



State Water Resources Control Board

THIRD AMENDED NOTICE OF PUBLIC HEARING AND PROCEDURAL RULING

The State Water Resources Control Board
Administrative Hearings Office is holding
a Public Hearing on the pending Petitions for Change of Water Right
Permits 16478, 16479, 16481, and 16482
(Applications 5630, 14443, 14445A, and 17512, respectively) of the

Department of Water Resources.

The evidentiary portion of the Public Hearing
**will begin on March 24, at 9:00 a.m.,
and will continue on March 25, and
April 1, 3, (April 4 removed) 7, 8, 9, 14, 17, 22, 23, & 24, and
June 10 & 11, 2025,**
and additional dates as necessary.

All hearing days will be held by Zoom teleconference.

Representatives of parties and other people participating in the hearing
may access the Zoom teleconference by using the following link and call-
in information:

**Zoom teleconference (join link: bit.ly/aho-dcp-zoom)
Call-in number: 1-669-900-9128
Meeting ID: 969 6180 8415 (Passcode: 750159)**

**Interested members of the public who would like to watch this hearing without
participating may do so through the Administrative Hearings Office YouTube
channel at: bit.ly/aho-youtube**

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

LANGUAGE SERVICES AND ACCESSIBILITY:

This hearing will be conducted in English. To request translation of a written document, interpretation services for the hearing, or sign language services, please use one of the following options by March 10, 2025:

- Submit a [Language Services Request online](#)
- Call (916) 341-5254
- E-mail languageservices@waterboards.ca.gov

Users of a Telecommunications Device for the Deaf (TDD) may contact the California Relay Service at (800) 735-2929 or the teletype (TTY) voice line at (800) 735-2922.

PURPOSE OF HEARING

The State Water Resources Control Board (State Water Board or Board) Administrative Hearings Office (AHO) is conducting a public hearing about the Delta Conveyance Project. The purpose of the hearing is to gather evidence that the State Water Board will consider to determine whether to approve change petitions filed by the Department of Water Resources (DWR or Petitioner) to add two new points of diversion and rediversion to water right Permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively) (SWP Permits) and, if so, terms and conditions the Board should include in the amended permits.

BACKGROUND

On February 22, 2024, the State Water Board's Division of Water Rights (Division) received petitions for change from DWR to add two new points of diversion and points of rediversion to water right Permits 16478, 16479, 16481, and 16482, which are associated with the State Water Project (SWP). The proposed new points of diversion and points of rediversion would consist of screened intakes 2.3 miles apart located on the lower Sacramento River between Freeport and Sutter Slough. The proposed new intakes are part of the Delta Conveyance Project, which would allow DWR to divert water from the Sacramento River in the northern portion of the Sacramento-San Joaquin Delta Estuary (Delta) and convey the water through a tunnel to existing water distribution facilities in the southern Delta. A more detailed description of the Delta Conveyance Project and the associated petitions for change can be found in the July 31, 2024 Notice of Public Hearing.

AHO PROCEEDING

The AHO issued a Notice of Public Hearing on July 31, 2024, and an Amended Hearing Notice on November 18, 2024. The AHO held pre-hearing conferences on August 13, October 17, and December 16, 2024.

The AHO issued a Second Amended Hearing Notice and Procedural Ruling on January 17, 2025. The Second Amended Hearing Notice revised the July 31 Hearing Notice and November 18 Amended Hearing Notice and addressed Petitions for Reconsideration filed by DWR and State Water Contractors (SWC), and other outstanding requests raised by the parties in pre-hearing conference statements.

On January 21, 2025, DWR filed case-in-chief exhibits and a partial response to the AHO's request for supplemental information about historic diversion and use under the SWP Permits. DWR also submitted to the AHO copies of petitions for extension of time for the SWP Permits and Permits 16477 and 16480 (for SWP hydropower operations) that it filed with the Division on the same day. The petitions seek an extension of the construction deadline from December 31, 2000, to December 31, 2085, and an extension of the deadline for beneficial use of water from December 31, 2009, to December 31, 2085.

On January 31, 2025, North Delta Water Agency et al. (NDWA), County of Sacramento et al. (Sacramento County), County of San Joaquin, County of Contra Costa et al.

(Contra Costa County), and California Water Impact Network (CWIN) filed a joint motion for cancellation of the water right change petitions at issue in this proceeding or, in the alternative, motion to vacate the hearing dates and hold the change petition proceeding in abeyance (January 31 Joint Motion for Cancellation). On February 7, 2025, Delta Tribal Environmental Coalition (DTEC) and San Francisco Baykeeper, California Indian Environmental Alliance, Golden State Salmon Association, Friends of the River, and California Sportfishing Protection Alliance filed a Request to Continue February 28, 2025 Pre-Hearing Conference and Letter Regarding January 31, 2025 Joint Request for Cancellation or Stay.

On February 11, 2025, Contra Costa County, CWIN, DTEC et al., DWR, NDWA et al., Sierra Club et al., San Luis & Delta-Mendota Water Authority (SLDMWA), SWC, Tulare Lake Basin Water Storage District, and Save the California Delta Alliance and Hood Community Council, filed hearing management statements with the AHO.

On February 18, 2025, DWR filed a response to the January 31 Joint Motion for Cancellation.

Also on February 18, 2025, the AHO began the public hearing with the presentation of oral policy statements by interested persons and entities and discussion of outstanding procedural issues. The hearing will continue on **March 24, 2025**, with any remaining policy statements and presentation by the Petitioner of case-in-chief testimony. The hearing will be conducted in accordance with the procedural requirements in the July 31, 2024 Notice of Public Hearing as amended by subsequent rulings and notices.

REQUEST FOR SUPPLEMENTAL INFORMATION

On November 18, 2024, the AHO requested the following supplemental information from DWR pursuant to Water Code section 1701.3, about maximum diversion and beneficial use of water under the SWP Permits before the December 31, 2009 deadline for full beneficial use (November 18 Amended Hearing Notice and Procedural Ruling, pp. 9-10):

1. For water right Permits 16478 and 16479, the maximum volume of water diverted to storage at Oroville Reservoir during one authorized storage period (September 1 through July 31 of the succeeding year) before December 31, 2009, and the first and last day of diversion to storage during that period.
2. For water right Permits 16478, 16479, 16481, and 16482, the maximum volume of water exported from the southern Delta (directly diverted, rediverted, or diverted to offstream storage), during any water year before December 31, 2009.
3. For water right Permits 16478, 16479, 16481, and 16482, the maximum rate of water exported from the southern Delta (directly diverted, rediverted, or diverted to offstream storage), measured in cubic feet per second, before December 31, 2009. Identify the date(s) of the maximum rate of direct diversion, rediversion, and diversion to offstream storage (combined).

4. For water right Permits 16478, 16479, 16481, and 16482, the maximum volume of water beneficially used under each water right during any water year before December 31, 2009.

The AHO directed DWR to explain, in its submission, how it calculated each of the volumes and rates requested. If the calculation was based on information not already submitted to the State Water Board, the AHO directed DWR to submit any other information relied upon. (*Ibid.*)

The AHO set a deadline of December 9, 2024, for submission of this supplemental information based on an exchange with DWR's General Counsel during the October 17 pre-hearing conference. (November 18, 2024 Amended Hearing Notice, p. 9; 2024-10-17 Court Reporter's Transcript, Pre-Hearing Conference, pp. 93:24-94:7.) DWR later clarified that it had not understood the discussion during the pre-hearing conference to include information about the volume of water stored in Oroville Reservoir, the volume of water diverted from the Delta, or the volume of beneficial use under the SWP Permits, which information was not readily available. (DWR's Petition for Reconsideration, p. 3; 2025-02-18 DWR Response to Motion to Cancel or Delay, p. 2.)

DWR filed a petition for reconsideration of the November 18 Amended Hearing Notice and Procedural Ruling on December 2, objecting to the request for supplemental information and, in the alternative, requesting an extension of the December 9 deadline until the deadline for submission of case-in-chief exhibits. (*Id.*) The AHO granted DWR's request for extension of the deadline to submit the remaining information until January 20, 2025, which the AHO later extended to January 21. (2024-12-06 N. Kuenzi e-mail to A. Carroll; January 21 Second Amended Hearing Notice, p. 17.) DWR's December 2 petition included some information about maximum rates of diversion and volume of diversion to storage south of the Delta in partial response to items 2 and 3 of the AHO's November 18 supplemental information request.

On January 21, 2025, DWR submitted to the AHO copies of petitions for extension of time for the SWP Permits and related hydropower permits that DWR filed with the Division of Water Rights on the same day. These petitions include some additional supplemental information that partially responds to the AHO's request, including maximum rates of direct diversion and volume of storage under Permits 16478, 16479, and 16481, a maximum volume of diversion to storage under Permit 16482 (Permit 16482 does not authorize direct diversion), and a maximum volume of annual beneficial use under Permits 16478, 16479, 16481, and 16482. The petitions do not include information about the volumes of water directly diverted per annum as required by the Division's form for petitions for extension of time and that the AHO requested in this proceeding as part of the supplemental information.

DWR seems to take the position that information about the maximum volume of water that it has diverted from the Delta per year (by direct diversion, re-diversion, and diversion to storage) is not directly relevant to the lawful exercise of its right to divert and use water under the SWP Permits. In objecting to the AHO's request for information, DWR points out that the SWP Permits only identify maximum rates of

diversion from the Delta and do not include any limits on the volume of water that may be so diverted annually. (2025-02-18 DWR Response to Motion to Cancel or Delay, p. 2; 2025-02-18 Afternoon Zoom-generated Transcript, p. 19.)

Although the SWP Permits do not specify a maximum annual volume that may be diverted from the Delta, such a limit is inherent to the rights that DWR has acquired under its permits. A fundamental rule governing all appropriative water rights is that they are limited to the amount of water diverted and applied to reasonable and beneficial use. (*Hufford v. Dye* (1912) 162 Cal. 147, 154 [an appropriative right is measured by application of water to beneficial use, not by actual diversion or the amount stated in a notice of appropriation]; *Millview County Water Dist. v. State Water Resources Control Bd.* (2014) 229 Cal.App.4th 879, 891, 896-898 [claimed right to divert at a rate of two cubic feet per second (cfs) was limited to 243 acre-feet per annum (afa) based on the maximum, annual amount of water applied to beneficial use, and water district was not entitled to divert two cfs “at any time and for any duration . . .”].) For post-1914 appropriative rights acquired in accordance with the water right permitting system, the permittee may perfect a right up to the amount of water diverted and applied to beneficial use in accordance with applicable provisions of the Water Code, the Board’s regulations, and the terms of the permit, including the beneficial use deadline. (Wat. Code, §§ 1397, 1600-1611.)

Consistent with these legal principles, when determining how much water has been directly diverted under a permit for purposes of processing a time extension request or issuing a water right license, the Division of Water Rights evaluates both the maximum rate of water diverted and the maximum annual volume of water diverted. For direct diversion projects, the petition for extension of time form directs the permittee to “list the cubic feet per second (cfs) or gallons per day (gpd) diverted during the maximum month of use, and the acre-feet per annum (afa) and identify the year this occurred.” (2025-01-21 SWP Petitions for Extension of Time, p. 3.) Similarly, the Division has developed standard permit terms for inclusion in all licenses for direct diversion rights that establish a maximum annual volume limitation. (See Standard Water Right Terms 5A, 5B, 5E, 5F, and 5G (last updated June 12, 2013) available at https://www.waterboards.ca.gov/waterrights/water_issues/programs/permits/.)

The SWP Permits include a limit on the rate of water directly diverted, re-diverted, and diverted to storage from the Delta. Based on fundamental principles of water right law as well as the Division’s well-established practices, DWR’s permitted rights are not only limited to the maximum rate of water diverted and beneficially used before December 31, 2009; they are also limited to the maximum annual volume of water diverted from the Delta and applied to beneficial use before that deadline. In short, all of the supplemental information requested, including information concerning the maximum annual volume of water exported and the maximum amount of water applied to beneficial use, is germane to the scope of DWR’s existing rights under its permits, and therefore is relevant to this proceeding.

As of the date of this ruling, some elements of requested information Items 1, 2, and 3 remain outstanding. DWR also has not submitted information about how it calculated

each of the volumes and rates requested or provided supporting underlying data if DWR relied on any data in addition to annual progress reports filed with the State Water Board to calculate these volumes and rates. DWR stated in a letter with its submissions to the AHO on January 21, that the remaining requested supplemental information would be “part of the record for the Time Extension Petition.” (2025-01-21 Case-In-Chief Cover Letter, p. 3.) The cover letter submitted with the petitions for extension of time states that “DWR anticipates that the supporting operational data will be completed by end of May 2025 and environmental review will be completed by early 2026.” (2025-01-21 SWP Petitions for Extension of Time, p. 1.)

During the hearing on February 18, DWR’s General Counsel, Ann Carroll, stated that DWR was not able to complete the calculations necessary to submit the requested information because: (1) the underlying data is only available in paper format, and (2) reporting of diversion and use under the SWP Permits to the State Water Board was historically submitted in the aggregate and not by individual permit. (2025-02-18 Afternoon Zoom-generated Transcript, p. 18; see also 2025-01-21 SWP Petitions for Extension of Time, p. 1.)

Based on these representations and the continuing need for the requested supplemental information to develop a complete record on which the Board is to base its decision in this proceeding, as addressed in past procedural rulings and the procedural ruling below, I extend the deadline for DWR to submit the requested supplemental information until **May 27, 2025**. I further direct DWR to cause to appear by Zoom teleconference on hearing days on **June 10, at 9:00 a.m.**, and continuing as necessary on **June 11, 2025**, one or more of its directors, officers, managers, employees, or agents who are most qualified to testify about the requested supplemental information, the methodology used to calculate the requested supplemental information, and the sources and types of data relied upon to calculate the requested supplemental information. The witness or witnesses identified by DWR may, but is not required to, present summary testimony about the supplemental information. The witness or witnesses will be required to respond under oath to questions by the hearing officer, members of the hearing team, and the other parties to the proceeding about the requested supplemental information, the methodology used to calculate the requested supplemental information, and the sources and types of data relied upon to calculate the requested supplemental information.

PROCEDURAL RULING

DWR’s Proposed Permit Term and Objection to the Request for Supplemental Information

On January 21, DWR submitted the following proposed permit term intended to resolve the outstanding request for supplemental information (2025-01-21 DWR Case-in-Chief Letter):

The Department shall not divert water at the points of diversion identified in the table below, until the State Water Resources Control Board issues an

order granting, in part or in whole, or denying the Department's January 21, 2025 petition for extension of time, or as this petition may be amended.

DWR asserts that this term would prevent DWR from using increased available capacity of the Delta Conveyance Project to exceed the unquantified authorized maximum rate or volume of diversion and use under the SWP Permits. DWR further argues that with this proposed term and the newly filed petitions for extension of time for the SWP Permits, the AHO's request for supplemental information is "moot." (2025-01-21 DWR Case-in-Chief Letter, p. 3.)

The proposed term seems to address the risk of injury to other users and potential initiation of a new right based on the lack of quantified limits and the availability of additional diversion capacity. DWR would be unable to utilize the increased capacity made available by the Delta Conveyance Project until the Board acted on the petitions for extension of time and either authorized increased diversions or quantified existing limits on diversion and use.

The term does not avoid the Board's consideration of dual scenarios in this proceeding, however, because it is unknown whether the Board will approve an extension of time to authorize increased diversion and beneficial use under the permits. Accordingly, the Board must be able to distinguish between the benefits and impacts from approval of the proposed changes that might occur with or without such an extension of time.

DWR claims that the new diversion and conveyance facilities will "protect the reliability of SWP water deliveries south of the Delta" (2024-02-27 Revised DCP CPOD Petitions Package, p. 2.) To substantiate these alleged water supply benefits as compared to operations without the project if the Board does not extend the deadline to complete beneficial use under the permits, the record in this proceeding must include the authorized rates and volume of exports south of the Delta under the SWP Permits. (*Id.*, at p. 3.) Absent this information, the Board cannot analyze whether approval of the petitions would "[p]rotect the ability of the SWP to deliver water when hydrologic conditions result in sufficient amounts of water, consistent with applicable environmental protections," or "provid[e] operational flexibility to improve aquatic conditions in the Delta and better manage risks of further regulatory constraints on SWP operations."¹ (*Ibid.*) As pointed out by one of the Protestants during the hearing on February 18, if diversions through the new facilities is limited to the currently authorized amounts and operated in accordance with DWR's proposed permit terms including the preference for use of the south Delta facilities, it is unclear without knowing the rate and volume of authorized exports under the SWP Permits whether and how frequently the proposed new

¹ DWR also asserts that the Delta Conveyance Project will "[m]inimiz[e] the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries resulting from a major earthquake damaging levees in the south Delta." (*Ibid.*) DWR may be able to show such benefits absent the requested information, but the evidentiary record must include evidence of the alleged benefits, for example, evidence of the likelihood of a major earthquake that might result in this type of damage.

diversion facilities could be used. (2025-02-18 Afternoon Zoom-generated Transcript, pp. 35-36; see Exhibit DWR-01101, pp. 1-2.) Consequently, I do not change my conclusion that the requested supplemental information is necessary for the Board to make an informed and defensible decision on the change petitions.

There is also no reason for the Board to consider approval of the petitions for change without considering potential water supply benefits. Because the requested information is necessary to the Board's consideration of the petitions for extension of time, DWR must develop the information and submit it to the Board to support those petitions regardless of my direction in this proceeding. I see no reason for the Board to exclude from the evidentiary record in this hearing, relevant evidence that will soon be included in the Board's own records for these water rights and that could inform the Board's decision.

Joint Motion for Cancellation and Related Requests

The Protestant signatories of the January 31 Joint Motion for Cancellation argue that the Board should cancel the change petitions for the SWP Permits because DWR failed to comply with the AHO's deadlines for submission of supplemental information. (2025-01-31 Joint Motion for Cancellation.) In the alternative to cancelling the petitions, the Joint Motion seeks postponement of the hearing on the change petitions until the Board acts on the petitions for extension of time or the hearing on the petitions for extension of time is combined with this hearing. The Joint Motion describes in detail the AHO's prior rulings leading to this point in the proceeding and the reasons that the requested supplemental information is relevant to the hearing issues.

DTEC, Baykeeper, and other joining parties requested that the AHO vacate the February 18 date and subsequent hearing dates and set March 24 as a pre-hearing conference. (2025-02-07 DTEC and Baykeeper et al. Statement re Joint Request for Cancellation, pp. 1-2.) I did not vacate the February 18 hearing date because it was scheduled as a non-evidentiary hearing day and the parties would have the opportunity to address the hearing officer about pending procedural issues. On that day, the Board heard non-evidentiary policy statements and, in the afternoon, the hearing officer sought information from DWR about the status of the request for supplemental information, allowed the parties to address the pending motion to cancel the proceedings and DWR's petitions for extension of time, and addressed other procedural matters. For reasons discussed below, after considering the discussion on February 18 and the various filings by the parties, I deny the request to vacate the currently scheduled hearing dates for presentation of testimony by DWR's case-in-chief witnesses.

As a threshold matter, I do not believe that I have delegated authority to cancel the water right change petitions at issue in this proceeding. That authority lies with the Board, the Executive Director, and the Deputy Director of the Division of Water Rights. (Resolution No. 2023-0036; Resolution 2012-0029.) The Board did not delegate that authority to the AHO hearing officer in the Notice of Assignment of the change petitions to the AHO. (2024-06-19 Notice of Assignment.)

Based on DWR's representation that it is compiling the requested supplemental information and intends to complete this effort by the end of May, I would not recommend that the Board or its delegees cancel the change petitions. Because the requested information about diversion and use under the SWP Permits is fundamental to determining the amount of water that DWR might be able to divert at the proposed additional points of diversion, I will not require Protestants to submit their case-in-chief evidence until after DWR has satisfied the request for supplemental information. DWR must submit the requested information to the AHO by May 27. The AHO will conduct additional days of hearing for DWR's case-in-chief on June 10 and 11 to hear testimony from DWR's witness or witnesses most knowledgeable about the supplemental information. The deadline for Protestants to submit case-in-chief exhibits is July 11.

The first phase of the hearing on the change petitions will begin as scheduled on March 24. Postponing the start of this hearing until after the Board has acted on the time extension petitions as requested by the Protestants could delay this hearing by years and still would not resolve the complexity of conducting separate proceedings on interrelated sets of petitions.

As a practical matter, any hearing on the merits of the petitions for extension of time will not begin until at least 2026. DWR asserts that it must develop a new environmental document to support the Board's consideration of the petitions which will not be available until 2026, and the Board must conduct its own review and noticing of the petitions, allow time for parties to file protests, issue a notice of hearing, conduct pre-hearing processes, and commence the hearing. As a comparison, in this proceeding, DWR filed its petitions for change on February 22, 2024, and, despite the AHO's efforts to proceed as efficiently as possible, we will not begin the evidentiary portion of the hearing until March 24, 2025. Even assuming that DWR completes its environmental review in early 2026, and assuming a highly efficient hearing, order drafting process, and comment period, this hearing on the change petitions would be delayed in excess of two years if I hold this proceeding in abeyance until the Board issues a final decision on the petitions for extension of time.

And such a re-ordering of the hearings would still require the Board to consider multiple scenarios. For example, if the Board were to act on the time extension petitions before the change petitions, then the Board would have to consider whether DWR is likely to put the full-face value of the SWP Permits to beneficial use with or without the Delta Conveyance Project. The same uncertainties that many parties object to in this proceeding would likely occur in a different form in the time-extension proceeding. These interdependencies are the reason that petitions for change and petitions for extension of time are typically filed and processed by the Board as one matter.

I would have preferred to conduct these two proceedings as a single hearing process, if both sets of petitions were ready for hearing and assigned by the Board to the AHO. I believe this approach would have resulted in considerable efficiencies. But at this point, I estimate that conducting the hearings as one proceeding would require a further delay of a year or longer in the start of this hearing on the change petitions. The most expeditious path forward is not to further delay the start of this proceeding but to

proceed with the acknowledged complexities of alternative scenarios. And I am not convinced that holding this hearing in abeyance will advance the orderly or efficient conduct of the hearing given that DWR has already submitted its case-in-chief evidence. First, a substantial portion of DWR's case-in-chief evidence addresses issues specific to these petitions for change and does not directly relate to the petitions for extension of time. Second, based on my experience conducting complex water right hearings, the initial phases of hearing often bring into focus important elements of the proposed project, issues that are in dispute, and matters to be addressed in subsequent hearing phases. Delaying the start of the hearing would delay this clarity as to how the rest of the hearing should proceed.

I will continue to consider whether some coordination or combination of phases of these hearings may be advantageous going forward. But in my judgment, proceeding with this part of DWR's case-in-chief is appropriate, even though it may become necessary to revisit some of the testimony in a later part of this hearing for any of a variety of reasons. When and if the petitions for extension of time are assigned to the AHO, I will consider proposals by the parties to coordinate or combine elements of the two related hearings.

Other Requests for Postponement

In various filings, DTEC and other Protestants repeat several other arguments that I have previously considered and addressed as to why this hearing should be postponed. (2025-01-21 DTEC et al. Comments on Hearing Issues; 2025-2-11 CWIN Hearing Management Statement; 2025-02-11 Sierra Club et al. Hearing Management Statement.) DTEC objects to the simultaneous submission of comments on the hearing issues and DWR's case-in-chief exhibits and the "dual scenario hearing framework." (2025-01-21 DTEC et al. Comments on Hearing Issues, pp. 2-4.) I explicitly addressed these arguments in the January 18 Second Amended Hearing Notice. I addressed arguments about postponement of this proceeding pending updates to the Bay-Delta Plan in the November 18 Amended Hearing Notice and referenced my prior conclusion in the January 18 Second Amended Hearing Notice. (November 18 Amended Hearing Notice, p. 7; January 18 Second Amended Hearing Notice, pp. 12, 16, & 19.) I will not address these arguments again here.

Other Procedural Matters

Grouping of Parties, Time Limits, Order for Cross-Examination, and Order of DWR's Witnesses

In lieu of setting time limits for each party and for each aspect of the party's participation, the AHO is allocating time to groups of parties using a "chess clock" approach. This approach allocates a specific amount of time to the parties to make opening statements, present direct oral testimony, conduct cross-examination, make evidentiary objections, or otherwise participate in the hearing process as they see fit, subject to the hearing officer's ongoing discretion to manage the hearing.

AHO staff will track the party groups' use of their time. If any party group would like to subdivide their time, so that the AHO tracks it separately, the parties may make such a

request before the hearing begins on March 24. The AHO will not allocate additional time to any group except upon an offer of proof and showing of good cause and will not entertain such requests from any group before it has exhausted its allocated time.

For this initial phase of the hearing for testimony and cross-examination of DWR's case-in-chief witnesses, the time limits are allocated based on the groups as follows:

1. California Department of Water Resources: *16 hours*
2. Contra Costa County, et al.; NDWA & Reclamation Districts 999, 2060, 2068; County of Sacramento & Sacramento County Water Agency; SDWA et al.; Farm Bureau Delta Caucus & Sacramento County Farm Bureau; Byron-Bethany Irrigation District; City of Antioch; City of Stockton; Diablo Water District; El Dorado Irrigation District; Heritage Land Co., Placer County Water Agency; Pescadero Reclamation District; Sacramento Area Sewer District; Yolo County: *24 hours*
3. CSPA, et al.; Sierra Club, et al.; Camp Lotus, et al.; PCFFA & Institute for Fisheries Resources; CWIN; Foothill Conservancy; Save California Salmon; Save Our Sandhill Cranes; Habitat 2020/ECOS: *12 hours*
4. DTEC et al.; CIEA; San Francisco Baykeeper; and Golden State Salmon Association: *12 hours*
5. SCDA/HCC and Delta Legacy Communities: *8 hours*
6. Deirdre Des Jardins: *4 hours*
7. Tulare Lake Basin Water Storage District and EBMUD: *case-by-case*

In general, parties and groups of parties are welcome to agree to conduct cross-examination in an order that differs from the default order identified here. Furthermore, this order is not intended to identify the order for presentation of Protestants' case-in-chief testimony. I will address an order of presentation of case-in-chief testimony after Protestants submit their case-in-chief evidence.

DWR shall circulate a proposed order of witnesses for its case-in-chief to the AHO and the service list on or before **March 11, 2025**.

Site Visit

Based on the February 11 Joint Statement filed by representatives of DWR and a significant portion of the Protestants, I direct the parties to continue to meet and confer about a site visit, including the method (virtual or physical), proposed dates, and if applicable: itinerary, method of transportation, procedural rules, and any other relevant issues.

Evidentiary Objections

The hearing officer generally will not permit oral evidentiary objections to testimony during the hearing. Attorneys may raise concise oral objections to questions posed during cross-examination or re-direct.

Parties should be prepared to raise evidentiary objections in summary form and identify the exhibits or testimony to which the objection applies, either in writing or orally, before or at the time during the hearing when DWR offers its case-in-chief exhibits into evidence. This offer of exhibits will occur at the close of DWR's presentation of its case-in-chief witnesses. The hearing officer will set a date approximately one week after the close of this hearing phase for parties to submit all objections in writing, concisely, and in table format. Objections not identified in writing or orally at the time DWR offers its exhibits into evidence will not be considered.

Supplemental Case-in-Chief Evidence

The AHO will accept supplemental case-in-chief exhibits from DWR that arise from amendments to the hearing sub-issues or the testimony by DWR's witness on June 10 and 11. The deadline for submission of supplemental case-in-chief evidence by DWR is the deadline for submission of case-in-chief exhibits by the Protestants on July 11.

HEARING ISSUES

The State Water Board will decide whether to approve DWR's petitions to add two new PODs and PORDs to water right Permits 16478, 16479, 16481, and 16482, based upon the evidentiary record developed during the hearing. Parties to the proceeding may submit exhibits, testimony, and argument relevant to the following issues and sub-issues to be considered during the hearing:²

- (A) Should the State Water Board approve the petitions to change water right Permits 16478, 16479, 16481, and 16482 if the Board were to approve petitions for extension of time for the Petitioner to achieve additional diversion and beneficial use under the permits? If so, what conditions, if any, including conditions to address the issues identified below, should the Board include in the amended permits?
- (B) Should the State Water Board approve the petitions to change water right Permits 16478, 16479, 16481, and 16482 even if the Board were not to approve petitions for extension of time for the Petitioner to achieve additional diversion and beneficial use under the permits? If so, what conditions, if any, including conditions to address the issues identified below, should the Board include in the amended permits? **For purposes of considering Issue (B), what maximum volume and rate of water is Petitioner authorized to directly divert, divert to storage, export from the Delta (including direct diversion, re-diversion and diversion to storage), and**

² Changes to the hearing issues as compared to the Second Amended Hearing Notice are identified in red text and strikeout.

beneficially use under the permits, absent any approval of the petitions for extension of time?

Under the scenarios described in (A) and (B):

1. Would approval of the petitions effectively initiate a new water right?
 - a. Should the Board include a term in any amended permits that limits the amount of water that may be directly diverted, diverted to storage, exported from the ~~southern~~ Delta, or beneficially used under the amended permits unless and until the Board approves an extension of the 2009 deadline to complete beneficial use under those permits? **If so, what numerical limitations should the Board impose?**
 - b. **In the alternative, should the Board include some other term or condition in any amended permits to ensure that the approval does not authorize the effective initiation of a new water right?**
 - c. ~~If so, what limitations should the Board impose?~~
 - i. ~~What is the maximum historic volume and rate of water that has been directly diverted, diverted to storage, exported from the southern Delta, and beneficially used under each permit?~~
 - ii. ~~Should the Board impose limitations that are less than the historic maximum volumes or rates?~~
2. Would approval of the petitions result in injury to any legal users of water?
 - a. Will approval of the proposed changes in points of diversion alter water flows or impact groundwater availability in a manner that causes injury to legal users of water?
 - b. Will approval of the proposed changes in points of diversion alter surface or groundwater quality in a manner that causes injury to other legal users of water?
 - c. Would approval of the petitions allow Petitioner to divert and use water in excess of the volumes and rates that Petitioner could otherwise divert and use under the permits absent the approval, so as to injure other legal users of water?
3. Would approval of the petitions unreasonably affect fish and wildlife, recreation, or other uses protected by the public trust?
 - a. Will approval of the proposed changes in points of diversion alter water flows in a manner that will unreasonably affect fish and wildlife, recreation, or other uses protected by the public trust?
 - b. Will approval of the proposed changes in points of diversion alter water quality in a manner that will unreasonably affect fish and wildlife, recreation, or other uses protected by the public trust?
 - c. What Delta flow criteria are appropriate and should be included in any approval of the petitions, taking into consideration the 2010 Delta flow criteria, competing beneficial uses of water, and the relative responsibility of DWR and other water right holders for meeting water quality objectives?

- d. What conditions, if any, should the Board impose on any approval of the petitions in anticipation of the updates to the Bay-Delta Plan and the possible inclusion of voluntary agreements in those updates?
 - i. Should the effective date of any approval of the petitions be contingent upon adoption and implementation of the update to the Bay-Delta Plan, and a determination by the Board of the conditions on diversions that are necessary to meet updated Bay-Delta Plan requirements? **In the alternative, should any approval of the petitions include a re-opener provision for this purpose?**
 - ii. ~~Alternatively, s~~ Should any approval of the petitions be subject to interim requirements to ensure reasonable protection of beneficial uses pending the adoption and implementation of the update to **the** Bay-Delta Plan?
 - iii. Should any approval of the petitions include conditions to protect proposed voluntary agreement flows or the flows to which proposed voluntary agreement flows are intended to be additive, in the event the Bay-Delta Plan is updated to include voluntary agreements?

4. Would approval of the petitions be in the public interest? If approved, what terms and conditions, if any, within the Board's authorities should the Board include in the amended permits to protect the public interest?

5. Would approval of the petitions impact tribal lands, tribal interests, tribal cultural resources, **or tribal beneficial uses**? If approved, what terms and conditions, if any, within the Board's authorities should the Board include in the amended permits to protect these interests?

6. Would approval of the petitions be consistent with applicable **law**, policies, and regulatory requirements concerning racial equity and environmental justice? If approved, what terms and conditions ~~if any~~, within the Board's authorities, **if any**, should the Board include in ~~the any~~ amended permits to be consistent with **these** ~~applicable racial equity and environmental justice laws~~, policies, and requirements?

7. **Would approval of the petitions be consistent with Article X, section 2, of the California Constitution, which prohibits the waste, unreasonable use, or unreasonable method of diversion of water? Would approval of the petitions be consistent with other applicable provisions of law?**

8. Is there a feasible alternative or are there feasible mitigation measures within the State Water Board's authority that would substantially lessen or avoid any significant effect of the project identified in the Final EIR? If approved, what terms and conditions, if any, within the Board's authorities should be included in the amended permits to mitigate or avoid significant environmental impacts identified in the Final EIR?

Comments on Hearing Issues

In comments on the hearing issues in the Second Amended Hearing Notice, several Protestants requested that the AHO explicitly include specific sub-hearing issues. My decision not to include these sub-issues is not a ruling on their relevance, but a decision not to attempt to articulate every sub-issue that might be relevant to the Board's consideration. The scope of this hearing encompasses all matters relevant to the Board's decision whether to approve the petitions to change the SWP Permits, and if approved, conditions that the Board should include in amended permits. My decision to articulate specific hearing issues within this general scope is intended to identify explicit statutory and regulatory requirements that the Board must consider and notify the parties about sub-issues that the hearing officer considers, at least at the outset of the proceeding, to be particularly relevant to the Board's decision or likely to be in dispute. There are often other sub-issues within the general hearing issue framework that are relevant and could have been explicitly listed. The decision to include or not include these sub-issues, and the level of detail at which to attempt to articulate sub-issues, is a discretionary decision that does not change the overall scope of the hearing. I will consider on a case-by-case basis any objections to evidence for lack of relevance to the scope of this proceeding.

Many of the parties' other comments on hearing issues consist of argument on disputed legal issues that would be more appropriately raised in closing briefs, in response to a specific evidentiary objection, or in comments on a draft order. I will rule on these arguments as they arise in those contexts rather than in the abstract in this amended hearing notice. I address certain remaining comments from the parties below:

Sierra Club et al.

Sierra Club California et al. request that the hearing officer include consideration of postponement of this proceeding pending final action by the Board on updates to the Bay-Delta Plan, as a hearing issue. I do not believe this type of procedural issue would be properly included as a hearing issue. The hearing issues address substantive questions of law, fact, and policy that are at issue in this proceeding, and on which the Board will issue findings and determinations in a final decision on the merits.

County of Sacramento et al.

County of Sacramento et al. (Sacramento County) seeks "clarification as to the appropriate remedy for [the Board] finding the petitions effectively initiate a new water right." (2025-01-21 County of Sacramento et al. Comments on Hearing Issues, p. 2.) Sacramento County's request appears to be a request for resolution of a potentially disputed question of law in advance of the hearing. The AHO will not address this question without the benefit of briefing by the parties and, at this time, reserves the issue for closing briefs.

Sacramento County also seeks clarification about references in the Amended Hearing Notice and Second Amended Hearing Notice to the effect of the deadline for construction in the SWP Permits. I provide the following explanation with the caveat that this clarification is not a legal ruling and imposes no prejudice on any argument by the

parties. This explanation reflects my understanding of the law at this time without having considered specific briefing on the issue.

As I understand, deadlines to begin or complete construction in water right permits implement an element of the diligent prosecution of the development of the right. (Wat. Code, § 1396.) The Board may rely on failure to meet these deadlines to revoke all or a portion of a permit for lack of diligence. (Wat. Code, §§ 1398 & 1410.) A permit-holder may not increase diversion under a permit using facilities completed after the deadline for construction in the permit, absent extension of the deadline. (Wat. Code, § 1397.)

The annual progress reports for the SWP Permits that DWR filed with the State Water Board indicate that DWR has diverted water under the permits through facilities constructed before the December 31, 2000 deadline to complete construction. If the Board approves the petitions for change, DWR would not need the Board's approval of an extension of the construction deadlines to divert water using newly constructed facilities up to the amount previously diverted in compliance with the terms of the permits, including the December 31, 2009 deadline to complete application of water to beneficial use, and other applicable laws. DWR would, however, need the Board's approval of an extension of both the construction and beneficial use deadlines to divert and use any additional water using newly constructed facilities such as the Delta Conveyance Project.

County of Contra Costa et al. and CWIN

County of Contra Costa et al. and CWIN argue in their February 11 Hearing Management Statements that due diligence is a "foundational element of any water right permit." (2025-02-11 Contra Costa County et al. Hearing Management Statement; 2025-02-11 CWIN Hearing Management Statement, p. 4.) I address these arguments as late comments on the hearing issues.

Due diligence is not directly relevant to the Board's consideration of a change petition so I will not include it as a hearing issue in this proceeding. Water Code sections 1701 through 1705 govern changes to a water right permit or license. To approve a water right change petition, the Board must find that the proposed change will neither in effect initiate a new right nor injure any other legal user of water. (Wat. Code, § 1702; Cal. Code Regs., tit. 23, § 791, subd. (a).) Diligence is not an element of such a finding because water right permits remain valid unless and until the Board issues a license or revokes the permit. (Wat. Code, § 1455.) And the Board has no authority to revoke a water right permit in whole or in part unless acting on a petition for extension of time or in a duly noticed revocation proceeding. (Wat. Code, §§ 1398, subd. (b) & 1410.) Neither are pending in this proceeding. Contra Costa County et al. cited examples of proceedings in which the Board was acting on petitions for extension of time or a water right application. In those examples, due diligence is an element of the Board's consideration explicitly identified by the Water Code or the Board's regulations. (Wat. Code, §§ 1397-98; Cal. Code Regs., tit. 23, §§ 840 & 844.) DWR's newly filed petitions for extension of time will include due diligence as a necessary element of the Board's consideration.

State Water Contractors

In addition to arguments about the appropriateness of conducting this proceeding in combination or coordination with any proceeding on the petitions for extension of time, addressed above, SWC objects to hearing issue 3.d which addresses anticipated updates to the Bay-Delta Plan. SWC asserts that hearing issue 3.d is inappropriate for this proceeding because the issues will be addressed by the Board in a future process to implement updates to the Bay-Delta Plan. I included this hearing issue because it is a significant disputed issue among the parties and may be relevant to consideration of potential impacts to public trust resources, the public interest, and the general administration of water rights if the Board approves the petitions for change. Inclusion of the issue in this hearing notice does not indicate any decision by the hearing officer or the Board as to how it would address the merits of the issue if the Board approves the petitions.

HEARING SCHEDULE AND DEADLINES

| Deadlines / Schedule | Date and Time |
|---|---|
| Deadline for Petitioner to provide proposed order of witnesses for case-in-chief testimony. | March 11, 2025 |
| Hearing continues with any remaining policy statements and Petitioner’s case-in-chief. | March 24, 25, and April 1, 3, 7, 8, 9, 14, 17, 22, 23, & 24, 2025, starting at 9:00 a.m. |
| Hearing for DWR’s supplemental information witness(es). | June 10 & 11, 2025, starting at 9:00 a.m. |
| Deadline for Protestants to submit case-in-chief exhibits, exhibit identification indices, and proposed permit terms or statement of no appropriate conditions for approval. Deadline for Petitioner to submit any additional case-in-chief exhibits. | July 11, 2025. |

Date: February 28, 2025



Nicole L. Kuenzi
Presiding Hearing Officer
Administrative Hearings Office

Attachments:

- Attachment 1 - Service List

ATTACHMENT 1
SERVICE LIST

Ann Carroll
Collin Chandler
Maya Ferry Stafford
Stefanie Morris
Kenneth Bogdan
Christopher Butcher
Department of Water Resources
Ann.Carroll@water.ca.gov
Collin.Chandler@water.ca.gov
Maya.Stafford@water.ca.gov
smorris@calnevawaterlaw.com
Kenneth.Bogdan@water.ca.gov
Christopher.Butcher@water.ca.gov

Russell van Loben Sels
Amistad Ranches
revanlobensels@gmail.com

Michael E. Vergara
Louinda V. Lacey
Alyson E. Ackerman
Ellen M. Moskal
Jennifer Estabrook
Gloria Loomis
Yolanda De La Cruz
Pennie MacPherson
Somach Simmons & Dunn
mvergara@somachlaw.com
llacey@somachlaw.com
aackerman@somachlaw.com
emoskal@somachlaw.com
jestabrook@somachlaw.com
gloomis@somachlaw.com
ydelacruz@somachlaw.com
pmacpherson@somachlaw.com
Attorneys for Byron-Bethany Irrigation District

Chris Shutes
California Sportfishing Protection
Alliance (CSPA)
blancapaloma@msn.com

Barbara Vlamis
AquAlliance
barbarav@aqualliance.net

Michael Jackson
mjatty@sbcglobal.net
Attorney for CSPA and AquAlliance

David Fries
San Joaquin Audubon Society
dfries.audubon@gmail.com

Roger B. Moore
LAW OFFICE OF ROGER B. MOORE
rbm@landwater.com
Attorney for California Water Impact Network

Adam Keats
LAW OFFICE OF ADAM KEATS, PC
adam@keatslaw.org
Attorney for California Water Impact Network

S. Dean Ruiz
John Herrick
Dante J. Nomellini, Sr.
Dante J. Nomellini, Jr.
Mohan, Harris, Ruiz LLP
dean@mohanlaw.net
dean@sdeltawater.net

jherrlaw@aol.com
john@sdeltawater.net
ngmplcs@pacbell.net
dantejr@pacbell.net
brettgbaker@gmail.com
Attorneys for Central Delta Water Agency, South Delta Water Agency, Heritage Land Co., and Rudy Mussi Investment L.P.

Matthew Emerick
Law Offices of Matthew Emerick
matthew@mlelaw.com

Kelley M. Taber
Louinda V. Lacey
Casey A. Shorrock
William Burke
Gloria Loomis
Crystal Rivera
Pennie MacPherson
Somach Simmons & Dunn, PC
ktaber@somachlaw.com
llacey@somachlaw.com
cshorrock@somachlaw.com
burkew@saccounty.gov
gloomis@somachlaw.com
crivera@somachlaw.com
pmacpherson@somachlaw.com
*Attorneys for Sacramento County, and
Sacramento County Water Agency*

Wes Miliband
Miliband Water Law
wes.miliband@mwaterlaw.com
*Attorney for City of Sacramento and
Diablo Water District*

Kelley M. Taber
Louinda V. Lacey
Ellen M. Moskal
Casey A. Shorrock
Mel Lytle
Lori Asuncion
Somach Simmons & Dunn
ktaber@somachlaw.com
llacey@somachlaw.com
emoskal@somachlaw.com
cshorrock@somachlaw.com
mel.lytle@stocktonca.gov
lori.asuncion@stocktonca.gov
gloomis@somachlaw.com
crivera@somachlaw.com
pmacpherson@somachlaw.com
Attorneys for the City of Stockton

Osha Meserve
Soluri Meserve, A Law Corporation
osha@semlawyers.com
legal@semlawyers.com
*Attorney for County of Contra Costa,
Contra Costa County Water Agency,
County of San Joaquin, County of
Solano, David J. Elliot & Sons/Stillwater
Orchards, Frank Loretz, Friends of
Stone Lakes National Wildlife Refuge,
Local Agencies of the North Delta, and
Wurster Ranches, LP*

Protestant County of San Joaquin
Kirnpreet Kaur Virk
Deputy County Counsel
Office of the County Counsel
County of San Joaquin
kvirk@sjgov.org

Thomas H. Keeling
Freeman Firm
tkeeling@freemanfirm.com
Attorney for San Joaquin County

Jennifer Spaletta
STOEL RIVES LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
jennifer.spaletta@stoel.com

Protestant County of Contra Costa and
the Contra Costa County Water Agency
Contra Costa County
Contra Costa County Water Agency
c/o Ryan Hernandez
Department of Conservation and
Development
Ryan.Hernandez@dcd.cccounty.us

Thomas L. Geiger, County Counsel
Stephen M. Siptroth, Assistant County
Counsel
Contra Costa County Counsel's Office
Stephen.Siptroth@cc.cccounty.us

Protestant County of Solano
Bernadette Curry, County Counsel
Holly E. Tokar, Deputy County Counsel
Solano County
BSCurry@SolanoCounty.com
HETokar@SolanoCounty.com

Dan Whaley
Delta Communities Inc.
Whaley500@yahoo.com

Dan Muelrath
Diablo Water District
dmuelrath@diablowater.org

Deirdre Des Jardins
ddj@cah2oresearch.com

Jon Salmon
East Bay Municipal Utility District
Jon.salmon@ebmud.com

Robert E. Donlan
Ellison, Schneider, Harris & Donlan LLP
red@eslawfirm.com
kwb@eslawfirm.com
Attorney for East Contra Costa Irrigation District

Brian Poulsen
Rachel Sarge
El Dorado Irrigation District
bpoulsen@eid.org
rsarge@eid.org

Amber McDowell
Farm Bureau Delta Caucus
Sacramento County Farm Bureau
executivedirector@sacfarmbureau.org

Michael A. Brodsky
Law Offices of Michael A. Brodsky
michael@brodskylaw.net
Attorney for Hood Community Council and Save the California Delta Alliance

Alexis K. Stevens
Ellen M. Moskal
Louinda V. Lacey
Kelley M. Taber
Somach Simmons & Dunn
astevens@somachlaw.com
emoskal@somachlaw.com
llacey@somachlaw.com
ktaber@somachlaw.com
crivera@somachlaw.com
pmacpherson@somachlaw.com
Attorneys for Naglee Burk Irrigation District and Pescadero Reclamation District No. 2058

Kevin O'Brien
Brian Hamilton
Austin Cho
Downey Brand LLP
bhamilton@downeybrand.com
acho@downeybrand.com
dfillon@downeybrand.com
kobrien@downeybrand.com
Attorneys for North Delta Water Agency and associated Reclamation Districts

Robert Cheng
Coachella Valley Water District
rcheng@cvwd.org

Kelley M. Taber
Louinda V. Lacey
Ellen M. Moskal
Casey A. Shorrock
Diane McElhern
Somach Simmons & Dunn, PC
ktaber@somachlaw.com
llacey@somachlaw.com
emoskal@somachlaw.com
cshorrock@somachlaw.com
mcelhernd@saccounty.gov
gloomis@somachlaw.com
crivera@somachlaw.com
pmacpherson@somachlaw.com
Attorneys for Sacramento Area Sewer District, Sacramento County, and Sacramento County Water Agency

E. Robert Wright
Caty Wagner
Molly Culton
Sierra Club California
bwrightatty@gmail.com
Caty.Wagner@sierraclub.org
Molly.Culton@sierraclub.org

John Buse
Center for Biological Diversity
jbuse@biologicaldiversity.org

Jann Dorman
Keiko Mertz
Gary Bobker
Friends of the River
janndorman@friendsoftheriver.org
keiko@friendsoftheriver.org
gbobker@friendsoftheriver.org

Howard Penn
Planning and Conservation League
howard@pcl.org

Regina Chichizola
Save California Salmon
regina@californiasalmon.org

Emily Pappalardo
DCC Engineering Co., Inc
Epappalardo@dcceng.net
Representative for Steamboat Resort

Philip J. Pogledich
County of Yolo
Philip.pogledich@yolocounty.gov

Eric Buescher
Christie Ralston
San Francisco Baykeeper
eric@baykeeper.org
christie@baykeeper.org

Clavey Wendt
OARS California Rafting (OARS)
claveywendt@gmail.com

Kevin Wolf
Restoring the Stanislaus River
kevinjwolf@gmail.com

Stephanie Safdi
Terra Baer
Naji Thompson
Stephanie Prufer
Thomas Peterson
Danna Castro Galindo
Shehla Chowdhury
Environmental Justice Law and
Advocacy Clinic, Yale Law School
stephanie.safdi@ylsclinics.org
terra.baer@ylsclinics.org
naji.thompson@ylsclinics.org
stephanie.prufer@ylsclinics.org
thomas.peterson@ylsclinics.org
danna.castrogalindo@ylsclinics.org
shehla.chowdhury@ylsclinics.org
*Counsel for Buena Vista Rancheria of
Me-Wuk Indians, Little Manila Rising,
Restore the Delta, Shingle Springs Band
of Miwok Indians, Winnemem Wintu
Tribe*

Charles Center
Camp Lotus
charlesmcenter@gmail.com

Scott Armstrong
All-Outdoors California Whitewater
Rafting
scott@aorafting.com

Isaac Ingram
American River Touring Association
isaac@arta.org

Theresa Lorejo-Simsiman
American Whitewater
theresa@americanwhitewater.org

Keith Miller
California Canoe and Kayak
cckjefe@gmail.com

Nathan Rangel
California Outdoors
nathanjrangel@gmail.com

Brian Jobson
Foothill Conservancy
jobsonbrian@hotmail.com

Scott Underwood
Mother Lode River Center
scott@malode.com

Dan Kelly
Elise M. Nelson
Placer County Water Agency
dkelly@pcwa.net
enelson@pcwa.net

Marty McDonnell
Sierra Mac River Trips
marty@sierramac.com

Aaron Zettler-Mann
South Yuba River Citizens League
(SYRCL)
aaron@yubariver.org

Patrick Koepele
Tuolumne River Trust
patrick@tuolumne.org

Stephen Smallcombe
Upper Merced River Watershed Council
kristinarylands@gmail.com

Sean Wirth
ECOS/Habitat 2020
office@ecosacramento.net

Barbara Barrigan-Parrilla
Cintia Cortez
Morgen Snyder
Restore the Delta
barbara@restorethedelta.org
cintia@restorethedelta.org
morgen@restorethedelta.org

Sherri Norris
California Indian Environmental Alliance
sherri@cieaweb.org

Rebecca Akroyd
Rebecca L. Harms
Daniel J. O'Hanlon
Andreyaa Woo Nazal
Terri Whitman
Sherry Ramirez
rebecca.akroyd@sldmwa.org
rebecca.harms@sldmwa.org
dohanlon@kmtg.com
awoonazal@kmtg.com
twhitman@kmtg.com
sramirez@kmtg.com
San Luis & Delta-Mendota Water Authority

Glen Spain
Pacific Coast Federation of Fishermen's
Associations (PCFFA) and Institute for
Fisheries Resources (IFR)
fish1ifr@aol.com

Mike Savino
Save our Sandhill Cranes
yogoombah@yahoo.com

Adam Nickels
Lisa Holm
Anna Brathwaite
Amy Aufdemberge
Kate Laubach
United States Department of Interior
Bureau of Reclamation
anickels@usbr.gov
lholm@usbr.gov
anna.brathwaite@sol.doi.gov
Amy.Aufdemberge@sol.doi.gov
Katharine.Laubach@usdoj.gov

Scott Slater
Elisabeth Esposito
Benjamin Markham
Mary Loum
Mack Carlson
Brownstein Hyatt Farber Schreck, LLP
sslater@bhfs.com
eesposito@bhfs.com
bmarkham@bhfs.com
mloum@bhfs.com
mcarlson@bhfs.com
Attorneys for Westlands Water District
Allison Febbo
Westlands Water District
afebbo@wwd.ca.gov

Miles Krieger
Best Best & Krieger
Miles.Krieger@bbklaw.com
heather.mccoy@bbklaw.com
Attorney for State Water Contractors

Scott Artis
Barry Nelson
Mariah Lauritzen
Golden State Salmon Association
Scott@goldenstatesalmon.org
barry@westernwaterstrategies.com
mariah@goldenstatesalmon.org

Peter Kiel
Vincent Goble
Aubrey Mauritson
Josh Fox
pkiel@cawaterlaw.com
vgoble@cawaterlaw.com
amauritson@visalialaw.com
jfox@visalialaw.com
Attorneys for Tulare Lake Basin Water Storage District

Wade Crowfoot
California Natural Resources Agency
wade.crowfoot@resources.ca.gov

Adnan Anabtawi
Mojave Water Agency
aanabtawi@mojavewater.org

Steve L. Johnson
Desert Water Agency
sjohnson@dwa.org

James D. Ciampa
Kern County Water Agency
jciampa@lagerlof.com

Michael Plinski
San Bernardino Valley Municipal Water District
MichaelP@sbnmwd.com

Anecita Agustinez
Carolyn Buckman
Karla Nemeth
California Department of Water Resources
anecita.agustinez@water.ca.gov
carolyn.buckman@water.ca.gov
karla.nemeth@water.ca.gov

Janet Barbieri
JB-Comm, Inc.
janet@jb-comm.com

Rebecca Sheehan
Metropolitan Water District
Rsheehan@mwdh2o.com

Antonio Alfaro
Santa Clara Valley Water District
AAlfaro@valleywater.org

Ed Stevenson
Alameda County Water District
ed.stevenson@acwd.com

Thomas Berliner
John Sweigard
Hicham EITal
Bryan Kelly
Phillip McMurray
Merced Irrigation District
tumberland@duanemorris.com
jsweigard@mercedid.org
heltal@mercedid.org
bkelly@mercedid.org
pmcmurray@mercedid.org

Lance Eckhart
San Gorgonio Pass Water Agency
LEckhart@sgpwa.com

Valerie Pryor
Sarah Palmer, Ph.D.
Zone 7 Water Agency
vpryor@zone7water.com
palmer.sarahL@gmail.com

Yvonne Perkins
Tribal Historic Preservation Officer
YD0122202005
Yocha Dehe Wintun Nation
THPO@yochadehe.gov

Janet Lake
Freeport Citizens Community (FCC)
riverscitybrand@gmail.com