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8 Attorneys for Protestants Local Agencies of the North Delta
9 and Friends of Stone Lakes National Wildlife Refuge

10 Specially appearing for Protestants Save Our Sandhill Cranes, Environmental Council of
11 Sacramento and Daniel Wilson for Purposes of Presenting Part 2 Testimony

12 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

13 **BEFORE THE**
14 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

15 HEARING IN THE MATTER OF
16 CALIFORNIA DEPARTMENT OF WATER
17 RESOURCES AND UNITED STATES
18 BUREAU OF RECLAMATION'S
19 REQUEST FOR A CHANGE IN POINT OF
20 DIVERSION FOR CALIFORNIA WATER FIX

**UPDATED PROPOSED GROUPING AND
ORDERING OF PROTESTANTS FOR
DIRECT TESTIMONY AND CROSS-
EXAMINATION IN PART 2, SUBMITTED ON
BEHALF OF:**

**LOCAL AGENCIES OF THE NORTH
DELTA; DANIEL WILSON (Group 19)**

**COUNTY OF SAN JOAQUIN, ET AL.
(Group 24)**

**COUNTY OF SACRAMENTO AND
SACRAMENTO COUNTY WATER AGENCY
(Group 7)**

COUNTY OF YOLO (Group 14)

**FRIENDS OF STONE LAKES NATIONAL
WILDLIFE REFUGE; SAVE OUR SANDHILL
CRANES; ENVIRONMENTAL COUNCIL OF
SACRAMENTO (Group ?)**

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7 Water Conservation District, and Mokelumne River Water and Power Authority

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9 ERIC MAY, Senior Deputy Counsel (SBN 245770)
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16 AARON A FERGUSON (SBN 271427)
17 KRISTIAN C. CORBY (SBN 296146)
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22 Attorneys for County of Sacramento and Sacramento County Water Agency

Proposed Groupings and Order of Parties for Direct Testimony in Part 2 of the Hearing

The following Proposed Grouping and Ordering of Protestants for direct testimony and cross-examination in Part 2 is submitted on behalf of protestants Local Agencies of the North Delta, Daniel Wilson, County of San Joaquin et al., County of Sacramento, Sacramento County Water Agency, County of Yolo, Friends of Stone Lakes National Wildlife Refuge, Save Our Sandhill Cranes, and Environmental Council of Sacramento. The above captioned parties and counsel have further conferred in order to provide the groupings and order provided below, which are also consistent with our respective notices of intent for Part 2. As in Part 1, these proposed groupings are submitted without prejudice to the parties’ ability to “trade” positions with other parties, if necessary, to address witness availability issues, consistent with the Hearing Officers’ direction governing such arrangements.

**(1) Transportation Impacts Focus Panel
(San Joaquin County et al.; Sacramento County; Yolo County)
(Proposed position: Group 7¹)**

**Counsel: Phil Pogledich
 Aaron Ferguson
 Thomas Keeling**

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Kris Balaji (SJC et al.)	Transportation dynamics and infrastructure in the Delta; CWF impacts on transportation and public safety	25	Yes
Panos Kokkas (Yolo Co.)	Transportation; traffic circulation and infrastructure impacts	25	Yes
Reza Maghissi (Sacramento Co.)	Transportation; traffic circulation and infrastructure impacts	25	Yes

Total time requested: 1 hour, 15 minutes

¹ Sacramento County Water Agency was assigned to Group 7 in Part 1; Sacramento County did not present evidence in Part 1 and has not yet been assigned a group number for Part 2, but does not object to the assignment of Group 7, or a nearby number.

(2) Sacramento County Public Interest Panel
(Proposed position: Group 7)

Counsel: Aaron Ferguson
 William Burke
 Osha Meserve

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Don Nottoli (SC)	Public Interest Considerations	10	No
Robert Benedetti (SC)	Cultural Resources; Delta as a Place	15	Yes
Jeff Leatherman (SC)	Recreation Impacts	10	Yes
Russell Van Loben Sels (SC and LAND)	Agricultural Production and Related Impacts; Delta as a Place; Impacts of CWF on Reclamation Districts	15	No
Juli Jensen (SC)	Agricultural Production and Related Impacts	10	Yes
Virginia Hemly Chhabra	Agricultural Production and Related Impacts; Delta as a Place	15	No
Paul Philley (SC)	Effects of CWF on Air Quality	15	Yes
Karen Huss (SC)	Effects of CWF on Air Quality	15 (combined with Philley)	Yes

Total time requested: 1 hour, 30 minutes

(3) Yolo County Agricultural/Transportation Focus Panel
(Proposed Position: Group 14)

Counsel: Philp Pogledich
Osha Meserve

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Mark Wilson (Wilson Vineyards) (YC)	Agricultural production and transportation impacts; related impacts, including economic effects; Delta as a place	20	No
Stephen Heringer (Heringer Estates Family Vineyards and Winery) (YC)	Agricultural production and transportation impacts; related impacts, including economic effects; Delta as a place	20	No
Tom Slater (Slater Farms, Inc.) (YC)	Agricultural production and transportation impacts; related impacts, including economic effects; Delta as a place	20	No

Total time requested: 1 hour

(4) Community Impacts Focus Panel
(LAND, San Joaquin County et al., Daniel Wilson)
(Proposed Position: Group 19)

Counsel: Osha Meserve
Thomas Keeling

NAME (SNOI List)	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
David Robinson (DW)	Public Safety/Public Interest	15	Percipient expert
Dr. Fraser Shilling (LAND, SJC et al.)	Unreasonable environmental and community impacts/inconsistency with state water policy/public trust/public interest	20	Yes
David Stirling (LAND/Daniel Wilson)	Community and historic impacts/public interest	20	Percipient expert
Sarah Hemly (LAND)	Delta Ag products/public interest	15	Percipient expert
Daniel Wilson (LAND/Daniel Wilson)	Delta Ag/transportation/public interest	15	Percipient expert

Total time requested: 1 hour, 25 minutes

(5) Public Interest and Levees Focus Panel
(SDWA, CDWA, and San Joaquin County et al.)
(Proposed Position: Group 20)

Counsel: John Herrick
Dean Ruiz
Thomas Keeling

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Dante John Nomellini, Sr. (SDWA, CDWA, SJC et al.)	Requirements of 2009 Delta Reform Act and other enactments re: Delta flow criteria; unlawful pre-determination; premature and piecemeal proceedings; statutory mandates and protection of public trust; protection of senior water rights; unreasonable and wasteful use of water; impacts on recreational and other user of water	45 PENDING RULING ON EVIDENCE SUBMITTAL	Yes
Christopher Neudeck (SJC et al.)	Delta levees; impacts of CWF on levees and reclamation districts	20	Yes
Tom Burke (SDWA, CDWA)	CWF flow criteria, and water quality and related requirements and impacts on fisheries, recreation, public trust, and public interest issues	30 PENDING RULING ON EVIDENCE SUBMITTAL	Yes

Total time requested: 1 hour, 35 minutes

1 **(6) Economic Impacts/Public Interest Focus Panel**
 2 **(San Joaquin County et al., SDWA, CDWA, and Sacramento County)**
 3 **(Proposed Position: Group 24)**
 4 **(PENDING RULING ON EVIDENCE SUBMITTAL)**

4 **Counsel: Dean Ruiz**
 5 **Aaron Ferguson**
 6 **Thomas Keeling**

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Dr. Jeffrey Michael (SJC et al., SDWA, CDWA, Sac. Co.)	Public interest: cost/benefit analysis of CWF; financial feasibility of CWF; impacts of CWF on recreation, recreation-related activities, and Delta tourism; effects of CWF on the local and regional economy; socio-economic impacts of CFW on Delta communities	45	Yes

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 15 **Total time requested: 45 minutes**

(7) Groundwater Focus Panel
(LAND, Sacramento County Water Agency and San Joaquin County et al.)
(Proposed Position: Group 24)

Counsel: Osha Meserve
Aaron Ferguson
Thomas Keeling

NAME (SNOI List)	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
John Lambie (LAND and SJC et al.)	Delta hydrogeology and hydrology as it relates to groundwater/public interest/public trust	25	Expert
Joe Tootle (LAND and SJC et al.)	Public Interest and Public Trust resources; proposed spoils disposal plan; tunneling activities' impacts, including ground loss and impacts on levees and islands	25	Yes
Steffen Mehl (SCWA)	Long-Term Groundwater Management Planning, SGMA	15	Yes
Laura Foglia (SCWA)	Long-Term Groundwater Management Planning, SGMA	15	Yes
Kerry Schmitz (SCWA)	Public Interest Considerations; Long- Term Groundwater Management Planning, SGMA	15	No

Total time requested: 1 hour, 35 minutes

(8) Public Trust/Public Interest Focus Panel
(San Joaquin County et al., CSPA/C-WIN, AquAlliance, LAND)
(Requested Position: Group 31 CSPA/C-WIN)

Counsel: Michael Jackson
Osha Meserve
Thomas Keeling

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Marc Del Piero (SJC, LAND, CSPA/C-WIN)	CWF impacts on public trust resources; balancing the public trust; essential elements of a competent public interest analysis; Delta flow criteria compliant with the 2009 Delta Reform Act and other enactments and decisions	45	Yes
Ed Whitelaw (CSPA/C-WIN)	Fish & Wildlife/Public Trust/Public Interest	30	Yes
Roger Moore (SJC, LAND)	Fish & Wildlife/Public Trust/Public Interest	30 SUBMITTAL PENDING	Yes
Felix Smith (CSPA/C-WIN)	Fish & Wildlife/Public Trust/Public Interest	30	Yes

Total time requested: 2 hours, 15 minutes

(9) Greater Sandhill Cranes and Fully Protected Species Focus Panel
(Friends of Stone Lakes NWR, Save Our Sandhill Cranes and
Environmental Council of Sacramento)
(No Group Number Assigned Yet)

Counsel: Osha Meserve

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Scott Finley (FSL)	Stone Lakes NWR Resources/public interest	10	Percipient expert
Michael Savino (SOSC)	Birding and wildlife/public interest	10	No
Gary Ivey (FSL)	Impacts on wildlife/Sandhill cranes/public interest	30	Yes
Ed Pandolfino (SOSC)	Avian impacts/public interest/public trust	25	Percipient expert
Jim Pachl (ECOS)	Swainson Hawk/Public Interest	15	Percipient expert

Total time requested: 1 hour, 30 minutes

1 **(10) Regional Conservation Concerns and the Public Interest**
 2 **(Save Our Sandhill Cranes and Environmental Council of Sacramento)**
 3 **(No Group Number Assigned Yet)**

4 **Counsel: Osha Meserve**

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Robert Burness (ECOS)	Regional conservation/public interest	20	Peripient expert
Sean Wirth (SOSC)	Impacts on wildlife and regional conservation efforts/Inadequacy of review and mitigation/public interest	25	Yes
Judith Lamare (ECOS)	Air quality/public interest	20	Yes
David Yee (SOSC)	Birding/public interest/wildlife impacts	15	No

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 14 **Total time requested: 1 hour, 20 minutes**
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1 **Proposed Order of Parties for Cross-Examination**

2 With respect to the order of the groups for cross-examination, we propose that cross-
3 examination in Part 2 proceed in a similar order that the Board established in Part 1.

4 Thank you for considering these requests and suggestions.

5 Dated: December 7, 2017

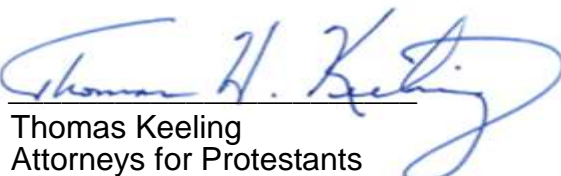
SOLURI MESERVE,
A LAW CORPORATION

7 By: 

8 Osha R. Meserve
9 Attorneys for Protestants
10 Local Agencies of the North Delta et al.

11 Dated: December 7, 2017

FREEMAN FIRM

12 By: 

13 Thomas Keeling
14 Attorneys for Protestants
15 County of San Joaquin, San Joaquin County
16 Flood Control and Water Conservation District,
17 and Mokelumne River Water and Power
18 Authority

18 Dated: December 7, 2017

COUNTY OF YOLO,
OFFICE OF COUNTY COUNSEL

20 By: 

21 Philip J. Pogledich
22 Attorneys for Protestants
23 County of Yolo

24 Dated: December 7, 2017

SOMACH SIMMONS & DUNN,
A PROFESSIONAL CORPORATION

26 By: _____

27 Aaron A Ferguson
28 Attorneys for Protestants
County of Sacramento and Sacramento County
Water Agency

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Proposed Order of Parties for Cross-Examination

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Dated: December 7, 2017

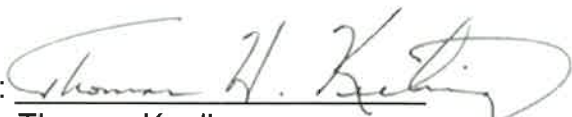
SOLURI MESERVE,
A LAW CORPORATION

By: 

Osha R. Meserve
Attorneys for Protestants
Local Agencies of the North Delta et al.

Dated: December 7, 2017

FREEMAN FIRM

By: 

Thomas Keeling
Attorneys for Protestants
County of San Joaquin, San Joaquin County
Flood Control and Water Conservation District,
and Mokelumne River Water and Power
Authority

Dated: December 7, 2017

COUNTY OF YOLO,
OFFICE OF COUNTY COUNSEL

By: _____

Philip J. Pogledich
Attorneys for Protestants
County of Yolo

Dated: December 7, 2017

SOMACH SIMMONS & DUNN,
A PROFESSIONAL CORPORATION

By: 

Aaron A Ferguson
Attorneys for Protestants
County of Sacramento and Sacramento County
Water Agency

1 **STATEMENT OF SERVICE**

2 I hereby certify that I have this day, December 8, 2017, submitted to the State Water
3 Resources Control Board and caused a true and correct copy of the following document:

4 UPDATED PROPOSED GROUPING AND ORDERING OF PROTESTANTS
5 FOR DIRECT TESTIMONY AND CROSS-EXAMINATION IN PART 2,
6 SUBMITTED ON BEHALF OF:

7 LOCAL AGENCIES OF THE NORTH DELTA; DANIEL WILSON (Group 19)

8 COUNTY OF SAN JOAQUIN, ET AL. (Group 24)

9 COUNTY OF SACRAMENTO AND SACRAMENTO COUNTY WATER AGENCY
10 (Group 7)

11 COUNTY OF YOLO (Group 14)

12 FRIENDS OF STONE LAKES NATIONAL WILDLIFE REFUGE; SAVE OUR
13 SANDHILL CRANES; ENVIRONMENTAL COUNCIL OF SACRAMENTO
(Group ?)

14 to be served **by Electronic Mail** (email) upon the parties listed in Table 1 of the **Current**
15 **Service List** for the California WaterFix Petition Hearing, dated December 6, 2017, posted by
16 the State Water Resources Control Board at
17 https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_water_fix/service_list.shtml

18 I certify that the foregoing is true and correct and that this document was executed on
19 December 8, 2017.

20 Signature:  _____

21 Name: Mae Ryan Empleo

22 Title: Legal Assistant for Osha R. Meserve
Soluri Meserve, A Law Corporation

23 Party/Affiliation:

24 Local Agencies of the North Delta

25 Daniel Wilson

26 Environmental Council of Sacramento

27 Friends of Stone Lakes National Wildlife Refuge

28 Save Our Sandhill Cranes

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