

**First Amended
NOTICE OF INTENT TO APPEAR**

Save the California Delta Alliance; Janet McCleery; Michael McCleery; Frank Morgan; and Captain Morgan’s Delta Adventures, LLC plan to participate in the water right hearing, and Michael A. Brodsky requests leave to participate in the water rights hearing regarding:

**CALIFORNIA WATERFIX HEARING
California Department of Water Resources and U.S. Bureau of Reclamation
The Public Hearing scheduled to commence on Thursday, April 7, 2016**

1) Check all that apply:

- I/we intend to participate in Part I of the hearing
- I/we intend to participate in Part II of the hearing

2) Check the applicable boxes below. Be sure to accurately describe your participation in the hearing. (Please refer to Enclosure D of the October 30, 2015 [Notice of Petition, Public Hearing, and Pre-Hearing Conference](#) (Hearing Notice) for descriptions of “parties” and “interested persons”):

- I/we intend to participate in the hearing as an interested person and present a policy statement **only**. Part I Part II
- I/we intend to participate in the hearing as a party by cross-examination and/or rebuttal **only** and may present an opening statement.
 Part I Part II
- Part I:** I/we plan to participate in Part I as a party and call the following witnesses to testify at the hearing. (Fill in the following table for Part I of the hearing **only**)

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Michael Brodsky	Injury to human uses and legal users of water Discovery Bay. Requirements of Delta Reform Act; failure of WaterFix to comply. Inability of WaterFix to avoid injury due to single-focus solution in violation of Delta Reform Act. Injury to riparian priority rights.	60	Yes
Tom Burke	Injury to human uses and legal users of water Discovery Bay water quality impacts.	40	Yes
Michael McCleery	Injury to human uses and legal users of water Discovery Bay.	15	No
Janet McCleery	Injury to human uses and legal users of water Discovery Bay.	15	No
Frank Morgan	Injury to human uses and legal users of water Discovery Bay.	15	No
TBD	Water quality analysis Discovery Bay; available mitigation measures.	40	Yes
TBD	Water quality analysis Discovery Bay; circulation, temperature, invasive species, other impacts.	40	Yes

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

- Part II:** I/we plan to participate in Part II as a party and will call witnesses to testify at the hearing. Please note that you will be required to submit a Supplemental Notice of Intent to Appear at a date to be determined for Part II of the hearing that lists your witnesses, subject of proposed testimony, etc.

3) Check if applicable:

- I/we have also protested the Petition in accordance with Water Code section 1703.2.

*Note: If have protested the Petition, you must also fill out sections 1 and 2 of this form above and indicate your intent to appear at the hearing to present evidence in support of your protest. If you do not resolve your protest with the petitioners prior to the hearing, and then do not present a case supporting your protest at the hearing, your protest will be dismissed. It is **not** necessary to file a protest to participate in the hearing.*

Continue to next page

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

Name (Print): Michael A. Brodsky, Law Offices of Michael A. Brodsky, attorney for Protestants Janet McCleery; Michael McCleery, Frank Morgan; Captain Morgan's Delta Adventures LLC; Save the California Delta Alliance; and Michael A. Brodsky.

Mailing

Address: 201 Esplanade, Upper Suite, Capitola, CA 95010

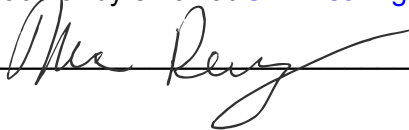
Phone Number: 831-469-3514 Fax Number: 831-471-9705

E-mail: Michael@brodskylaw.net

Optional:

- I/we **decline** electronic service of hearing-related materials. If you are unable to accept electronic service for any reason, please contact the hearing team by Tuesday, January 5, 2016, at 916-319-0960 or by email at CWFhearing@waterboards.ca.gov.

Signature: _____



Date: March 16, 2016

STATEMENT OF SERVICE

CALIFORNIA WATERFIX PETITION HEARING

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):

Request to Amend Protest and Add Party by Save the California Delta Alliance, et al., and Michael Brodsky.

First Amended Notice of Intent to Appear

To be served by **Electronic Mail** (eail) upon the parties listed in Table 1 of the **Current Service List** for the California WaterFix Petition Hearing Dated March 15, 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.

I certify that the foregoing is true and correct and that this document was executed on March 16, 2016.



Michael A. Brodsky
Attorney for Protestants
Save the California Delta Alliance et al.
201 Esplanade, Upper Suite
Capitola, CA 95010