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16
17 BEFORE THE
18 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

19
20 HEARING IN THE MATTER OF
21 CALIFORNIA DEPARTMENT OF WATER
RESOURCES AND UNITED STATES
22 BUREAU OF RECLAMATION REQUEST
FOR A CHANGE IN POINT OF DIVERSION
23 FOR CALIFORNIA WATER FIX

OPENING STATEMENT
(Hearing Part 1B)

1 The East Bay Municipal Utility District (“EBMUD”) submits this Opening Statement in
2 Part 1B of this water rights hearing before the State Water Resources Control Board (“State
3 Water Board”) on the Joint Change Petition (“Change Petition”) filed on August 26, 2015 by the
4 California Department of Water Resources (“DWR”) and United States Bureau of Reclamation
5 (“USBR”) (collectively, “Petitioners”). The Change Petition seeks to add points of diversion and
6 rediversion in furtherance of the project commonly known as the California WaterFix Project
7 (“WaterFix Project”).

8 EBMUD filed a protest with the State Water Board in this proceeding on January 4,
9 2016. EBMUD’s protest raises two grounds at issue in Part 1B of this hearing. First, if the
10 Change Petition is approved as requested, the WaterFix Project will adversely impact EBMUD’s
11 existing Mokelumne Aqueducts and, potentially, future planned aqueduct projects, thereby
12 affecting the delivery of water to EBMUD’s service area. Second, the WaterFix Project will
13 cause an increase in significant reverse flow events at the intake of the Freeport Regional Water
14 Project (“Freeport Project”), which is jointly owned by EBMUD and Sacramento County Water
15 Agency (“SCWA”), thereby adversely affecting water quality and yield at Freeport and causing
16 significant impacts on EBMUD’s water system operations.

17 **1. Impacts and Injury to EBMUD’s Mokelumne Aqueducts and Delta Tunnel**

18 EBMUD will present the testimony of Xavier Irias, EBMUD’s Director of Engineering
19 and Construction. Mr. Irias will summarize EBMUD’s existing Mokelumne Aqueducts system,
20 noting that the first of the Aqueducts was completed in 1929 to convey water diverted under
21 EBMUD’s Mokelumne River water rights to its East Bay service area. On a long-term basis,
22 approximately 90% of EBMUD’s water supply is conveyed by the Mokelumne Aqueducts. The
23 Aqueducts serve as a vital supply line to EBMUD and the nearly 1.4 million inhabitants of its
24 service area.

25 The alignment for the Twin Tunnels proposed by the Petitioners would cross directly
26 underneath the existing Mokelumne Aqueducts – and the alignment for EBMUD’s proposed
27 Delta Tunnel – on Woodward Island. Mr. Irias will show how the construction and operation of
28 the Twin Tunnels could thereby impact the Mokelumne Aqueducts and the EBMUD Delta

1 Tunnel. His testimony will describe 12 categories of such impacts, from direct interference with
2 EBMUD structures to soil settlement. Finally, he will propose a set of proposed conditions to
3 avoid or mitigate those potential impacts.

4 **2. Injury to EBMUD from Increased Frequency and Duration of Reverse Flow**
5 **Events at Freeport Project Intake**

6 EBMUD will present two witnesses as part of a panel jointly offered by EBMUD and
7 SCWA concerning the WaterFix Project's impacts to the Freeport Regional Water Project:
8 Eileen White, and Dr. Benjamin Bray. Their testimony will show how EBMUD's water supply
9 and water operations will be injured if the WaterFix Project is approved in the form currently
10 proposed.¹

11 EBMUD's first witness is Eileen White, EBMUD's Operations and Maintenance
12 Department Manager and Chief Operator. Ms. White will summarize EBMUD's water supply
13 and its water transmission facilities. She will describe how EBMUD operates the Freeport
14 Project and how water diverted at Freeport fits into EBMUD's overall supply. Ms. White will
15 explain why significant reverse flow events require shutdowns at the Freeport Project intake to
16 prevent treated wastewater from entering the drinking water supply. She will describe the
17 operational impacts to EBMUD should the WaterFix Project cause additional significant reverse
18 flow events. Ms. White will also testify to the operational and water supply consequences
19 should the WaterFix Project cause any disruption to Mokelumne Aqueducts. She will conclude
20 by finding that the impacts of the WaterFix Project include jeopardizing the quality and quantity
21 of EBMUD's water supplies, and putting the health and safety of EBMUD's 1.4 million
22 customers, the environment, and the East Bay economy at risk.

23 EBMUD will then present the testimony of Dr. Benjamin Bray. Dr. Bray will present the
24 results of his review and analysis of the CalSim-II and DSM2 modeling that Petitioners
25 performed and submitted in this proceeding to support their Change Petition. Dr. Bray will

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27 ¹ SCWA will present the testimony of a third witness, Forrest Williams, Jr., on the same panel as
28 Ms. White and Dr. Bray. Mr. Williams will testify to the operational impacts to SCWA that may
result from the WaterFix Project.

1 explain why his modeling analysis shows the WaterFix Project will increase the likelihood of
2 additional significant reverse flow events at Freeport that are severe enough to require the intake
3 to shut down. He will explain that the WaterFix Project increases operational flexibility for
4 Petitioners' existing water projects, and that the new flexibility will enable Petitioners to shift the
5 timing of the north-to-south movement of water throughout the year to a greater extent than is
6 currently possible. Dr. Bray will explain how Petitioners' own modeling demonstrates that the
7 shifted timing of water exports will periodically result in incrementally lower flows in the
8 Sacramento River during droughts than would have occurred without WaterFix Project. Dr.
9 Bray will explain that the periods of lower flows will increase the influence of reverse flows at
10 Freeport, which in turn will result in more shutdowns of the Freeport Project intake. Dr. Bray
11 concludes that WaterFix Project, as currently proposed, is insufficiently protective of the
12 Freeport Project, and he will propose a set of proposed conditions to avoid or mitigate the
13 WaterFix Project's impacts.

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