



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

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1001 I Street • Sacramento, California 95814 • (916) 341-5190  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>



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Governor

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## **REVISED NOTICE OF PUBLIC HEARING**

**Water Right Applications  
30680, 30681, and 30682, respectively, by the Cities of  
Fairfield, Benicia and Vacaville  
to divert water from Barker Slough**

**Commencing on October 28, 2002 at 9:00 a.m.  
And continuing through October 29, 30 and 31**

**The Joe Serna, Jr. Cal/EPA Building  
Sierra Hearing Room – Second Floor  
1001 I Street, Sacramento**

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**This Hearing Notice replaces the original Hearing Notice issued on March 28, 2002 and the supplemental Hearing Notice issued on April 17, 2002. On May 8, 2002, the SWRCB issued a notice postponing the above hearing. This notice provides new dates for the hearing, acknowledges that notices of intent to appear already have been filed for this hearing, and supplies a service list for the participants' use in exchanging exhibits.**

### **SUBJECT OF HEARING**

The State Water Resources Control Board (SWRCB) will hold this hearing to receive evidence and testimony that will assist the SWRCB in determining whether it should approve, subject to terms and conditions, any or all of Applications 30680, 30681, and 30682 by the Cities of Fairfield, Benicia and Vacaville (Cities), respectively. The Cities propose to divert water from Barker Slough, using available capacity of the existing Barker Slough Pumping Plant and the North Bay Aqueduct (NBA) of the State Water Project, for use in their service areas.

### **BACKGROUND**

On February 23, 1998, the Cities of Fairfield, Benicia and Vacaville filed appropriative water right Applications 30680, 30681, and 30682, respectively, to divert water from the San Joaquin/Sacramento Delta Estuary (the Delta). The Cities seek a water right to divert and use up to 31,620 acre-feet of surface water per year from Barker Slough, and deliver it, using the available capacity of the existing Barker Slough Pumping Plant and the North Bay Aqueduct, to the Cities' service areas, comprised of the incorporated city limits and portions of the

Urban Limit Lines defined in the amended General Plan of each applicant City. The Cities would use diverted water to supplement other water supplies that are insufficient to satisfy existing and future municipal and industrial demands in their service areas.

The following table summarizes the applications filed by each of the applicant Cities.

<b>Applicant City</b>	<b>Application Number</b>	<b>Maximum Diversion Rate (cfs)</b>	<b>Maximum Diversion Quantity (acre-feet)</b>	<b>Season of Diversion</b>
Fairfield	30680	93	11,800	January 1- December 31
Benicia	30681	50	10,500	January 1- December 31
Vacaville	30682	46	9,320	January 1- December 31
<b>Total</b>	-	-	<b>31,620</b>	-

The Cities propose to appropriate surface water from the Delta, subject to satisfaction of existing senior water rights and applicable water quality objectives in the Delta. The Cities also propose to appropriate surface water currently diverted by the Department of Water Resources (DWR) through the State Water Project (SWP) and by the U.S. Bureau of Reclamation (USBR) through the Central Valley Project (CVP), over which the Cities claim priority as users within the watershed of origin (Wat. Code, § 11460 et seq.) and municipal preference (Wat. Code, § 1460). The Cities assert that they are within the Sacramento River System pursuant to Water Code section 1215, et seq.

The North Bay Aqueduct is owned by the DWR. The Cities currently receive water from a number of sources, including SWP water diverted by DWR at Barker Slough and delivered through the North Bay Aqueduct to Solano Water Agency, which then delivers water to the Cities under a subcontract. In dry, critical, and below normal years, DWR diversions of water at Barker Slough are reduced in order to comply with the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (1995 Bay-Delta Plan) and other environmental requirements.

## **PROTESTS**

The following seven parties protested the three applications: the USBR, the DWR, Contra Costa Water District (CCWD), Hastings Reclamation District (RD) No. 2060, RD No. 2068, the City of Vallejo, and a group consisting of the Environmental Defense Fund, Natural Resources Defense Council, and the San Francisco Bay Institute (referred to herein as EDF). The USBR withdrew its protest following an agreement with the applicants that any permit issued to the Cities on Applications 30680, 30681, and 30682 will include Standard Permit Terms 80, 90 and 91.<sup>1</sup> The other protests remain unresolved.

The DWR and CCWD protested the applications based on both injury to prior vested rights and environmental grounds. RD No. 2060, RD No. 2068, and the City of Vallejo protested the applications based on injury to prior vested rights. EDF protested on environmental grounds. In the course of protest negotiations, the Cities agreed to accept water right permit terms subjecting any permits they receive to the seniority of the prior rights of all protestants,

<sup>1</sup> The text of these standard permit terms can be found at <http://www.waterrights.ca.gov> or are available upon request from the Division of Water Rights.

except for those rights of the SWP and the CVP which the Cities argue have a lower priority due to Water Code section 11460 et seq. The Cities also agreed to enter a wheeling agreement with DWR and SCWA on conveyance through the NBA.

## **ENVIRONMENTAL DOCUMENTATION**

The Cities are co-lead agencies for the applications under the California Environmental Quality Act (CEQA), and have prepared and circulated for public review a Draft Environmental Impact Report (EIR) covering the proposed project. The City of Fairfield, on behalf of all applicant Cities, circulated the Draft EIR through the State Clearinghouse (SCH) for public review in September 2001, under SCH Identification Number 200032035.

## **KEY HEARING ISSUES**

The SWRCB's decision whether to approve Applications 30680, 30681, and 30682 must be based upon the record developed at the hearing. Applicants, protestants, and interested parties should submit exhibits and testimony responsive to the following issues that will be considered during the hearing:

- 1. Is there water available for appropriation by the Cities under Applications 30680, 30681, and 30682? If so, when is water available and under what circumstances? Should the Cities be authorized to divert water that was previously stored by the DWR or the USBR?** The applicants are initially responsible for providing evidence that water is available for appropriation. If the applicants provide such evidence, the parties who protested the applications based on injury to existing water rights must present evidence demonstrating the specific injury to their valid water rights that would result from approval of the proposed applications.
- 2. Are the Cities entitled to priority over the DWR and the USBR under the Watershed Protection Act (Wat. Code, §§11460-11463) or the Delta Protection Act (Wat. Code, §§12200-12205)?** If the Cities are entitled to priority with respect to some part of the water currently appropriated by the DWR and the USBR, what terms and conditions should be included in any permits issued under Applications 30680, 30681, and 30682 to protect any water supplies of the DWR and the USBR to which the Cities are not entitled to priority?
- 3. Are the Cities entitled to a priority because they are municipalities (Wat. Code, §§1460-1464)?** Over what existing or future water rights are the Cities entitled to priority under Water Code section 1460?
- 4. Is there surplus conveyance capacity available in the North Bay Aqueduct to convey the water to the Cities at the times when it is available? If so, when is surplus conveyance capacity available and under what circumstances?**
- 5. Will approval of Applications 30680, 30681, and 30682 cause adverse environmental impacts or harm to public trust resources of the Delta? If so, what water right permit terms and conditions should be imposed to mitigate for such impacts or harm?** Will the proposed diversions cause significant degradation of the water quality? Will fisheries and other public trust resources be impacted? If so, what terms and conditions would protect potentially impacted fishery resources and other public trust

values in the Delta? What monitoring requirements should be required to ensure that impacts of the proposed project are adequately mitigated?

**6. If the SWRCB approves the applications, what terms and conditions, if any, would best serve the public interest?**

**HEARING PARTICIPATION**

IF YOU WANT TO PARTICIPATE IN THIS HEARING, you should carefully read the enclosure entitled "Information Concerning Appearance at Water Right Hearing." As stated in that enclosure, parties intending to present evidence must submit a **Notice of Intent to Appear**. Pursuant to the Notice of Public Hearing for this matter dated March 28, 2002, the parties filed their notices of intent to appear on or before April 26, 2002. Based on the notices of intent to appear filed on or before April 26, 2002, and to facilitate exchange of exhibits, including written testimony and witness qualifications, the SWRCB has prepared the attached List Of Parties To Exchange Information.

Copies of witnesses' proposed testimony, exhibits, list of exhibits, and qualifications related to the hearing must be served upon and received by the SWRCB and each of the parties who have indicated their intent to appear no later than **4:00 pm on Friday, September 20, 2002**.

**PARKING AND ACCESSIBILITY**

The enclosed map shows the location of the Joe Serna Jr./Cal EPA Building and public parking sites in Sacramento. The Joe Serna Jr./Cal EPA Building Sierra Room is accessible to persons with disabilities.

**IF YOU HAVE ANY QUESTIONS**

SWRCB Chairperson Art Baggett will be the hearing officer presiding over this proceeding. SWRCB hearing team members will be Barbara Leidigh, Staff Counsel IV, Gita Kapahi, Senior Environmental Scientist, and Kyriacos Kyriacou, Water Resources Control Engineer. Ex parte communications with members of the hearing team regarding substantive or controversial procedural matters involved in the hearing are prohibited during the pendency of this proceeding. Communications regarding routine, noncontroversial procedural matters should be directed to Barbara Leidigh, Staff Counsel IV, at (916) 341-5190.

*ORIGINAL SIGNED BY*

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Maureen Marché  
Clerk to the Board

Enclosure  
Date: June 24, 2002

Enclosure 1

**INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS**

The following procedural requirements will apply and will be strictly enforced for purposes of the above-mentioned hearing.

1. **HEARING PROCEDURES GENERALLY:** The hearing will be conducted in accordance with the procedures for hearings set forth in California Code of Regulations, title 23, sections 648-649.6 and 760, as they currently exist or may be amended. A copy of the current regulations, and the underlying statutes, governing adjudicative proceedings before the State Water Resources Control Board (SWRCB) is available upon request or may be viewed at the SWRCB's web site: [http://www.swrcb.ca.gov/water\\_laws/](http://www.swrcb.ca.gov/water_laws/).

Each party has the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross examination. The hearing officer may extend these rights to a non-party participant or may limit the participation of a non-party participant.

Any requests for exceptions to the procedural requirements specified in this notice shall be filed in writing. To provide time for other participants to respond, the hearing officer will rule on procedural requests filed in writing no sooner than fifteen days after receiving the request, unless an earlier ruling is necessary to avoid disrupting the hearing.

2. **PARTIES:** The parties are the petitioners and persons or entities who have filed unresolved protests or objections, and any other persons or entities authorized by the hearing officer to participate in the hearing as parties. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence. A person or entity who appears and presents only a policy statement will not be allowed to participate in other parts of the hearing. The rules for policy statements are discussed below.
3. **NOTICE OF INTENT TO APPEAR:** Participants intending to present evidence in this hearing must have on file a Notice of Intent to Appear. Pursuant to the notice dated March 28, 2002, the participants filed their notices of intent to appear on or before April 26, 2002. Failure to submit a Notice of Intent to Appear and exhibits in a timely manner may be interpreted by the SWRCB as intent not to appear. Based on the notices of intent to appear, the SWRCB has compiled the attached service list, titled "List Of Parties To Exchange Information". The participants shall send copies of all documents supplied to the SWRCB for this hearing to all of the participants on the service list. Participants who decide not to present a case in chief after having submitted a Notice of Intent to Appear should notify the SWRCB and the other participants as soon as possible.

In order to expedite the exchange of information and lower the cost of participating in the hearing, the SWRCB encourages participants to submit written policy statements, written opening statements, written testimony, exhibits, and Exhibit Identification Indexes to the SWRCB in electronic form. In addition, participants may exchange the foregoing documents in electronic form. Hearing participants are not required to either submit these documents in electronic form or accept electronic service; however, those who choose to submit these documents electronically must comply with the requirements described in section 5, below. Hearing participants who indicated on their Notices of Intent to Appear that they are willing to accept electronic media service in lieu of receiving hard copies of items are identified in the attached list by inclusion of their e-mail address.

No later than **Friday, September 20, 2002**, each participant shall serve a copy of its Notice of Intent to Appear on each of the other participants identified on the attached service list including the SWRCB. Each participant shall attach to each copy of its Notice of Intent to Appear a statement of service that indicates the manner of service. If there is any change in the hearing schedule, only those persons or entities who have filed a Notice of Intent to Appear will be informed of the change.

4. **WRITTEN TESTIMONY AND OTHER EXHIBITS:** Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each participant proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.<sup>2</sup> Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A participant who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

Each participant shall submit to the SWRCB either: (1) **twelve** paper copies of each of its exhibits or (2) three paper copies and one electronic copy of each of its exhibits. Each participant shall also serve a copy of each exhibit on every participant on the service list. Participants may serve those parties who agree to electronic service with an electronic copy of exhibits. Participants must serve paper copies of exhibits on those participants who do not agree to electronic service.

With its exhibits, each participant must submit to the SWRCB and serve on the other participants a completed Exhibit Identification Index. If possible, each participant should submit to the SWRCB and serve on the other participants an electronic copy, as well as a paper copy, of the Exhibit Identification Index. Please see Section 5 for details regarding electronic submissions.

A statement of service with manner of service indicated shall be filed with each participant's exhibits. The exhibits and indexes for this hearing, and a statement of service, must be **received** by the SWRCB by **4:00 p.m. on Friday, September 20, 2002** and served on the other participants on or before that date.

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<sup>2</sup> The hearing officer may make an exception to this rule if the witness is adverse to the participant presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officer may allow presentation of the oral direct testimony without requiring written testimony.

The following requirements apply to exhibits:

- a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.
  - b. The hearing officer has discretion to receive in evidence by reference relevant, otherwise admissible, public records of the SWRCB and documents or other evidence that have been prepared and published by a public agency, provided that the original or a copy was in the possession of the SWRCB before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A participant offering an exhibit by reference shall advise the other participants and the SWRCB of the titles of the documents, the particular portions, including page and paragraph numbers, on which the participant relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the SWRCB's files where the document may be found.
  - c. A participant seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other participants prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a participant waives the opportunity to obtain a copy of the exhibit, the participant sponsoring the exhibit will not be required to provide a copy to the waiving participant.
  - d. Exhibits that rely on unpublished technical documents may be excluded unless the unpublished technical documents are admitted as exhibits.
5. **ELECTRONIC SUBMISSIONS:** Participants are encouraged to submit the following documents to the SWRCB in electronic form: written opening statements, written policy statements, written testimony, exhibits, and Exhibit Identification Indexes. In addition, the foregoing documents may be served electronically on those participants who have agreed to accept electronic service. Paper copies of all other documents must be submitted to the SWRCB and served on the other parties, unless the hearing officer specifies otherwise.

Any documents submitted or served electronically must be in Adobe™ Portable Document Format (PDF), except for Exhibit Identification Indexes, which must be in a version supported by Microsoft Excel 97 (preferred) or Word 97. Electronic submittals to the SWRCB of documents less than 5 megabytes in size may be sent via electronic mail to: [WrHearing@waterrights.swrcb.ca.gov](mailto:WrHearing@waterrights.swrcb.ca.gov), with a subject of "NBA Applications." Electronic submittals to the SWRCB of documents greater than 5 megabytes in size should be sent by mail, in PDF format, on ZIP™, JAZ™, or compact disk (CD™) media. Electronic service on participants shall be in the same format as submittals to the SWRCB, but should be submitted to the other participants by mail on CD.

Participants who agree to electronic service may request that specific documents be provided to them in paper copy. Requests should be made to the participant who submitted the document, not to the SWRCB. Participants who receive such a request shall provide a paper copy of the requested document within five days of the date the

request is received. The SWRCB will post a list of all exhibits submitted for the hearing on its website at: <http://www.waterrights.ca.gov/hearings>.

6. **ORDER OF PROCEEDING:** The SWRCB member serving as hearing officer will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events.
  - a. **Policy Statements:** Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (d), the SWRCB will provide an opportunity for presentation of non-evidentiary policy statements or comments by interested persons who are not participating in the hearing. Policy statements will be heard at the start of the hearing, immediately after the hearing officer identifies the parties and other participants. Policy statements are subject to the following provisions in addition to the regulation:
    - i. Policy statements are not subject to the pre-hearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.
    - ii The SWRCB requests that policy statements be provided in writing before they are presented. Please see Section 5, above, for details regarding electronic submittal of policy statements. Oral summaries of the policy statements will be limited to five minutes or such other time as established by the hearing officer.
  - b. **Presentation of Cases in Chief:** Each participant may present a case in chief addressing the key issues identified in the hearing notice. The case in chief will consist of any opening statement provided by the participant, oral testimony, introduction of exhibits, and cross-examination of the participant's witnesses. The hearing officer may allow redirect examination and recross-examination. The hearing officer will decide whether to accept the participant's exhibits in evidence upon a motion of the participant after the case in chief has been completed.
    - i. **Opening Statements:** At the beginning of a case in chief, the participant or the participant's attorney may make an opening statement briefly and concisely stating the objectives of the case in chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues. Oral opening statements will be limited to 20 minutes per participant. A participant may submit a written opening statement. Please see section 5, above, for details regarding electronic submittal of written opening statements. Any policy-oriented statements by a participant should be included in the participant's opening statement.
    - ii. **Oral Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses will be allowed up to 20 minutes to summarize or

emphasize their written testimony on direct examination.<sup>3</sup> Each participant will be allowed up to two hours total to present all of its direct testimony.<sup>4</sup>

- iii. **Cross Examination:** Cross examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, the hearing officer will decide whether the participant's witnesses will be cross examined as a panel. Cross examiners initially will be limited to one hour per witness or panel of witnesses. The hearing officer has discretion to allow additional time for cross examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross examination permitted by the hearing officer will be limited to the scope of the cross examination and the redirect examination, respectively. Witnesses may be cross examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) Ordinarily, only a participant or the participant's representative will be permitted to examine a witness, but the hearing officer may allow a participant to designate a person technically qualified in the subject being considered to examine a witness. SWRCB members and the SWRCB's counsel may ask questions at any time, and the SWRCB members and staff may cross examine any witness.
- c. **Rebuttal:** After all participants have presented their cases in chief and their witnesses have been cross-examined, the hearing officer will allow participants to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented in another participant's case in chief. Rebuttal testimony and exhibits need not be submitted prior to the hearing, but may be required in advance of presentation. Rebuttal evidence is limited to evidence that is responsive to evidence presented in a case in chief, and it does not include evidence that should have been presented during the presenter's case in chief. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.
- d. **Closing Statements and Legal Arguments:** At the close of the hearing or at other times if appropriate, the hearing officer may allow oral arguments or set a schedule for filing briefs or closing statements. If the hearing officer authorizes the participants to file briefs, six copies of each brief shall be submitted to the SWRCB, and one copy shall be served on each of the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.
- e. **Large Format Exhibits:** Participants submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, participants may supply, for the hearing record, a reduced copy of a large format original if it is readable.

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<sup>3</sup> The hearing officer may allow additional time for the oral direct testimony of the witness if the witness is adverse to the participant presenting the testimony and the hearing officer is satisfied that the participant could not produce written direct testimony for the witness.

<sup>4</sup> The hearing officer may, for good cause, approve a party's request to use more than two hours total to present direct testimony during the party's case in chief.

7. **EX PARTE CONTACTS:** During the pendency of this proceeding, commencing no later than the issuance of the Notice of Hearing, there will be no *ex parte* communications between SWRCB members or SWRCB staff and any of the participants regarding substantive issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding noncontroversial procedural matters are permissible, but ordinarily should be directed to SWRCB staff, not SWRCB members. (Gov. Code, § 11430.20, subd. (b).)
8. **RULES OF EVIDENCE:** Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.
9. **SUBMITTALS TO THE SWRCB:** Written testimony and other exhibits submitted to the SWRCB should be addressed as follows:

Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000  
Attn: Gita Kapahi  
**Phone: (916) 341-5289**  
**Fax: (916) 341-5400**  
**Email: [WrHearing@waterrights.swrcb.ca.gov](mailto:WrHearing@waterrights.swrcb.ca.gov)**  
**With Subject of "NBA Applications"**

**2002 NORTH BAY AQUEDUCT HEARING**  
**Exhibit Identification Index**

Participant SWRCB Staff Exhibits to be offered in evidence by  
Reference \_\_\_\_\_

Exhibit No.	Description	Status as Evidence		
		Introduced	Accepted	By Official Notice
SWRCB 1	SWRCB Files for Applications No. 30680, 30681, and 30682			
SWRCB 2	Draft Environmental Impact Report, SCH # 200032035, Cities of Fairfield, Vacaville and Benicia Water Rights Appropriations Project			
SWRCB 3	<b>Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, May 1995.</b> Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, 95-1WR. May 1995. 45 pp. plus Appendix 1, Environmental Report, 521 pp. and Appendix 2, Response to Comments, 129 pp.			
SWRCB 4	The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board Central Valley Region. Fourth Edition-1998. The Sacramento River Basin and The San Joaquin River Basin. 80 pp.			
SWRCB 5	<b>Final EIR.</b> Final environmental impact report for implementation of the 1995 Bay/Delta Water Quality Control Plan, Volume 1, 2 and 3. November 1999.			
SWRCB 6	Life history and status of Delta smelt in the Sacramento-San Joaquin Estuary. Moyle, P.B., B. Herbold, D.E. Stevens, and L.W. Miller. 1992. California Department of Fish and Game, Delta Fish and Wildlife Protection Study Report No. 8.			
SWRCB 7	Biological opinion for the operation of the federal Central Valley Project and the California State Water Project for winter-run chinook salmon. 81 pp. plus attachments, National Marine Fisheries Service. 1993.			
SWRCB 8	Biological opinion on the operation of the Central Valley Project and the State Water Project effects on Delta smelt. 34 pp. plus figures. U.S. Fish and Wildlife Service. 1994.			

Exhibit Identification Index

Participant SWRCB Staff Exhibits to be offered in evidence by Reference

Exhibit No.	Description (If exhibit is in electronic format, please include file name.)	Status as Evidence		
		Introduced	Accepted	By Official Notice
SWRCB 9	Biological opinion on the long-term operation of the CVP and SWP on the Delta smelt. Memorandum from Joel Medlin, Field Supervisor, USFWS, Sacramento, California. 52 pp. plus attachments. 1995			
SWRCB 10	<b>DWR planning simulation model (DWRSIM) studies for SWRCB. Model input, output and code (CD-ROM) Department of Water Resources. 1996-1998.</b> Base study with Decision-1485 Delta objectives. 1995C06F-SWRCB-467 (Flow Alternative 1).			
SWRCB 11	<b>DWR planning simulation model (DWRSIM) studies for SWRCB. Model input, output and code (CD-ROM) Department of Water Resources. 1996-1998</b> Study with May 1995 Water Quality Control Plan Delta objectives. 1995CF-SWRCB-622A (Flow Alternative 8).			
SWRCB 12	<b>DWR planning simulation model (DWRSIM) studies for SWRCB. Model input, output and code (CD-ROM) Department of Water Resources. 1996-1998</b> Study with May 1995 Water Quality Control Plan Delta objectives. 1995CF-SWRCJP-634 (Joint Point Alternative 9).			
SWRCB 13	All USGS maps covering proposed places of use and points of diversion			

Exhibit Identification Index

Participant: \_\_\_\_\_

Exhibit No.	Description	Status as Evidence		
		Introduced	Accepted	By Official Notice

## LIST OF PARTIES TO EXCHANGE INFORMATION

Hearing Regarding Water Right Applications 30680, 30681 and 30682, Respectively,  
By The Cities of Fairfield, Benicia and Vacaville  
To Divert Water from Barker Slough

(Note: the parties whose e-mail addresses are listed below have agreed to accept electronic service,  
pursuant to the rules specified in the Hearing Notice.)

Gary Bobker  
500 Palm Drive # 200  
Novato, CA 94949  
**Rep: The Bay Institute**

Sandra K. Dunn  
400 Capitol Mall  
Suite 1900,  
Sacramento, CA 95814-4407  
**Rep: Cities of Benicia, Fairfield and Vacaville**  
E-mail address: [sdunn@lawssd.com](mailto:sdunn@lawssd.com)

Donn W. Furman  
1390 Market Street  
Suite 418  
San Francisco, CA 94102  
**Rep: City and County of San Francisco**  
E-mail address: [donn.w.furman@sfgov.org](mailto:donn.w.furman@sfgov.org)

Arthur F. Godwin  
555 Capitol Mall  
9<sup>th</sup> Floor  
Sacramento, CA 95814  
**Rep: City of Stockton**  
E-mail address: [agodwin@mhalaw.com](mailto:agodwin@mhalaw.com)

Daniel F. Gallery  
926 J Street  
Suite 505  
Sacramento, CA 95814-2786  
**Rep: City of Vallejo**  
E-mail address: [dgallery@gallerylaw.com](mailto:dgallery@gallerylaw.com)

Robert B. Maddow  
500 Ygnacio Valley Road  
Suite 325  
Walnut Creek, CA 94596-3840  
**Rep: Contra Costa Water District**

Cathy Crothers  
1416 Ninth Street  
Room 1118  
Sacramento, CA 95814  
Rep: Department of Water Resources  
E-mail address: [crothers@water.ca.gov](mailto:crothers@water.ca.gov)

Kevin O'Brien  
555 Capitol Mall  
10<sup>th</sup> Floor  
Sacramento, CA 95814  
Rep: Reclamation Districts 2060 & 2068  
E-mail address: [kobrien@dbsr.com](mailto:kobrien@dbsr.com)

Tim O'Laughlin  
870 Manzanita Court  
Suite B  
Chico, CA 95926  
Rep: San Joaquin River Group Authority  
E-mail address: [towater@sunset.net](mailto:towater@sunset.net)

John Herrick  
4255 Pacific Avenue  
Suite 2  
P.O.Box 70392  
Stockton, CA 95267  
Rep: South Delta Water Agency  
E-mail address: [Jherrlaw@aol.com](mailto:Jherrlaw@aol.com)

Clifford W. Schulz  
400 Capitol Mall  
27<sup>th</sup> Floor  
Sacramento, CA 95814  
**Rep: State Water Contractors**  
E-mail address: [cschulz@kmtg.com](mailto:cschulz@kmtg.com)

Jeanne M. Zolezzi  
2291 W. March Lane  
Suite B100  
Stockton, CA 95207  
Rep: Stockton East Water District  
E-mail address: [jzolezzi@herumcrabtree.com](mailto:jzolezzi@herumcrabtree.com)

James E. Turner  
2800 Cottage Way  
Room E-1712  
Sacramento, CA 95825-1890  
**Rep: US Department of the Interior  
Office of the Solicitor  
Bureau of Reclamation**

Alan B. Lilly  
1011 22<sup>nd</sup> Street  
Sacramento, CA 95816  
**Rep: UC Davis and City of Davis**

