
From: Michael A. Brodsky <michael@brodskylaw.net>
Sent: Wednesday, June 15, 2016 10:00 AM
To: CWFhearing
Cc: Alan Lilly; Aaron Ferguson; Andrew Hitchings; Amy Aufdemberge; Alex Peltzer; awearn@nrdc.org; Barbara Barrigan-Parilla; Barbara Vlamis; Barry Sgarrella; Barbara Daly; Brian Johnson; Chris Shutes; bobker@bay.org; Brad Pappalardo; Brett Baker; Bob Wright; Wilcox, Carl@Wildlife; Carol Krieger; Colin Bailey; Conner Everts; David Aladjem; daniel@kaydix.com; Dustin Cooper; dcoty@bpmnj.com; Deidre Des Jardins; S. Dean Ruiz; Anna Swenson; Bill Jennings; Dan Kelly; dobegi@nrdc.org; "Daniel J. O'Hanlon"; David Orth; Emily Pappalardo; Espe Vielma; Fred Etheridge; fmorrissey@orangecoveid.org; Mitch Avalon; Gregory Adams; info@californiadelta.org; Mizell, James@DWR; jailin@awattorneys.com; jeff conway; jfox@awattorneys.com; Jennifer Spaletta; Herrick, John @aol.com; Minton, Jonas; John Luebberke; Rubin, Jon@sldmwa.org; jph@tulareid.org; Joe Robinson; Suzanne Womack; Jonathan Salmon
Subject: CWF Hearing--proposed groupings of parties
Attachments: 20160311_stateservform.pdf

This email replies on Behalf of Protestants Save the California Delta Alliance, et al. to the proposed order of proceeding submitted by DWR today in response to the Board's request for the parties to submit proposed groupings for cross-examination.

It replaces our email sent earlier this morning, which is withdrawn (and did not have a certificate of service attached)

Purely for purposes of scheduling, Delta Alliance would be within group 3—organizations representing in-Delta water user interests.. However, Delta Alliance does not wish to have its time or flexibility in cross-examination or presenting its case in chief truncated or restricted by being grouped in any way.

In addition we agree with the suggestion that hearing staff provide a proposed order of groups for cross examination and allow a short time for comment in order to correct/comment on any mis-grouping of individual protestants.

Due to server limitations, this email is served on all parties in two parts. This is part one of two.

A stament of service is attached.

Michael Brodsky
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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):

[SUBJECT LINE OF DOCUMENT(S)]

Proposed Groupings of Parties

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 _____, 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:

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:
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	Method of Service: _____
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I certify that the foregoing is true and correct and that this document was executed on _____

Date

Signature: 

Name:

Title:

Party/Affiliation:

Address:

201 ESPLANADE,
UPPER SUITE
CAPITOLA, CA 95010

Law Offices Of
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June 15, 2016

VIA EMAIL

Hearing Officers Doduc and 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
Save the California Delta Alliance, et al.

Dear Hearing Officers Doduc and Marcus:

Protestants Save the California Delta Alliance, Janet McCleery, Michael McCleery, Frank Morgan, and Captain Morgan's Delta Adventures, LLC ("Delta Alliance") hereby clarify and amplify our email sent this morning regarding the groupings of parties.

As far as the general order of proceeding, Delta Alliance's time for cross examination should come during the period when in-Delta users of water (including human uses) are conducting cross-examination. However, Delta Alliance does not believe it is appropriate to combine its cross-examination with other groups who are cross-examining during this period.


Delta Alliance, et al. is already composed of four protestants and Save the California Delta Alliance represents the interests of thousands of waterfront homeowners in Discovery Bay, California. While we generally agree with the posture of local governments, local water agencies, and local and national environmental groups towards the WaterFix, we are differently situated and represent a different category of interests.

Delta Alliance has also spent (and will continue to spend) considerable time and resources, including consultation with scientific experts, preparing to cross-examine the Petitioner's experts with regard to the discrete impacts of the proposed project on the bays of Discovery Bay. Water quality impacts (from any source) and other impacts on users of the bays of Discovery Bay are different than (and more severe) than impacts on Delta rivers and sloughs in general. There is much less water circulation, residence time is greater, and problems with dissolved oxygen, algal blooms, and other problems associated with changes in circulation brought about by any Delta flow changes affect Discovery Bay uniquely. Human use of Delta waters is also at

its most intense in Discovery Bay. We also request that the Board consider these facts when allocating time limits and not truncate Delta Alliance's time.

As far as specific order, Delta Alliance requests that its cross-examination take place after local governments, local water agencies, and other public agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Brodsky", with a long, sweeping horizontal line extending to the right.

Michael A. Brodsky