

November 27, 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: Sacramento Valley Water Users' Withdrawal of Case-in-Chief Witnesses for Part 2

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

The Sacramento Valley Water Users<sup>1</sup> ("SVWU") submitted Supplemental Notices of Intent to Appear in advance of the October 13, 2017 deadline and identified several common witnesses to testify in Part 2. Since the submittal of those notices, the Hearing Team has clarified the scope of Part 2 rebuttal and the way in which Part 1 issues are to be addressed during Part 2. Accordingly, the SVWU hereby withdraw certain witnesses for case-in-chief testimony during Part 2.<sup>2</sup>

At the pre-hearing conference on October 19, 2017, the Hearing Officers explained that parties may present rebuttal evidence on Part 1 issues that directly responds to another party's Part 2 case-in-chief. In particular, at the conference, the Hearing Officer stated:

Parties may present rebuttal evidence that is in the scope – is within the scope of either Part 1 or Part 2 if it is in direct response to another party's Part 2 case in chief. . . . So, again, during rebuttal, parties may present rebuttal evidence that is within the scope of either Part 1 or Part 2 if it is in direct response to another party's Part 2 case in chief.

(October 19, 2017 reporter's transcript (RT), p. 13:2-12.)

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<sup>1</sup> The SVWU is comprised of the protestants identified in Attachment 1.

<sup>2</sup> The witnesses being withdrawn by each protestant within the SVWU are identified in Attachment 2.

The Hearing Officers provided similar guidance in the November 8, 2017 Procedural Ruling. (November 8, 2017 Ruling, at 3.)

As noted by the SVWU letter dated September 22, 2017 and in discussion at the pre-hearing conference (October 17 RT, pp. 17-20), it is unclear what modeling assumptions or operational criteria – if any – Petitioners will rely on in their Part 2 case-in-chief. In addition, the parties' understanding of the modeling assumptions relied on by Petitioners, and any operational criteria Petitioners may choose to present, may be clarified and refined during cross-examination of Petitioners' Part 2 case-in-chief witnesses.

For these reasons, and based on the Hearing Officers' guidance at the pre-hearing conference and in the November 8 Ruling, the SVWU parties withdraw the witnesses listed on Attachment 2 from our own cases-in-chief and expect to submit rebuttal evidence, if necessary.

Thank you for consideration of this matter.

Very truly yours,

DOWNEY BRAND LLP



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

SOMACH, SIMMONS & DUNN, PC

/s/ Andrew M. Hitchings  
Andrew M. Hitchings

/s/ Kelley M. Taber  
Kelley M. Taber

/s/ Aaron A. Ferguson  
Aaron A. Ferguson

BARTKIEWICZ, KRONICK & SHANAHAN

/s/ Alan Lilly  
Alan Lilly

/s/ Ryan Bezerra  
Ryan Bezerra

MINASIAN, MEITH, SOARES, SEXTON & COOPER, LLP

/s/ Dustin C. Cooper  
Dustin C. Cooper

STOEL RIVES LLP

/s/ Wesley A. Miliband  
Wesley A. Miliband

1502517.2

cc: CA WaterFix Service List

Attachment 1—Sacramento Valley Water Users

Protestants represented by Downey Brand LLP (Sacramento Valley Group)

Carter Mutual Water Company  
El Dorado Irrigation District  
El Dorado Water & Power Authority  
Howald Farms, Inc.  
Maxwell Irrigation District  
Natomas Central Mutual Water Company  
Meridian Farms Water Company  
Oji Brothers Farm, Inc.  
Oji Family Partnership  
Pelger Mutual Water Company  
Pleasant-Grove Verona Mutual Water Co.  
Princeton Codora-Glenn Irrigation District  
Provident Irrigation District  
Reclamation District 108  
Sacramento Municipal Utility District  
Henry D. Richter, et al.  
River Garden Farms Company  
South Sutter Water District  
Sutter Extension Water District  
Sutter Mutual Water Company  
Tisdale Irrigation and Drainage Company  
Windswept Land and Livestock Company

Protestants represented by Somach Simmons & Dunn

Biggs-West Gridley Water District  
Carmichael Water District  
Glenn-Colusa Irrigation District  
Placer County Water Agency  
Sacramento County Water Agency

Protestants represented by Bartkiewicz, Kronick & Shanahan, P.C.

City of Folsom  
City of Roseville  
Sacramento Suburban Water District  
San Juan Water District  
Yuba County Water Agency

Protestants represented by Minasian, Meith, Soares, Sexton & Cooper, LLP

Anderson-Cottonwood Irrigation District

Butte Water District  
Nevada Irrigation District  
Paradise Irrigation District  
Plumas Mutual Water Company  
Reclamation District No. 1004  
Richvale Irrigation District  
South Feather Water & Power Agency  
Western Canal Water District

Protestants represented by Stoel Rives  
City of Sacramento

**Attachment 2—Sacramento Valley Water Users**

**Withdrawn Sacramento Valley Group Witnesses**

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Lee Bergfeld, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Lewis Bair  
Lynn Phillips  
Brad Arnold

**Withdrawn Biggs-West Gridley Water District Witnesses**

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Lee Bergfeld, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Eugene Massa

**Withdrawn Glenn-Colusa Irrigation District Witnesses**

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Lee Bergfeld, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Thaddeus Bettner

**Withdrawn Placer County Water Agency Witnesses**

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Andrew Fecko, PCWA

Withdrawn Sacramento County Water Agency

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour

Withdrawn City of Folsom Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour

Withdrawn City of Roseville Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour

Withdrawn Sacramento Suburban Water District Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour

Withdrawn San Juan Water District Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour

Withdrawn Anderson-Cottonwood Irrigation District Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Brenda Haynes

Withdrawn Butte Water District Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Mark Orme

Withdrawn Plumas Mutual Water Company Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Steve Danna

Withdrawn Reclamation District No. 1004 Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Terry Bressler

Withdrawn Richvale Irrigation District Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.



Robert A. Latour  
Sean Earley

Withdrawn Western Canal Water District Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour  
Ted Trimble

Withdrawn City of Sacramento Witnesses

Marc Van Camp, MBK Engineers  
Walter Bourez, MBK Engineers  
Dan Easton, MBK Engineers  
Shankar Parvathinathan, MBK Engineers  
Dave Vogel, Natural Resource Scientists, Inc.  
Robert A. Latour

**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 11/27/17 Re: Sacramento Valley Water Users' Withdrawal of Case-in-Chief Witnesses for Part 2**

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 November 22, 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](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 <b>hard copy</b> 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 November 27, 2017.

Signature: Catharine Irvine

Name: Catharine Irvine

Title: Legal Secretary

Party/Affiliation: Downey Brand, LLP

Address: 621 Capitol Mall, Sacramento, CA 95814