

August 14, 2017

VIA EMAIL

State Water Resources Control Board
Division of Water Rights
Attn: California WaterFix Hearing Team
P.O. Box 2000
Sacramento, California 95812-2000
CWFhearing@waterboards.ca.gov

Re: Downey Brand Clients' Reply to DWR Response and Joinders

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

The North Delta Water Agency ("NDWA"), Tehama-Colusa Canal Authority ("TCCA"), Delta Flood Control Group ("DFCG"), and the City of Brentwood protestants, as identified in Attachment A (collectively "Downey Brand clients"), hereby join the Sacramento Valley Water Users' ("SVWU") August 14, 2017 Reply to the Department of Water Resources Response to Save the California Delta Alliance Opposition to Noticing Part 2 ("SVWU Reply"). As described in the SVWU Reply, DWR has failed to give the Hearing Officers a valid reason to depart from the well-established order of this proceeding by noticing Part 2 before the United States Department of the Interior ("DOI") has completed its environmental review processes and issued a Record of Decision for the WaterFix project.

DWR's argument that no evidence has been presented that DOI's final project approval may contain changes to the project description is belied by the facts. To the contrary, not only have the Petitioners' own expert witnesses testified in this hearing that negotiations with DOI regarding potential changes to the project description are ongoing, but TCCA is currently participating in such discussions.

It is essential that this Board be fully apprised of the potential environmental impacts of the project, as approved by the Petitioners, in order to formulate and impose appropriate terms and conditions and prevent injury to other legal users of water. Noticing Part 2 before the project has been finalized by DOI would undermine the Board's efforts to administer this hearing efficiently and could force DOI to take actions that would limit its choice of reasonable alternatives in violation of the National Environmental Policy Act. For the reasons articulated above as well as

the reasons stated in the August 11, 2017 objections submitted by the SVWU and the Natural Resources Defense Council, The Bay Institute, and Defenders of Wildlife, the Downey Brand clients respectfully request that the Hearing Officers not notice Part 2 until after DOI has issued a Record of Decision.

Very truly yours,

DOWNEY BRAND LLP



Kevin M. O'Brien
David R.E. Aladjem
Meredith E. Nikkel

cc: CA WaterFix Service List

Attachment A

Downey Brand Clients

North Delta Water Agency

North Delta Water Agency
Reclamation District 999
Reclamation District 2060
Reclamation District 2068

Tehama-Colusa Canal Authority

Colusa County Water District
Corning Water District
Cortina Water District
Davis Water District
Dunnigan Water District
4M Water District
Glenn Valley Water District
Glide Water District
Holthouse Water District
Kanawha Water District
Kirkwood Water District
La Grande Water District
Meyers-Marsh Mutual Water Company
Orland-Artois Water District
Proberta Water District
Thomes Creek Water District
Westside Water District

Delta Flood Control Group

Brannan-Andrus Levee Maintenance District
Reclamation District 407
Reclamation District 2067
Reclamation District 317
Reclamation District 551
Reclamation District 563
Reclamation District 150
Reclamation District 2098
Reclamation District 800 (Byron Tract)

The City of Brentwood

The City of Brentwood

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:

Letter dated August 14, 2017 Re: Downey Brand Clients' Reply to DWR Response and Joinders

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 August 11, 2017, 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 August 14, 2017.

Signature: 

Name: Catharine Irvine

Title: Legal Secretary

Party/Affiliation: Downey Brand, LLP

Address: 621 Capitol Mall, Sacramento, CA 95814