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January 5, 2016

*Of Counsel*

STEPHEN A. KRONICK

***Via Email and Hand Delivery***

State Water Resources Control Board  
Division of Water Rights  
California WaterFix Hearing Staff  
1001 I Street, Room 2-114  
Sacramento, CA 95814  
[CWFhearing@waterboards.ca.gov](mailto:CWFhearing@waterboards.ca.gov)

Re: Yuba County Water Agency's Protest and Notice of Intent to Appear -  
California WaterFix Petition for Change Hearing

Dear California WaterFix Hearing Staff:

On behalf of Protestant Yuba County Water Agency, I am submitting the enclosed protest and notice of intent to appear, which concern the Department of Water Resources' and the United States Bureau of Reclamation's water rights change petition for the California WaterFix Project.

As explained in the enclosed protest, Protestant previously has coordinated and collaborated with other North State Water Alliance (NSWA) parties in preparing and submitting detailed comments on the Bay-Delta Conservation Plan Draft EIR/EIS (DEIR/EIS), and the California Water Fix Recirculated DEIR/Supplemental DEIS (RDEIR/SDEIS). Protestant similarly will be coordinating with the NSWA parties to present a consolidated case-in-chief during the SWRCB's hearing on certain common issues, including issues regarding whether the requested changes would operate to the injury of any legal user of the water involved and whether the requested changes would unreasonably affect fish and wildlife. Consistent with this approach, Protestant and other NSWA parties have identified in their respective notices of intent to appear both witnesses who will be providing testimony to support their respective protests and witnesses who will be providing testimony on certain common issues.

California Water Fix Hearing Staff  
January 5, 2016  
Page 2

Other parties, with concerns similar to those of the NSWA parties, may adopt, in whole or in part, these expert witnesses' testimony to support their respective protests. For this reason, these experts also may be listed on those other parties' notices of intent to appear.

Very truly yours,



ALAN B. LILLY  
Attorney for Protestant Yuba County Water Agency

Encls.

## NOTICE OF INTENT TO APPEAR

Yuba County Water Agency 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 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)
Curt Aikens YCWA General Manager	YCWA water rights, water supplies, operations	20 min.	Yes
Marc Van Camp MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 min.	Yes
Walter Bourez MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 min.	Yes
Lee Bergfeld MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 min.	Yes
Dan Easton MBK Engineers	Hydrology, hydrologic modeling, water supply analysis, adverse effects of requested changes on legal users of water	30 min.	Yes

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

**X** **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:**

**X** 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.*

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

Name (Print): Alan B. Lilly  
Ryan S. Bezerra  
Bartkiewicz, Kronick & Shanahan, P.C.  
1011 22<sup>nd</sup> Street  
Sacramento, CA 95816-4907

Phone Number: (916) 446-4254

Fax Number: (916) 446-4018

E-mail: [abl@bkslawfirm.com](mailto:abl@bkslawfirm.com) and [rsb@bkslawfirm.com](mailto:rsb@bkslawfirm.com)

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](mailto:CWFhearing@waterboards.ca.gov).

Signature: Alan B. Lilly Date: January 5, 2016