

September 15, 2016

VIA ELECTRONIC MAIL: CWFhearing@waterboards.ca.gov

Felicia Marcus, Chair and Co-Hearing Officer
Tam Doduc, Member and Co-Hearing Officer
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100
CWFhearing@waterboards.ca.gov

Re: Proposed Party Groupings for Part 1B of the California WaterFix Hearing

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

On behalf of the parties to the California WaterFix Hearing represented by Downey Brand LLP (the “Downey Brand Parties”), we propose that the groupings for the presentation of cases in chief and cross-examination of Part 1B parties generally follow the order that was established in Part 1A.

The Downey Brand Parties are coordinating with the Sacramento Valley Water Users (“SVWU”) 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. (See Attachment 1 for Amended Witness Lists.) Accordingly, the Downey Brand Parties join in the proposal submitted by the SVWU regarding case in chief and cross-examination groupings.

In addition, we propose the following order and grouping of the remaining Downey Brand Parties.

1. Tehama-Colusa Canal Authority and the agencies within its service area (“TCCA”) will coordinate to present a single case in chief panel and propose to immediately follow the cases in chief of the SVWU parties.
2. North Delta Water Agency, Reclamation District 999, Reclamation District 2060 and Reclamation District 2068 (“NDWA”) will coordinate to present a single case in chief panel and propose to immediately follow the case in chief of the TCCA panel.

3. The City of Brentwood will present a single case in chief panel and proposes to immediately follow the case in chief of the NDWA panel.
4. Reclamation District No. 800 (Byron Tract) will not present a case in chief, but will participate in cross-examination immediately following the City of Brentwood.
5. Brannan-Andrus Levee Maintenance District; Reclamation District 407; Reclamation District 2067; Reclamation District 317; Reclamation District 551; Reclamation District 563; Reclamation District 150; and Reclamation District 2098 will coordinate to present a single case in chief panel and propose to immediately follow the case in chief of the City of Brentwood panel. Cross-examination by these districts would follow Reclamation District No. 800 (Byron Tract).

We appreciate your consideration of our proposal.

Very truly yours,

DOWNEY BRAND LLP



Meredith E. Nikkel

cc: CA WaterFix Service List

Enclosure: Attachment 1 - Amended Witness Lists for Downey Brand Parties

Attachment 1

NOTICE OF INTENT TO APPEAR

PART 1 WITNESS AMENDMENT SHEET

Sacramento Valley Group (“SVG”) _____ plans to participate in the water right hearing regarding (name of party or participant)

CALIFORNIA WATERFIX HEARING
California Department of Water Resources and U.S. Bureau of Reclamation
The Public Hearing scheduled to commence on **July 26, 2016**

I/we initially planned to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Marc Van Camp MBK Engineers	Water rights of Sacramento Valley Group, hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 minutes	Yes
Walter Bourez MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 minutes	Yes
Lee Bergfeld MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 minutes	Yes
Dan Easton MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 minutes	Yes

(If more space is required, please add additional pages.)

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I/we now plan to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Marc Van Camp MBK Engineers	Water rights of Sacramento Valley Group, hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	10	Yes
Walter Bourez MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	*Testimony will be consolidated into a single presentation on behalf of the Sacramento Valley Water Users ("SVWU").	Yes
Dan Easton MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	*Testimony will be consolidated into a single presentation on behalf of the SVWU.	Yes

(If more space is required, please add additional pages.)

Note: Parties may not expand the scope of proposed testimony or add witnesses.

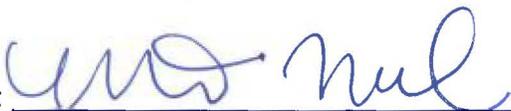
Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): Attorneys: Kevin O'Brien; David Aladjem; Meredith Nikkel

Mailing Address: Downey Brand LLP
621 Capitol Mall, 18th Floor,
Sacramento, CA 95814

Phone Number: (916) 444-1000 Fax Number: (916) 444-2100

E-mail: kobrien@downeybrand.com, daladjem@downeybrand.com, mnikkel@downeybrand.com

Signature:  Date: 9-15-14

NOTICE OF INTENT TO APPEAR

PART 1 WITNESS AMENDMENT SHEET

Sacramento Municipal Utility District (“SMUD”) plans to participate in the water right hearing regarding

CALIFORNIA WATERFIX HEARING
California Department of Water Resources and U.S. Bureau of Reclamation
 The Public Hearing scheduled to commence on **July 26, 2016**

I/we initially planned to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Tom Gohring Water Forum	Need for and development of the American River Modified Flow Management Standard	30 minutes	No
Marc Van Camp MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 minutes	Yes
Walter Bourez MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 minutes	Yes
Lee Bergfeld MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 minutes	Yes
Dan Easton MBK Engineers	Hydrology, hydrologic modeling, water supply analysis , adverse effects of requested changes on legal users of water	30 minutes	Yes
Jeff Weaver HDR	Hydrology, hydrologic modeling, water supply analysis	30 minutes	Yes
Chris Hammersmark cbec	Development of the American River Modified Flow Management Standard	30 minutes	Yes
Craig Addley Cardno	Hydrology, hydrologic and hydraulic modeling, water supply analysis, water temperature planning and analysis	30 minutes	Yes
Venessa Martinez Cardno	Hydrology, water temperature	30 minutes	
Jeff Meyer ECORP Consulting	Hydrology, hydrologic and hydraulic modeling	30 minutes	Yes

(If more space is required, please add additional pages.)

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I/we now plan to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Marc Van Camp MBK Engineers	Water rights of Sacramento Valley Group (including SMUD), hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	10	Yes
Walter Bourez MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	*Testimony will be consolidated into a single presentation on behalf of the Sacramento Valley Water Users ("SVWU").	Yes
Dan Easton MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	*Testimony will be consolidated into a single presentation on behalf of the SVWU.	Yes

(If more space is required, please add additional pages.)

Note: Parties may not expand the scope of proposed testimony or add witnesses.

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Name (Print): Attorneys: Kevin O'Brien; David Aladjem; Meredith Nikkel

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Signature:  Date: 9-15-16

NOTICE OF INTENT TO APPEAR

PART 1 WITNESS AMENDMENT SHEET

Tehama-Colusa Canal Authority & water service contractors in its service area ("TCCA")
plans to participate in the water right hearing regarding

CALIFORNIA WATERFIX HEARING
California Department of Water Resources and U.S. Bureau of Reclamation
The Public Hearing scheduled to commence on **July 26, 2016**

I/we initially planned to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Jeff Sutton	General background on TCCA	10 minutes	No
Michael Alves	Terms and provisions of TCCA water service contracts	10 minutes	No
Marc Van Camp MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Walter Bourez MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Dan Easton MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Lee Bergfeld MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes

(If more space is required, please add additional pages.)

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I/we now plan to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Jeff Sutton	General background on TCCA; Terms and provisions of TCCA water service contracts	10 minutes	No
Walter Bourez MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	*Testimony will be consolidated into a single presentation on behalf of the Sacramento Valley Water Users ("SVWU").	Yes
Dan Easton MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	*Testimony will be consolidated into a single presentation of the SVWU.	Yes

(If more space is required, please add additional pages.)

Note: Parties may not expand the scope of proposed testimony or add witnesses.

Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): Attorneys: Steven P. Saxton; Meredith Nikkel J. Mark Atlas

Mailing Address: Downey Brand LLP 332 West Sycamore Street
621 Capitol Mall, 18th Floor, Willows, CA 95988
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Phone Number: (916) 444-1000 Phone Number: (530) 934-5416
 Fax Number: (916) 444-2100 Fax Number: (530) 934-3508

E-mail: ssaxton@downeybrand.com matlas@jmatlaslaw.com
mnikkel@downeybrand.com

Signature:  Date: 9-15-10

NOTICE OF INTENT TO APPEAR

PART 1 WITNESS AMENDMENT SHEET

North Delta Water Agency et al (“NDWA”) plans to participate in the water right hearing regarding

CALIFORNIA WATERFIX HEARING
California Department of Water Resources and U.S. Bureau of Reclamation
 The Public Hearing scheduled to commence on July 26, 2016

I/we initially planned to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Walter Bourez MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Lee Bergfeld MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Dan Easton MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Gary Kienlen MBK Engineers	NDWA-DWR Contract requirements; Part I and II hearing issues	30 minutes	Yes
Shankar Parvathinathan MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Melinda Terry	NDWA-DWR Contract requirements; Part I and II hearing issues	10 minutes	No
Steve Mello	NDWA-DWR Contract requirements; Part I and II hearing issues	10 minutes	No
Gilbert Cosio MBK Engineers	Adverse impacts on flood control facilities	30 minutes	Yes
Michael Hardesty	RD 2068 operations and water supplies	10 minutes	No
Tom Slater	RD 999 operations and water supplies	10 minutes	No
Jack Kuechler	RD 2060 operations and water supplies	10 minutes	No

(If more space is required, please add additional pages.)

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I/we now plan to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Gary Kienlen MBK Engineers	NDWA-DWR Contract requirements; Part I and II hearing issues	30 minutes	Yes
Shankar Parvathinathan MBK Engineers	Review and critique of hydrologic modeling supporting the BDCP/California WaterFix draft EIR/EIS	30 minutes	Yes
Melinda Terry	NDWA-DWR Contract requirements; Part I and II hearing issues	10 minutes	No
Steve Mello	NDWA-DWR Contract requirements; Part I and II hearing issues	10 minutes	No
Tom Slater	RD 999 operations and water supplies	10 minutes	No
Gilbert Cosio MBK Engineers	Adverse impacts on flood control facilities	*Testimony will be consolidated into a single presentation on behalf of the Delta Flood Control Group	Yes
Walter Bourez MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	*Testimony will be consolidated into a single presentation on behalf of the Sacramento Valley Water Users ("SVWU").	Yes
Dan Easton MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	*Testimony will be consolidated into a single presentation on behalf of the SVWU.	Yes

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Signature:  Date: 9-15-10

NOTICE OF INTENT TO APPEAR

PART 1 WITNESS AMENDMENT SHEET

The City of Brentwood plans to participate in the water right hearing regarding
(name of party or participant)

CALIFORNIA WATERFIX HEARING
California Department of Water Resources and U.S. Bureau of Reclamation
The Public Hearing scheduled to commence on July 26, 2016

I/we initially planned to call the following witnesses to testify at **Part 1** the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Chris Ehlers Assistant Dir. Pub. Works/Operations	City of Brentwood's water rights; water use; quality of water needed for municipal service; use of recycled water	20 minutes	No
Dr. Susan Paulsen	Anticipated effects of the California WaterFix Project on water quality in the Western Delta and, specifically, at the City of Brentwood's intake structures.	30 minutes	Yes
Gustavo Vina City Manager	City of Brentwood's water rights; water use; quality of water needed for municipal services; use of recycled wate	20 minutes	No

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Chris Ehlers Assistant Dir. Pub. Works/Operations	City of Brentwood's water rights; water use; quality of water needed for municipal service; use of recycled water	20 minutes	No
Dr. Susan Paulsen	Anticipated effects of the California WaterFix Project on water quality in the Western Delta and, specifically, at the City of Brentwood's intake structures.	30 minutes	Yes

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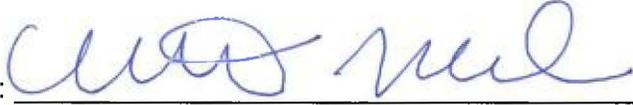
Fill in the following information of the Participant, Party, Attorney, or Other Representative:

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E-mail: daladjem@downeybrand.com, mnikkel@downeybrand.com

Signature:  Date: 9-15-10

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);

Proposed Party Groupings for **Part 1B** of the **California WaterFix** hearing

to be served by **Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing, dated September 2, 2016, posted by the State of Water Resources Control Board at

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

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.

For Petitioners Only:

	I caused a true and correct hard copy of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818: Method of Service: _____
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I certify that the foregoing is true and correct and that this document was executed on September 15, 2016.

Signature: Catharine Irvine

Name: Catharine Irvine

Title: Legal Secretary

Party/Affiliation: Downey Brand, LLP

Address: 621 Capitol Mall, Sacramento, CA 95814