levels associated with the Project, and any possible effects on legal users of water. The STJA  
28 requests that Nader-Tehrani be precluded from offering any testimony as to Petitioners' anticipated

1 compliance with D-1641, and any opinion as to the effects of the Project on other legal users of  
2 water, as well as any testimony based upon DWR-513. In the event Petitioners submit Mr. Nader-  
3 Tehrani's proposed written testimony in DWR-66 for admission into the record, SJTA requests that  
4 Sections IV, V, VI and VII be precluded from admission.

5 Nader-Tehrani's testimony summarizes the Delta Simulation Model (DSM2) analysis  
6 contained in DWR-513. The No Action Alternative (NAA), which reflects the current system, was  
7 compared to four different operational scenarios, identified as Boundary 1, H3, H4 and Boundary 2  
8 (the "Operational Scenarios"). The SJTA objects to Mr. Nader-Tehrani's testimony and the  
9 modeling for the following reasons.

10 First, the testimony is based on model simulated water quality in the Delta, measured for  
11 electrical conductivity (EC) and chloride concentration (CI), represented as **monthly averages** for  
12 the NAA and all Operational Scenarios (DWR-66; 3:1-6; DWR-513; 1-5.) This means that water  
13 quality for each month is represented by an average of all types of water years. The use of monthly  
14 averages does not show impacts in particular water-year types, such as dry years or successive dry  
15 years. Instead, it disguises the impact of the Project by averaging dry years with wet and normal  
16 years. Accordingly, the modeling does not show the effect of the Project on EC or CI in dry years as  
17 opposed to wet years for any of the Operational Scenarios. This deficiency prevents any assessment  
18 of the Project's actual impact on EC or CI. Accordingly, the SJTA requests that the Board preclude  
19 any testimony from Mr. Nader-Tehrani that is based upon DWR-513, as the modeling and analysis  
20 contained in that exhibit fail to provide any relevant evidence as to the impact of the Project on  
21 water quality, and as Nader-Tehrani's proposed testimony lacks the proper foundation. The SJTA  
22 also requests that the Board preclude DWR-513 from admission. (See Section 5 below.)

23 Second, the SJTA objects to Nader-Tehrani's use of these monthly averages to conclude that  
24 "water quality is shown to meet the water quality objectives assigned to DWR and Reclamation  
25 under D-1641." (DWR-66; 3:2-4, 8-11.) Most of the water quality objectives for EC and CI in D-  
26 1641 are dependent on the water year type. However, the modeling provided by DWR does not  
27 examine the effect of the Project on EC and CI during specific water year types, and instead  
28 averages all water years together. This limited analysis prohibits any conclusion that the water

1 quality objectives in D-1641 (which are specific to water year types) can be met. Accordingly, to  
2 the extent Petitioners offer testimony from Nader-Tehrani regarding their ability to meet the D-1641  
3 water quality objectives based upon this analysis, such statements should be precluded from  
4 admission as they are based upon irrelevant analysis.

5 Third, the SJTA objects to Nader-Tehrani's conclusion that the expected changes in water  
6 levels resulting from implementation of the Project will not have "negative effects [on] legal users  
7 of water." (DWR-66; 10:14-15.) Nader-Tehrani preformed a modeling analysis to assess the  
8 Project's effect on water levels, but offered no additional analysis as to how the decreased water  
9 levels might affect the reliability or delivery of water to legal water users. Instead, the extent of his  
10 analysis appears to be that water levels will change, but those changes will not negatively impact  
11 other users. He does not define "negative effects", nor does he explain how the changes in water  
12 levels will not impact other water users. Furthermore, the issue of whether the Project will cause  
13 injury to other legal users of water is a legal question, and Mr. Nader-Tehrani should be precluded  
14 from offering such legal conclusions as he is unqualified to do so, and as the decision should be  
15 made by the Board in this proceeding.

16 For these reasons, the STJA requests that Nader-Tehrani be precluded from offering any  
17 testimony as to Petitioners' anticipated compliance with D-1641, any opinion as to the effects of the  
18 Project on other legal users of water, as well as any testimony based upon DWR-513. In the event  
19 Petitioners submit Mr. Nader-Tehrani's proposed written testimony in DWR-66 for admission into  
20 the record, SJTA requests that Sections IV, V, VI and VII be precluded from admission on the basis  
21 that they are irrelevant, lack proper foundation, and constitute unqualified and inadmissible opinion.

22 **4. The Board should preclude any and all testimony from Armin Munévar regarding**  
23 **Petitioners' boundary analysis, all testimony based upon DWR 514, and all testimony**  
24 **based upon modeling analysis that has not been peer reviewed; such testimony is**  
25 **ambiguous, irrelevant and lacks proper foundation**

26 Petitioners have submitted written testimony from Armin Munévar, a Civil Engineer  
27 employed by CH2M, to explain the Project's potential changes in water supply. The SJTA requests  
28 that Mr. Munévar be precluded from offering any testimony regarding Petitioners' "boundary"

1 analysis, all testimony based upon DWR-514, and all testimony based upon modeling analysis that  
2 has not been peer reviewed.

3 First, the Petitioners do not know the specific operating criteria that will be set forth in the  
4 Waterfix Biological Opinion because that document has not yet been issued (DWR-51, 10:6-10).  
5 Rather than wait for the Biological Opinion, Petitioners have presented the Board with several  
6 different operating possibilities, which they refer to as a “boundary approach” (DWR-51, 10).  
7 While it is clear that Petitioners have attempted to put the cart before the horse with this approach,  
8 their explanation of the boundary analysis is entirely unclear. Mr. Munévar’s explanation of the  
9 boundary analysis is contradictory and insufficient to advise the parties as to its purpose. Mr.  
10 Munévar initially explains that Boundary 1 and Boundary 2 represent “the outer range of regulatory  
11 and **operational conditions within which the CWF could conceivably operate in the future.**”  
12 (DWR-71, 2:21-23 [emphasis supplied].) In a later sentence, Mr. Munévar contends that “[t]hese  
13 boundary scenarios **should not be considered as the proposed operational range of the CWF,**  
14 but reflect bookends to illustrate the effects on other legal users of water.” (DWR-71, 15:8-10  
15 [emphasis supplied].) These statements leave the parties with a contradictory and insufficient  
16 explanation as to the manner in which the Petitioners intend to operate the Project. Without such an  
17 understanding, neither the Board, nor other water users, will be able to determine whether the  
18 proposed operations will cause injury to other legal water users. Accordingly, Mr. Munévar’s  
19 testimony on this issue should be precluded on the basis that it is ambiguous.

20 Second, Mr. Munévar states that the CalSim II modeling program “adjusts the operations of  
21 the New Melones Reservoir to meet D-1641 at San Joaquin River at Vernalis.” (DWR-71, 5:14-15.)  
22 This is problematic for several reasons. One, as the Board is aware, USBR has a long history of  
23 failing to meet the Petitioners’ D-1641 obligations at Vernalis. Therefore, assuming compliance at  
24 Vernalis is unrealistic. Given that Petitioners operate the CVP and SWP as a whole in an effort to  
25 meet D-1641 obligations, noncompliance at Vernalis causes a domino-effect on operations  
26 elsewhere in the system. Munévar’s assumption of compliance at Vernalis ignores this inevitable  
27 effect and taints the remainder of Petitioners’ analysis of operations at other reservoirs. More  
28 importantly, Petitioners do not provide any analysis of the Project’s impact on storage at New

1 Melones. (DWR-514, p. 15-18.) Instead, Petitioners only provide simulated End of Month  
2 September Storage (EOMSS) for their facilities at Shasta, Oroville, Folsom and Trinity. (DWR-514,  
3 p. 15-18.) If operations at New Melones are being considered as part of the analysis, as Munévar  
4 acknowledges, then the impact on New Melones reservoir should be reported to the Board.  
5 Presumably, Petitioners have not provided any analysis for New Melones because their underlying  
6 assumption that D-1641 can be met at Vernalis is unattainable and causes a complete drawdown of  
7 the reservoir. The SJTA objects to any testimony from Munévar that is based upon Figures 12, 13,  
8 14 and 15 in DWR 514, which show simulated EOMSS at Shasta, Oroville, Folsom and Trinity. In  
9 the absence of any comparable figure or testimony as to EOMSS at New Melones, any testimony  
10 regarding Figures 12, 13, 14 and 15 is irrelevant. SJTA also objects to the introduction of Figures  
11 12, 13, 14 and 15 in DWR 514, in the absence of any comparable figure showing EOMSS at New  
12 Melones. (See Section 6 below.)

13 Third, Munévar states that CalSim II averages flows on a monthly basis, but that potential  
14 North Delta Diversions (NDD) are “sensitive to the daily variability of flows” (DWR-71, 6:3-4.) As  
15 a result, “north Delta diversion potential was likely overstated using a monthly time step.” (DWR-  
16 71, 6:11-12.) In an effort to “better represent the sub-monthly flow variability,” Munévar used  
17 historical daily patterns to transform the monthly volumes into daily flows. (DWR-71, 6:15-17.)  
18 Although Petitioners note that CalSim II was subjected to peer review in 2003, there is no indication  
19 that this method of calculating daily patterns was ever peer-reviewed. Accordingly, the SJTA  
20 objects to the introduction of any modelling incorporating the “monthly-to-daily flow mapping  
21 technique.” (DWR-71, 6:14.) Without further evidence that this modeling method was peer  
22 reviewed, any testimony based upon such analysis lacks proper foundation and should be precluded.

23 For these reasons, the STJA requests Mr. Munévar be precluded from offering any  
24 testimony regarding Petitioners’ boundary analysis on the basis that such testimony is ambiguous,  
25 all testimony based upon DWR-514 on the basis that it is irrelevant and lacks proper foundation,  
26 and all testimony based upon modeling analysis that has not been peer reviewed on the basis that  
27 such testimony lacks proper foundation.

28 ///

1 **4. DWR-401 should be precluded from admission as irrelevant**

2 As indicated in Section 2 above, DWR-401 improperly overestimates the ability of DWR  
3 and USBR to comply with the requirements of D-1641 by claiming compliance in situations where  
4 D-1641 requirements were relaxed by orders granting Temporary Urgency Change Petitions. This  
5 impropriety renders DWR-401 irrelevant to the change petition, as Petitioners must comply with the  
6 unrelaxed requirements of D-1641. Accordingly, the SJTA objects to the introduction of DWR-401  
7 on the basis that it is irrelevant.

8 **5. DWR 513 should be precluded from admission as irrelevant**

9 For the reasons stated above in Section 3 regarding the use of monthly averages in DWR-  
10 513, the SJTA requests that DWR-513 be precluded from admission because the modeling and  
11 analysis contained therein fail to provide any relevant evidence as to the impact of the Project on  
12 water quality.

13 **6. DWR 514 (Figures 12, 13, 14 and 15) should be precluded from admission as irrelevant**


14 As indicated above, Figures 12, 13, 14 and 15 in DWR-514 show simulated EOMSS at  
15 Shasta, Oroville, Folsom and Trinity. There is no comparable Figure showing EOMSS at new  
16 Melones, despite the fact that Petitioners modeling “adjusts the operations of the New Melones  
17 Reservoir to meet D-1641 at San Joaquin River at Vernalis.” (DWR-71, 5:14-15.) In the absence of  
18 any comparable figure showing EOMSS at New Melones under proposed Project operations,  
19 Figures 12, 13, 14 and 15 are irrelevant. Accordingly, the SJTA also objects to the introduction of  
20 Figures 12, 13, 14 and 15 in DWR 514.

21 **CONCLUSION**

22 The SJTA respectfully requests that the SWRCB rule on each of the preceding objections  
23 prior to admitting the subject testimony, exhibits and other evidence into the record, and prior to  
24 ruling on Petitioners’ change petition. For the reasons stated above, the identified testimony and  
25 evidence should be precluded from admission.

26 Dated: July 12, 2016

**O’LAUGHLIN & PARIS LLP**

27 By:   
28 TIM O’LAUGHLIN, Attorney for  
San Joaquin Tributaries Authority



1 Re: *Before the California State Water Resources Control Board*  
2 *Public Hearing to Determine Requested Changes in WaterRights of the*  
3 *Department of Water Resources and U.S. Bureau of Reclamation for the*  
4 *California WaterFix Project*

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE BY EMAIL/MAIL**

(Government Code §11440.20)

I, Linda L. Wood, declare that:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within cause. My business address is 2617 K Street, Suite 100, Sacramento, CA 95816. On this date, in the following manner, I served the foregoing document(s) identified as:

***THE SAN JOAQUIN TRIBUTARIES AUTHORITY'S PROCEDURAL AND EVIDENTIARY  
OBJECTIONS TO THE DEPARTMENT OF WATER RESOURCES AND U.S. BUREAU OF  
RECLAMATION'S CASE IN CHIEF IN SUPPORT OF CHANGE PETITION FOR THE  
CALIFORNIA WATERFIX PROJECT***

▶▶▶ **UNITED STATES MAIL** [CCP §1013]: I enclosed the documents in a sealed envelope addressed to the following persons and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with our practice for collection and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage thereon fully prepaid at Sacramento, California addressed as below:

\_\_\_\_\_ **FACSIMILE:** Based on prior consent, I caused the documents to be sent to the following persons via telecopier/facsimile machine a true copy thereof to the parties indicated below:

\_\_\_\_\_ **OVERNIGHT DELIVERY** [CCP §1013(c)]: I enclosed the documents in a sealed envelope provided by an overnight delivery carrier and addressed it to the persons identified below. I placed said envelope for collection at a regularly utilized drop box of the overnight carrier.

▶▶▶ **E-MAIL** [CCP §1010.6]: Based on pending consent of the parties, and/or court order or an agreement of the parties to accept service by e-mail, I caused the documents to be sent to the following persons at the following e-mail address, and did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful:

\_\_\_\_\_ **PERSONAL DELIVERY** [CCP §415.10] I arranged to have the documents personally delivered to the office of the persons identified below on \_\_\_\_\_:

**SEE ATTACHED SERVICE LIST**  
**(Revised July 11, 2016)**

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
2 correct, and that this declaration was executed on July 12, 2016, at Sacramento, California.

3 

4  
5 

---

  
6 Linda L. Wood, Legal Assistant  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**LIST OF PARTICIPANTS**  
**California WaterFix Petition Hearing**

**REVISED SERVICE LIST**  
**(Dated July 11, 2016)**

Be sure to copy all documents and correspondence addressed to the State Water Resources Control Board Members or staff regarding this hearing to **CWFhearing@waterboards.ca.gov**.

**Table 1- Service List of Parties to Exchange Information**  
**(Parties Participating in Direct Testimony, Cross-Examination or Rebuttal)**

**Parties Participating in Part I (May also be Parties in Part II)**

**THE FOLLOWING PARTIES MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The parties listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)**

<b>Party</b>	<b>Authorized Representative/ Attorney</b>	<b>Authorized Representative's Affiliation</b>	<b>Email Address of Authorized Representative/ Attorney</b>
California Department of Water Resources	James (Tripp) Mizell		james.mizell@water.ca.gov
U.S. Department of the Interior, The	Amy L. Aufdemberge, Esq.		amy.aufdemberge@sol.doi.gov
Sacramento County Water Agency	Aaron Ferguson	Somach Simmons & Dunn	aferguson@somachlaw.com
Carmichael Water District, The	Aaron Ferguson	Somach Simmons & Dunn	aferguson@somachlaw.com
City of Roseville, The	Alan Lilly & Ryan Bezerra	Bartkiewicz, Kronick & Shanahan	abl@bkslawfirm.com; rsb@bkslawfirm.com
Sacramento Suburban Water District	Alan Lilly & Ryan Bezerra	Bartkiewicz, Kronick & Shanahan	abl@bkslawfirm.com; rsb@bkslawfirm.com
San Juan Water District	Alan Lilly & Ryan Bezerra	Bartkiewicz, Kronick & Shanahan	abl@bkslawfirm.com; rsb@bkslawfirm.com
City of Folsom, The	Alan Lilly & Ryan Bezerra	Bartkiewicz, Kronick & Shanahan	abl@bkslawfirm.com; rsb@bkslawfirm.com
Yuba County Water Agency	Alan Lilly & Ryan Bezerra	Bartkiewicz, Kronick & Shanahan, P.C.	abl@bkslawfirm.com; rsb@bkslawfirm.com
South Valley Water Association, et al.	Alex M Peltzer	Peltzer & Richardson, LC	apeltzer@prlawcorp.com
Biggs-West Gridley Water District (BWGWD)	Andrew M. Hitchings	Somach Simmons & Dunn, PC	ahitchings@somachlaw.com; ssdwaterfix@somachlaw.com;
Glenn-Colusa Irrigation District (GCID)	Andrew M. Hitchings	Somach Simmons & Dunn	ahitchings@somachlaw.com; ssdwaterfix@somachlaw.com;

Restore the Delta	Barbara Barrigan-Parilla & Tim Stroshane	Restore the Delta	barbara@restorethedelta.org; tim@restorethedelta.org
Barbara Daly / North Delta C.A.R.E.S.	Barbara Daly & Anna Swenson		bdalymn@citlink.net; deltaactioncommittee@gmail.com
SolAgra Corporation/IDE Technologies	Barry Sgarrella	SolAgra Corporation	barry@solagra.com
California Delta Chambers & Visitor's Bureau	Bill Wells		info@californiadelta.org
Steamboat Resort	Brad & Emily Pappalardo		empappa@gmail.com; bradpappa@gmail.com
Brett G. Baker	Osha Meserve and Brett G. Baker		osha@semlawyers.com; brettgbaker@gmail.com
The Environmental Justice Coalition for Water	Osha Meserve and Esperanza Vielma and Colin Bailey, J.D.		osha@semlawyers.com; evielma@cafecoop.org; colin@ejcw.org
Placer County Water Agency, The	Kelley Taber, Dan Kelly	Somach Simmons & Dunn	ktaber@somachlaw.com; dkelly@pcwa.net;
City of Brentwood, The	David Aladjem	Downey Brand LLP	daladjem@downeybrand.com
Reclamation District No. 800 (Byron Tract)	David Aladjem, Jeffrey Conway	Downey Brand LLP, Reclamation District No. 800	daladjem@downeybrand.com; jconway@rd800.org
Friant North Authority	David Orth, Stephen R Onstot, June Ailin, John Fox, Shannon Chaffin and Marie Young	Aleshire & Wynder, LLP	jailin@awattorneys.com; jfox@awattorneys.com; schaffin@awattorneys.com; myoung@awattorneys.com; dorth@davidorthconsulting.com; sonstot@awattorneys.com
Deirdre Des Jardins	Deirdre Des Jardins		ddj@cah2oresearch.com
Nevada Irrigation District (NID)	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper LLP	dcooper@minasianlaw.com
Butte Water District (BWD)	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Richvale Irrigation District (RID)	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Anderson - Cottonwood Irrigation District	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Plumas Mutual Water Company (PMWC)	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Reclamation District 1004	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com

South Feather Water and Power Agency	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Western Canal Water District (WCWD)	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Paradise Irrigation District	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Friant Water Authority & Friant Water Authority Members	Fennemore Craig, Lauren Caster, Gregory Adams, and 13 others		lcaster@fclaw.com; gadams@fclaw.com; thomas.esqueda@fresno.gov; kelweg1@aol.com; mlarsen@kdwcd.com; sdalke@kern-tulare.com; mhagman@lindmoreid.com; sae16@lsid.org; fmorrissey@orangecoveid.org; sgeivet@ocsnet.net; roland@ssjmur.org; jph@tulareid.org
East Bay Municipal Utility District	Fred Etheridge & Jonathan Salmon		fetherid@ebmud.com; jsalmon@ebmud.com
North San Joaquin Water Conservation District	Jennifer Spaletta	Spaletta Law	jennifer@spalettalaw.com
City of Sacramento, The	Joe Robinson / Wesley A Miliband	Office of the City Attorney / Stoel Rives, LLP	jrobinson@cityofsacramento.org; wes.miliband@stoel.com
Central Delta Water Agency, South Delta Water Agency (Delta Agencies), Lafayette Ranch, Heritage Lands Inc., Mark Bachetti Farms and Rudy Mussi Investments L.P.	John Herrick, Esq. and Dean Ruiz, Esq.		jherrlaw@aol.com; dean@hprlaw.net
City of Stockton, The	John Luebberke, Paul S. Simmons, Kelley Taber & Tara Mazzanti		john.luebberke@stocktonca.gov; tara.mazzanti@stocktonca.gov ; psimmons@somachlaw.com; ktaber@somachlaw.com; ssdwaterfix@somachlaw.com
San Luis & Delta-Mendota Water Authority	Jon Rubin, Daniel J. O'Hanlon & Rebecca R. Akroyd		Jon.Rubin@SLDMWA.org; dohanlon@kmtg.com; rakroyd@kmtg.com
Stockton East Water District	Karna E. Harrigfeld		kharrigfeld@herumcrabtree.com

North Delta Water Agency & Member Districts	Kevin O'Brien	Downey Brand LLP	kobrien@downeybrand.com
Brannan-Andrus Levee Maintenance District; Reclamation District 407; Reclamation District 2067; Reclamation District 317; Reclamation District 551; Reclamation District 563; Reclamation District 150; Reclamation District 2098	Kevin O'Brien & David Aladjem	Downey Brand LLP	kobrien@downeybrand.com; daladjem@downeybrand.com
Sacramento Valley Group, The	Kevin O'Brien & David Aladjem	Downey Brand LLP	kobrien@downeybrand.com; daladjem@downeybrand.com
Sacramento Municipal Utility District (SMUD)	Kevin O'Brien & David Aladjem	Downey Brand LLP	kobrien@downeybrand.com; daladjem@downeybrand.com
County of San Joaquin, San Joaquin County Flood Control and Water Conservation District, and Mokelumne River Water and Power Authority	Thomas H. Keeling	Freeman Firm	tkeeling@freemanfirm.com; trobancho@freemanfirm.com
County of Colusa, The	Marcos Kropf & Matthew C. Bently		mkropf@countyofcolusa.com; mbently@countyofcolusa.org
Save the California Delta Alliance; Janet & Michael McCleary; Frank Morgan; and Captain Morgan's Delta Adventures, LLC	Michael Brodsky	Law Offices of Michael A. Brodsky	michael@brodskylaw.net
Islands, Inc	Osha Meserve and Michael J. Van Zandt	Hanson Bridgett, LLP	osha@semlawyers.com; mvanzandt@hansonbridgett.com
California Sportfishing Protection Alliance (CSPA), California Water Impact Network (C-WIN), and AquAlliance	Michael Jackson, Bill Jennings, Chris Shutes, Barbara Vlamis, and Carolee Krieger	Law Offices of Michael Jackson	mjatty@sbcglobal.net; blancapaloma@msn.com; deltakeep@me.com; barbarav@aqualliance.net; caroleekrieger7@gmail.com;
Snug Harbor Resorts, LLC	Nicole S. Suard, Esq.		sunshine@snugharbor.net
Local Agencies of the North Delta	Osha Meserve		osha@semlawyers.com
Bogle Vineyards/Delta Watershed Landowner Coalition	Osha Meserve		osha@semlawyers.com

Diablo Vineyards and Brad Lange/Delta Watershed Landowner Coalition	Osha Meserve		osha@semlawyers.com
Stillwater Orchards/Delta Watershed Landowner Coalition	Osha Meserve		osha@semlawyers.com
Patrick Porgans	Patrick Porgans	Patrick Porgans & Associates	pp@planetarysolutionaries.org
San Joaquin River Exchange Contractors Water Authority	Paul R. Minasian	Minasian, Meith, Soares, Sexton & Cooper, LLP	pminasian@minasianlaw.com
Coalition for a Sustainable Delta, The	Melissa Poole, Esq	Wonderful Company	melissa.poole@wonderful.com
Sacramento Regional County Sanitation District	Paul S. Simmons & Kelley Taber	Somach Simmons & Dunn, PC	psimmons@somachlaw.com; ktaber@somachlaw.com; ssdwaterfix@somachlaw.com
Westlands Water District	Philip A Williams		pwilliams@westlandswater.org
County of Yolo, The	Philip J. Pogledich		philip.pogledich@yolocounty.org
City of Antioch	Ron Bernal		rbernal@ci.antioch.ca.us
Contra Costa County and Contra Costa County Water Agency	Ryan Hernandez		ryan.hernandez@dcd.cccounty.us; rdenton06@comcast.net stephen.siptroth@cc.cccounty.us
Contra Costa Water District	Robert Maddow and Douglas E. Coty and Scott Shapiro and Kevin O'Brien	Downey Brand LLP and Bold, Polisner, Maddow, Nelson & Judson	rmaddow@bpmnj.com; dcoty@bpmnj.com; sshapiro@downeybrand.com; kobrien@downeybrand.com
Daniel Wilson	Osha Meserve and Daniel Wilson		osha@semlawyers.com; daniel@kaydix.com
State Water Contractors	Stefanie Morris		smorris@swc.org
Pacific Coast Federation of Fishermen's Associations and Institute for Fisheries Resources	Stephan C. Volker and M. Benjamin Eichenberg	Volker Law	svolker@volkerlaw.com; mbeichenberg@volkerlaw.com
Tehama-Colusa Canal Authority & water service contractors in its service area	Steven Saxton, Meredith Nikkel & J. Mark Atlas	Downey Brand	ssaxton@downeybrand.com mnikkel@downeybrand.com matlas@jmatlaslaw.com

San Joaquin Tributaries Authority, The (SJTA), Merced Irrigation District, Modesto Irrigation District, Oakdale Irrigation District, South San Joaquin Irrigation District, Turlock Irrigation District, and City and County of San Francisco	Tim O' Laughlin & Valerie C. Kincaid	O'Laughlin & Paris, LLP	towater@olaughlinparis.com; vkincaid@olaughlinparis.com
Water Forum, The	Tom Gohring		tgohring@waterforum.org
Earthjustice	Trent W. Orr		torr@earthjustice.org
County of Solano	William Emlen		wfemlen@solanocounty.com; PRMiljanich@solanocounty.com
Planning & Conservation League	Jonas Minton		jminton@pcl.org
Natural Resources Defense Council, The Bay Institute, and Defenders of Wildlife	Kate Poole	Natural Resources Defense Council	kpoole@nrdc.org; awaren@nrdc.org; bobker@bay.org; rzwillinger@defenders.org; dobegi@nrdc.org
Friends of the River & Sierra Club of California	E. Robert Wright & Kyle Jones		bwright@friendsoftheriver.org; kyle.jones@sierraclub.org

**THE FOLLOWING PARTY MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The party listed below has not agreed to electronic service BY THE PETITIONERS and must be served a hard copy. The party listed below agreed to**

<b>Party</b>	<b>Authorized Representative/ Attorney</b>	<b>Mailing Address of Authorized Representative/ Attorney</b>	<b>Email Address of Authorized Representative/ Attorney</b>
Clifton Court, L.P.	Suzanne Womack & Sheldon Moore	3619 Land Park Drive Sacramento, CA 95818	jsagwomack@gmail.com

**Parties Participating in Part II Only (Must also be Served in Part I)**

**THE FOLLOWING PARTIES MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND**



<b>Party</b>	<b>Authorized Representative/ Attorney</b>	<b>Authorized Representative's Affiliation</b>	<b>Email Address of Authorized Representative/ Attorney</b>
County of Sacramento, The	Aaron Ferguson	Somach Simmons & Dunn	aferguson@somachlaw.com
Environmental Council of Sacramento (ECOS)	Brenda Rose		office@ecosacramento.net
Trout Unlimited	Brian Johnson		bjohnson@tu.org
California Department of Fish and Wildlife	Carl Wilcox		carl.wilcox@wildlife.ca.gov
Environmental Water Caucus	Barbara Barrigan-Parilla and Tim Strohane and Conner Everts		barbara@restorethedelta.org; tim@restorethedelta.org; connere@gmail.com
SAVE OUR SANDHILL CRANES	Osha Meserve & Mike Savino		osha@semlawyers.com; wirthsoscranes@yahoo.com
Friends of the San Francisco Estuary	Mitch Avalon		friendsofsfestuary@gmail.com
Friends of Stone Lakes National Wildlife Refuge	Osha Meserve		osha@semlawyers.com; rmburness@comcast.net
American Rivers, Inc.	Steve Rothert		srothert@americanrivers.org

**Table 2 - Interested Persons  
(Persons Intending to Make Policy Statements Only)**

**PARTIES IN TABLE 1 ARE NOT REQUIRED TO SERVE THE FOLLOWING INTERESTED PERSONS WITH WRITTEN TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS**

**Interested Persons Participating in Part I (May also be Interested Persons in Part II)**

<b>Interested Person</b>	<b>Authorized Representative/ Attorney</b>	<b>Authorized Representative's Affiliation</b>	<b>Email Address of Authorized Representative/ Attorney</b>
Castaic Lake Water Agency	Matthew Stone		mstone@clwa.org
Central Valley Clean Water Association	Debbie Webster		eofficer@cvcwa.org
Coachella Valley Water District	Robert C Cheng		rcheng@cvwd.org
Desert Water Agency	Mark Krause		mkrause@dwa.org
Kern County Water Agency	Curtis Creel		ccreel@kcwa.com, ameliam@kcwa.com
Metropolitan Water District of Southern California	Rebecca Sheehan		rsheehan@mwdh2o.com
Mojave Water Agency	Kirby Brill		kbrill@mojavewater.org
North Delta C.A.R.E.S. (Members making policy statements only)	Anna Swenson		deltaactioncommittee@gmail.com
North State Water Alliance	David J. Guy	Northern California Water Association	dguy@norcalwater.org
Partnership for Sound Science in Environmental Policy	Craig S.J. Johns		cjohns@calrestrats.com
San Bernardino Valley Municipal Water District	Douglas Headrick		douglash@sbfmwd.com
Butte County Department of Water and Resource Conservation	Paul Gosselin		pgosselin@buttecounty.net
San Geronio Pass Water Agency	Jeff Davis		jdavis@sgpwa.com
Santa Clara Valley Water District	Erick Soderlund		esoderlund@valleywater.org
Terri Crain	Terri Crain		tcrain@scvchamber.com

Tulare Lake Basin Water Storage District	Mark Gilkey		mgilkey@tlbwsd.com
U.S. EPA Region 9	Tomas Torres		torres.tomas@epa.gov
Zone 7 Water Agency	J. Duerig		jduerig@zone7water.com
City of Chico, The	Erik Gustafson		Erik.gustafson@chicoca.gov
Rural County Representatives of California	Kathy Mannion		kmannion@rcrcnet.org
SEMILLAS (Stockton Educational Movement in Language Literacy and Scholarship)	Moteczuma Sanchez		motecps@gmail.com

### Interested Persons Participating in Part II Only

Interested Person	Authorized Representative/ Attorney	Authorized Representative's Affiliation	Email Address of Authorized Representative/ Attorney
African American Chamber of Commerce of San Joaquin County	Brandie Owusu-Spencer	African American Chamber of Commerce of San Joaquin County	eyv209@gmail.com
Asian Pacific Self-Development and Residential Association (APSARA)	Hengsothea Ung		usothea@apsaraonline.org
Assemblymember Susan Eggman (and staff)	Gustavo Medina		gustavo.medina@asm.ca.gov
Braceros del Delta	Luis Magaña		Lmagana@afsc.org
Cafe Coop	Esperanza Vielma		evielma@cafecoop.org
California Striped Bass Association	Jim Cox		jimcoxsportfishing@yahoo.com
California Student Sustainability Coalition	Ryan Camero		rcarcamero@gmail.com
Catholic Charities, Diocese of Stockton	Katelyn Roedner Sutter		kroedner@ccstockton.org
Central Valley Asian Chamber	Cynthia Lau		cynthialau@gmail.com
Earth Law Center	Linda Sheehan		lsheehan@earthlaw.org
Frank L Ruhstaller	Frank L Ruhstaller		larryruhstaller@gmail.com
Golden Gate Salmon Assoc	John McManus		john@goldengatesalmon.org
Greater Stockton Chamber of Commerce	Douglas W. Wilhoit, Jr.		doug@stocktonchamber.org
Joan Buchanan	Joan Buchanan		bu4567@aol.com

Lao Family Community Empowerment, Inc.	Ger Vang		gvang@lfcempowerment.org
Lower Sherman Island Duck Hunters Association	Roger Mammon		r.mammon@att.net
Michael Frost	Michael Frost		mr.michaelfrost@gmail.com
National Marine Fisheries Service	Ryan Wulff		ryan.wulff@noaa.gov
Rogene Reynolds	Rogene L. Reynolds		reynolds6568@gmail.com
Ronald A. Forbes, Delta Fly Fishers	Ronald A. Forbes		bluse03@yahoo.com
San Francisco Baykeeper	Erica Maharg, Ian Wren		erica@baykeeper.org; ian@baykeeper.org
Senator Cathleen Galgiani	Senator Cathleen Galgiani and Staff Bob Alvarez, Robin Adams & Marian Norris		Cathleen.Galgiani@sen.ca.gov; bob.alvarez@sen.ca.gov; Marian.Norris@sen.ca.gov; robin.adam@sen.ca.gov
Social Media Moms	Martha Vielma		vielmam07@yahoo.com
Stockton Downtown Comeback Club	Karl E Nate Knodt		nknodt@sanjoaquinrtd.com
Stockton Vegan & Vegetarians	Jennifer Patterson		activistjen86@gmail.com
Visit Stockton	Wes Rhea		wes@visitstockton.org