



June 15, 2016

CWFhearing@waterboards.ca.gov all Via Email

Hearing Chair Tam Doduc
Hearing Officer Felicia Marcus
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Proposed Groupings and Order of Parties for Cross-Examination in Part 1A, California Waterfix Water Rights Change Petition Hearing

Dear Hearing Chair Doduc and Hearing Officer Marcus:

Protestants AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, Environmental Justice Coalition for Water, Environmental Water Caucus, Friends of the River, Planning and Conservation League, Restore the Delta and Sierra Club California by this joint letter submit their proposed groupings and order of parties for cross-examination in Part 1A of the Waterfix Change Petition Hearing.

These protestants have consulted in an effort to submit logical proposed groupings and order of parties pursuant to the Rulings requiring submission of proposed groupings and order of parties.

Proposed groupings of parties for cross-examination in Part 1A

We propose the following groupings of parties for cross-examination in Part 1A:

Group: California Sportfishing Protection Alliance, California Water Impact Network, and AquAlliance;

Group: Environmental Water Caucus, Friends of the River, Planning and Conservation League, Sierra Club California;

Group: Environmental Justice Coalition for Water (A Group in its own right and interests different and diverse from other protestants);

Group: Restore the Delta (A Group in its own right and interests different and diverse from other protestants).

Protestants do not take a position on groupings of protestants other than those joining in this letter.

Proposed order of parties for cross-examination in Part 1A

We propose the following order of parties for cross-examination in Part 1A:

We are non-profit public interest organizations. We propose that protestant water agencies, water districts and other public agencies cross-examine before our organizations. The public agency protestants have greater resources such as legal counsel, staff and retained experts than do our public interest organizations. Allowing the public agency protestants to go first will be most likely to result in efficient cross-examination, reduce unnecessary repetition, and thus result in the most efficient Hearing process possible. In addition, California Water Research/Deirdre Des Jardins should cross-examine sooner rather than later and, in any event, before our organizations because of her expertise in modeling.

We suggest for order of cross-examination among our proposed groups set forth above in this letter, that our four proposed groups cross-examine in the following order: **first**, California Sportfishing Protection Alliance group; **second**, Restore the Delta group; **third**, Environmental Water Caucus group; **fourth**, Environmental Justice Coalition for Water group.

Except as stated in this letter, protestants do not take a position on the order of groups for cross-examination not on this joint letter with the exception of the general suggestion above, that the public agency protestants go first, and also that California Water Research/Deirdre Des Jardins cross-examine comparatively early during the cross-examination process.

We received earlier this morning a letter from petitioner DWR proposing groupings and order of parties for cross-examination. **First**, we submit that petitioners, who are allied with the Export contractors and adverse to protestants in these proceedings, should be disregarded in their suggestions of groupings and order of parties for cross-examination. It is the true protestants who will be cross-examining whose wishes should be paramount in terms of groupings and order of cross-examination. By true protestants, we mean those, including us, who are opposed to approval of the petition for change of point of diversion to accommodate the Water Fix Delta Water Tunnels. **Second**, DWR's suggestion that the "Export contractors" should "cross-examine" last, after all of the true protestants, should be ignored. Petitioners want the Water Fix which is proposed for the claimed benefit for the Export contractors who would get the water taken away from the lower Sacramento River and San Francisco Bay-Delta. The Export contractors, if they are allowed to "cross-examine" at all, should be required to proceed as if they are on direct examination, and proceed with or immediately following DWR. The Export contractors have no business advancing petitioners' case in the guise of performing "cross-examination" after all of the true protestants have conducted their cross-examinations.

Sincerely,



E. Robert Wright, Senior Counsel
Friends of the River



Bill Jennings, Executive Director
California Sportfishing Protection Alliance



Barbara Barrigan-Parrilla, Executive
Director
Restore the Delta



Conner Everts, Facilitator
Environmental Water Caucus



Tim Strohane, Policy Analyst
Restore the Delta



Carolee Krieger, Executive Director
California Water Impact Network



Barbara Vlamis, Executive Director
AquAlliance



Kyle Jones
Sierra Club California



Colin Bailey, Executive Director
Environmental Justice Coalition for Water



Jonas Minton
Planning and Conservation League

Attachment: Service Certificate

cc: All parties by electronic service on June 9, 2016, State Water Resources Control Board (SWRCB) service list
Tom Howard, Executive Director, SWRCB
Michael Lauffer, Chief Counsel, SWRCB
Dana Heinrich, Staff Attorney IV, SWRCB
Diane Riddle, Environmental Program Manager, SWRCB

STATEMENT OF SERVICE

CALIFORNIA WATERFIX PETITION HEARING

Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

Letter Regarding Proposed Groupings and Order of Parties for Cross-Examination in Part 1A, California Waterfix Water Rights Change Petition Hearing

To be served by Electronic Mail (email) upon the parties listed in the Current Service List for the California Water Fix Petition Hearing, dated June 9, 2016, posted by the State Water Resources Control Board at

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/docs/Table1ServiceList06092016com.txt

Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.

I certify that the foregoing is true and correct and that this document was executed on June 15, 2016.



Signature:

Name: Barbara Barrigan-Parrilla

Title: Executive Director

Party/Affiliation: Restore the Delta

Address: Restore the Delta
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Stockton, CA 95202
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