



January 22, 2016

Via Email Only

Felicia Marcus, Chair
Tam Doduc, Member
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Email: CWFhearing@waterboards.ca.gov

Re: WaterFix Hearing Process

Dear Ms. Marcus and Ms. Doduc:

Please find below the San Joaquin Tributaries Authority (SJTA) comments on behalf of the SJTA, the Merced, Modesto, Oakdale, South San Joaquin, and Turlock Irrigation Districts and the City and County of San Francisco.

The Hearing's Importance is Elevated Due to the Significant Project Impacts

If approved, the Petition would permit the largest statewide project in the last 50 years. The impact of the Petition is significant and may have significant impacts on water users statewide. The breadth of the Petition and the potential depth of impacts resulting therefrom require the State Water Resources Control Board (State Water Board) to approach its consideration and potential approval of the Petition with great care. The hearing on the Petition will require significant investment of time and resources. The State Water Board has a duty to review and consider the information presented by the Petitioners, the parties supporting, and the parties protesting the Petition.

Due process requires the State Water Board provide certain protections to water right holders whose rights could potentially be affected by the Petition. For this reason, the SJTA recommends the State Water Board prioritize the due process rights of water right holders ahead of procedural efficiency. In prioritizing due process concerns, the SJTA recommends the State Water Board reconsider some of hearing limitations that would adversely affect the parties concerned about the Petition affecting their water rights.

Hearing Team Structure and Exhibits

The Notice states that during the hearing on the Petition, the State Water Board will be represented by two hearing officers. The SJTA recommends all members of the State Water Board hear the Petition. The statewide impact and importance of the Petition necessitates all State Water Board hear the evidence in support and in opposition of the Petition.

The hearing team will consider the Petition and render a decision regarding the approval of the Petition. For this reason, it is important to ensure the hearing team is able to hear the Petition without bias or influence. The hearing team provided a significant number of exhibits prior to the hearing. Because the hearing team sits as the impartial decision-making party, it usually does not submit exhibits for its own consideration in determining whether to adopt the Petition. The SJTA requests the hearing team provide an explanation of (1) the purpose of the exhibit submission and (2) how the State Water Board plans to treat these documents when it reviews and considers the Petition.

Hearing Efficiency, Limitations, and Due Process

The SJTA recommends the State Water Board reconsider the limits for time allocated for oral testimony. The limitations on oral testimony will require the public to dedicate significant time reviewing written testimony in an effort to determine relevant evidence. Petitioners, especially, should be provided with sufficient time to present the Petition, why the Petition is necessary, and further explain how the Petition will impact other legal water users.

In addition, the State Water Board should reconsider the time limits on cross examination. The proposed time allocation in the Notice will not allow meaningful examination. Because there are so many hearing participants, the hour for cross examination will allow each party to have one minute of cross examination. Certainly, this amount of time is not appropriate and would deny parties fundamental due process rights. The SJTA and its members expressly reserve their respective rights to due process and right to fully cross examine witnesses with regard to a proposed project that may impact the water rights held by SJTA members.

Written Testimony Without Oral Presentation

The SJTA recommends the State Water Board require oral presentation of testimony. To the extent parties submit written testimony, but fail to present the information at the hearing, the SJTA requests the State Water Board strike the written testimony from the record. Any evidence that is not subject to cross examination should be excluded from the State Water Board's consideration.

Motions in Limine

Unlike preliminary procedural motions, motions in limine relate to the testimony of a specific witness. The SJTA recommends such motions be presented for consideration immediately prior to the witness presentation, rather than at the beginning of the hearing with other preliminary motions.

Recommended Hearing Structure

The SJTA recommends the following structure for the hearing:

1. Open hearing
2. Introduce hearing team
3. Read Notice
4. Opening comments from hearing team
5. Public Comment and Policy Statements
 - (a) State elected officials (5 mins)
 - (b) Administration (5 mins)
 - (c) Local elected officials (3 mins)
 - (d) Public (2 mins)
6. Preliminary Procedural Motions: SJTA recommends requiring procedural motions be filed by March 28, 2016. Responsive motions to procedural motions filed by April 4, 2016. These motions could include motions to dismiss, motion to disqualify, motion to continue, and/or other preliminary procedure motions.
7. Presentation of Petition: Department of Water Resources and United States Bureau of Reclamation to present petition and experts in support. Followed by cross examination, re-direct, and re-cross of experts.
8. Interested Parties Presentation: SJTA recommends the State and Federal contractors begin this segment of the hearing. Followed by some organized and consistent order of other parties, likely arranged by support or protest of the Petition. Each interested party will present its opening remarks, experts, followed by cross examination of each expert or group of experts.
9. Rebuttal: Rebuttal would be presented by each party after the close of all cases in chief. The SJTA recommends Petitioners would present rebuttal first, followed by the interested parties in the same order as the parties present the case-in-chief.

10. Close of Phase 1: Closing arguments and/or closing written briefs for Phase 1 participants.

Thank you for your consideration of the SJTA comments and recommendations. The SJTA looks forward to productive participation in the hearing.

Very truly yours,



Tim O'Laughlin

TO/llw

cc: Participating Parties (*SERVICE LIST ATTACHED – Via Email Only*)

LIST OF PARTICIPANTS
California WaterFix Petition Hearing
(Scheduled to Commence on April 7, 2016)

REVISED SERVICE LIST
(Dated January 22, 2016)

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.)

Party	Authorized Representative/ Attorney	Authorized Representative's Affiliation	Email Address of Authorized Representative/ Attorney
California Department of Water Resources	James Mizell		james.mizell@water.ca.gov
U.S. Department of the Interior	Amy 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	Andrew M. Hitchings	Somach, Simmons & Dunn, PC	ahitchings@somachlaw.com;
Glenn-Colusa Irrigation District (GCID)	Andrew M. Hitchings	Somach, Simmons & Dunn	ahitchings@somachlaw.com
North Delta Cares	Anna Swenson		deltaactioncommittee@gmail.com

Restore the Delta	Barbara Barrigan-Parilla & Tim Stroshane	Restore the Delta	barbara@restorethedelta.org; tim@restorethedelta.org
Barbara Daly	Barbara Daly		bdalymns@citilink.net
SolAgra Corp.	Barry Sgarrella, CEO		barry@solagra.com
California Delta Chambers & Visitors Bureau	Bill Wells		info@californiadelta.org
Steamboat Resort	Brad & Emily Pappalardo		empappa@gmail.com; bradpappa@gmail.com
Brett G. Baker	Brett G. Baker		brettgbaker@gmail.com
The Environmental Justice Coalition for Water	Colin Bailey		colin@ejcw.org
Placer County Water Agency	Daniel Kelly	Somach Simmons & Dunn	dkelly@somachlaw.com
City of Brentwood, The	David Aladjem	Downey Brand LLP	daladjem@downeybrand.com
Reclamation District No. 800 (Byron Tract)	David Aladjem	Downey Brand LLP	daladjem@downeybrand.com
Friant North Authority	David Orth		dorth@davidorthconsulting.com
Deirdre Des Jardins	Deirdre Des Jardins		ddj@cah2oresearch.com
Nevada Irrigation District	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	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: Mike Glaze, SFWPA General Manager	Dustin C. Cooper	Minasian, Meith, Soares, Sexton & Cooper, LLP	dcooper@minasianlaw.com
Western Canal Water District	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 & Members	Fennemore Craig, Lauren Caster, Gregory Adams, Jennifer Buckman, and 13 others		lcaster@fclaw.com; gadams@fclaw.com; jbuckman@friantwater.org; 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@ssjmud.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	Joe Robinson / Martha Lennihan	Office of the City Attorney / Lennihan Law	jrobinson@cityofsacramento.org mlennihan@lennihan.net
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	John Luebberke & Tara Mazzanti		john.luebberke@stocktonca.gov; tara.mazzanti@stocktonca.gov
San Luis & Delta-Mendota Water Authority	Jon Rubin		Jon.Rubin@SLDMWA.org
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	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	Kurtis Keller	Neumiller & Beardslee	kkeller@neumiller.com
County of Colusa, The	Marcos Kropf		mkropf@countyofcolusa.com
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	Michael J. Van Zandt	Hanson Bridgett, LLP	mvanzandt@hansonbridgett.com
California Sportfishing Protection Alliance, California Water Impact Network, 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		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		porgansinc@sbcglobal.net
San Joaquin River Exchange Contractors Water Authority	Paul Minasian	Minasian, Meith, Soares, Sexton & Cooper, LLP	pminasian@minasianlaw.com
Coalition for a Sustainable Delta, The	Paul S. Weiland		pweiland@nossaman.com
Sacramento Regional County Sanitation District	Paul Simmons	Somach, Simmons & Dunn, PC	psimmons@somachlaw.com
Westlands Water District	Philip A Williams		pwilliams@westlandswater.org
County of Yolo	Philip J. Pogledich		philip.pogledich@yolocounty.org
City of Antioch	Ron Bernal	City of Antioch	rbernal@ci.antioch.ca.us
Contra Costa County and Contra Costa County Water Agency	Ryan Hernandez		ryan.hernandez@dcd.cccounty.us; stephen.siptroth@cc.cccounty.us
Contra Costa Water District	Scott Shapiro and Kevin O'Brien	Downey Brand LLP	sshapiro@downeybrand.com; kobrien@downeybrand.com
Daniel Wilson	Daniel Wilson		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	Volker Law	svolker@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
The San Joaquin Tributaries Authority (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 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

THE FOLLOWING PARTY MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The party listed below must be served a hard copy, pursuant to the rules specified in the hearing notice.)

Party	Authorized Representative/ Attorney	Mailing Address of Authorized Representative/ Attorney
Clifton Court, L.P.	Suzanne Womack & Sheldon Moore	3619 Land Park Drive Sacramento, CA 95818

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

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.)

Party	Authorized Representative/ Attorney	Authorized Representative's Affiliation	Email Address of Authorized Representative/ Attorney
County of Sacramento, The	Aaron Ferguson	Somach Simmons & Dunn	aferguson@somachlaw.com
Friends of the River	E. Robert Wright		bwright@friendsoftheriver.org
Environmental Council of Sacramento	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	Conner Everts		connere@gmail.com
Sierra Club California	E. Robert Wright & Kyle Jones		bwright@friendsoftheriver.org; kyle.jones@sierraclub.org
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; rzwilling@defenders.org; dobegi@nrdc.org
SAVE OUR SANDHILL CRANES	Mike Savino		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 Rotherth		srotherth@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)

Interested Person	Authorized Representative/ Attorney	Authorized Representative's Affiliation	Email Address of Authorized Representative/ Attorney
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 State Water Alliance	David J. Guy, President	Northern California Water Association	dguy@norcalwater.org
Partnership for Sound Science in Environmental Policy	Craig S.J. Johns, Program Manager, PSSEP		cjohns@calrestrats.com
San Bernardino Valley Municipal Water District	Douglas Headrick		douglash@sbsvmwd.com
Paul Gosselin, 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	Hengsothea Ung		usothea@apsaraonline.org
Assemblymember Susan Eggman	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	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 Reynolds		reynolds6568@gmail.com

Ronald Forbes, Delta Fly Fishers	Ronald Forbes		bluse03@yahoo.com
San Francisco Baykeeper	George Torgun		george@baykeeper.org
Senator Cathleen Galgiani	Senator Cathleen Galgiani and Staff Trent Hager & Marian Norris		Cathleen.Galgiani@sen.ca.gov; Trent.Hager@sen.ca.gov; Marian.Norris@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