

August 31, 2016

**VIA EMAIL AND FTP SITE**

State Water Resources Control Board  
Division of Water Rights  
Attn: California WaterFix Hearing Staff  
P.O. Box 2000  
Sacramento, California 95812-2000  
CWFhearing@waterboards.ca.gov

**Re: North Delta Water Agency's Submittal of Testimony and Exhibits for California WaterFix Petition for Change Hearing**

Dear Hearing Chair Doduc, Hearing Officer Marcus, and California WaterFix Hearing Staff:

Protestant North Delta Water Agency and member districts ("NDWA") hereby submits its written testimony for the hearing on the Department of Water Resources' and the United States Bureau of Reclamation's water rights change petition for the California WaterFix Project. This submittal includes: written direct testimony of Gary Kienlen (MBK Engineers), Shankar Parvathinathan (MBK Engineers), Melinda Terry (NDWA's General Manager), Steve Mello (NDWA Board of Directors), and Tom Slater (Reclamation District 999 Board of Trustees), NDWA's exhibit identification index, exhibits, and an opening statement.

In addition, as explained in NDWA's protest submittal, NDWA has previously coordinated and collaborated with the other Sacramento Valley Water User (SVWU) and North State Water Alliance (NSWA) parties in preparing and submitting detailed comments on the Bay-Delta Conservation Plan Draft EIR/EIS (DEIR/EIS), and the California Water Fix Recirculated DEIR/Supplemental DEIS (RDEIR/SDEIS). NDWA has also been coordinating with the SVWU parties in preparing for and conducting cross-examination of the petitioners' witnesses during their case-in-chief in this proceeding.

With regard to Part 1B of this hearing and this submittal, NDWA is also coordinating with the SVWU parties in presenting a consolidated case-in-chief on certain common issues, including issues regarding whether the requested changes would operate to the injury of any legal user of the water involved. Consistent with this approach, NDWA hereby joins in the SVWU submittal. That submittal by the SVWU parties is fully incorporated into NDWA's direct case-in-chief.

Finally, NDWA and the SVWU parties will, by the September 15<sup>th</sup> deadline, submit proposed groupings and order of parties for direct testimony in Part 1B of the hearing. NDWA appreciates your consideration of this submittal.

Very truly yours,

DOWNEY BRAND LLP

A handwritten signature in blue ink, appearing to read 'Meredith E. Nikkel' and 'Kevin M. O'Brien', written over the typed names below.

Meredith E. Nikkel  
Kevin M. O'Brien  
Authorized Representatives

Encls

1455654.1

cc: CA WaterFix Service List

**NOTICE OF AVAILABILITY**  
**and**  
**STATEMENT OF SERVICE**

CALIFORNIA WATERFIX PETITION HEARING  
Department of Water Resources and U.S. Bureau of Reclamation  
(Petitioners)

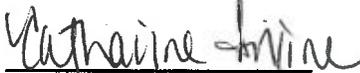
I hereby certify that on September 1, 2016, I submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

1. **LETTER TO WATER BOARD RE SUBMITTAL OF TESTIMONY AND EXHIBITS**
2. **EXHIBIT INDEX**
3. **ALL EXHIBITS THERETO**
4. **OPENING STATEMENT**

to be uploaded to the Board's FTP site at

[https://ftp.waterboards.ca.gov/?u=water\\_fix\\_downloads&p=waterfix123](https://ftp.waterboards.ca.gov/?u=water_fix_downloads&p=waterfix123). This Notice of Availability and Statement of Service was served by Electronic Mail(email) upon the parties listed in Table 1 of the Current Service List for the California WaterFix Petition hearing, dated August 31, 2016, posted by the State Water Resources Control Board at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/service\\_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml).

I certify that the foregoing is true and correct and that this document was executed on September 1, 2016.

Signature:   
Name: Catharine Irvine  
Title: Legal Secretary  
Party/Affiliation: North Delta Water Agency  
Address: 621 Capitol Mall, 18th Floor  
Sacramento, CA 95814