
State Water Resources Control Board

January 4, 2018

VIA ELECTRONIC MAIL

TO: [CURRENT SERVICE LIST](#)

CALIFORNIA WATERFIX HEARING – RULING ON ISSUES CONCERNING SCOPE OF PART 2 OF THE HEARING AND OTHER PROCEDURAL MATTERS

This ruling addresses the disposition of late-submitted written testimony and exhibits for the case-in-chief phase of Part 2 of the California WaterFix change petition hearing, written testimony outside the scope of the case-in-chief phase of Part 2, and the order of presentation and cross-examination for Part 2.

1. Disposition of Late-Submitted Materials

We received multiple requests from parties that encountered difficulties uploading all of their Part 2 testimony and associated exhibits to the WaterFix File Transfer Protocol (FTP) site by the noon deadline on November 30, 2017. In most cases, the affected parties began uploading their Part 2 materials before the deadline but were locked out of the FTP site at noon. For the purposes of this round of Part 2 submittals only, we created a separate FTP folder specifically for late submittals and directed any parties submitting late materials to include a letter explaining why their submittals were late. We have not received any objections to accepting any of these late submittals.

To ensure accountability and fairness to the other parties, the main FTP site for this proceeding is designed to lock users out once a deadline has passed. As the parties have experienced, uploads to the FTP site are not instantaneous; uploading large files or multiple files takes time. Each party bears responsibility for allowing sufficient time in advance of a deadline to upload the materials they intend to offer into evidence. For future submittals, all parties, including those that opt to serve documents on all parties using email, should plan ahead for the contingency in which technology does not cooperate.

Most of the parties submitting late materials exercised reasonable diligence in attempting to submit their Part 2 materials on time, but encountered technical difficulties or a personal emergency. Additionally, our review of the late submissions found that accepting most of those parties' materials would not result in prejudice to other parties. Accordingly, we are accepting all but the following late submittals in Part 2, for the reasons provided below.

A. Exhibits Omitted Due to Lack of Diligence

We received some requests to accept exhibits that had been in the party's exhibit identification index but which the party had forgotten to upload because of a mistake or similar reason. In these instances, neither technical difficulties nor a personal emergency prevented the parties from finalizing

or uploading the files by the deadline. Fairness to other hearing participants requires that each party bear responsibility for ensuring that they have located and organized all materials that they intend to submit prior to the deadline. Accordingly, the following exhibits will not be accepted in the case-in-chief phase of Part 2:

EJCW-16
FOR-97
FOR-100
NDC-2-4
NDC-2-28
PORGANS-322
PORGANS-322-A
PORGANS-323
PORGANS-325
SHR-2-13
SHR-2-21
SHR-2-228-2

B. Substantial Revisions to Timely-Submitted Materials

We received requests to allow revisions to already-submitted materials to make “corrections.” Ordinarily, minor corrections for clarity or to fix typos or scrivener’s errors will not prejudice other parties and may assist the hearing participants in understanding the party’s testimony. However, using the opportunity for such minor corrections to make more substantive revisions to testimony or exhibits weeks after the deadline has passed is unfair to the parties that were diligent both in finalizing their materials before the deadline and in their attempts to effect timely service upon all parties. This remains true even if the late-submitting party had a valid reason for not being able to finalize materials before the deadline. Therefore, the following exhibits will not be accepted in the case-in-chief phase of Part 2:

PORGANSCWFPart 2 NOI 14Dec2017¹
DWR 1070 – errata PPT Wilder²

Based on this disposition of late-submitted materials, the hearing staff has moved all accepted exhibits from the FTP site to parties’ respective exhibit pages on the State Water Board’s website at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/.³ The hearing staff will delete all files in parties’ FTP site folders before the hearing resumes on January 18, 2018.

¹ The version of Patrick Porgans’s testimony that will be accepted is the Word document identified in the late submissions folder as PORGANSCWFPart 2 NOI. That testimony has been renamed Porgans-326.

² We are accepting DWR-1013-signed Testimony Wilder, Dr. Wilder’s late-submitted signed testimony with redlined revisions, because that submittal was reasonably diligent in light of the circumstances offered as justification. DWR 1070 – errata PPT Wilder was submitted more than two weeks later.

³ The parties should note that, although the testimony and exhibits have been accepted, they have not yet been admitted into the evidentiary record. The parties should move their exhibits into evidence after presentation of their cases-in-chief.

2. Part 2 Scope Review

In the Updated Part 2 Guidance Document appended to our November 8, 2017 ruling, we stated that we would review case-in-chief written testimony to ensure that it is relevant and within the scope of Part 2. We have completed that review. This ruling identifies written testimony that is beyond the scope of the case-in-chief phase of Part 2 and, where applicable, directs the offering party to revise that testimony accordingly.

Revised written testimony must be uploaded to the FTP website and served on all parties by noon on January 11, 2018 or the testimony will be excluded from the party's case-in-chief.

Substantive revisions shall be limited to clarifications ordered by this ruling. Deletions must be shown in strike-through and any additions must be underlined. The affected parties should also review their exhibits and withdraw any exhibits associated with testimony that is deleted. If this ruling identifies written testimony as beyond the scope of Part 2 without directing the offering party to revise it, we will redact that testimony as necessary and circulate it as soon as possible, at which time it will be deemed accepted by the hearing officers.

As stated in the October 30, 2015 Hearing Notice and on pages 12 and 13 of our August 31, 2017 ruling, testimony and exhibits that are within the scope of Part 2 of this proceeding are those that are responsive to the following questions:

1. Will the changes proposed in the petition unreasonably affect fish and wildlife or recreational uses of water, or other public trust resources?
 - a. Will the proposed changes in points of diversion alter water flows in a manner that unreasonably affects fish, wildlife, or recreational uses of water?
 - b. Will the proposed changes in points of diversion alter water quality in a manner that unreasonably affects fish, wildlife, or recreational uses of water?
 - c. If so for a and/or b above, what specific conditions, if any, should the State Water Board include in any approval of the Petition to avoid unreasonable effects to fish, wildlife, or recreational uses?
 - d. What Delta flow criteria are appropriate and should be included in any approval of the petition, taking into consideration the 2010 Delta flow criteria report, competing beneficial uses of water, and the relative responsibility of the Projects and other water right holders for meeting water quality objectives?
2. Are the proposed changes requested in the petition in the public interest? What specific conditions, if any, should be included in any approval of the Petition to ensure that the changes are in the public interest?
3. Should the Final Environmental Impact Report be entered into the administrative record for the Petition?

A. City of Antioch

The City of Antioch's witness Susan Paulsen included statements toward the end of her testimony (Antioch-500) alleging harms stemming from the combination of WaterFix-related water quality impacts near Antioch's intake and the potential termination of a 1968 Settlement Agreement with the Department of Water Resources (DWR). It is unclear from Dr. Paulsen's testimony whether she is alleging that WaterFix operations will interfere with Antioch's exercise of its water right (a Part 1 issue) or is instead alleging some other, as yet unspecified set of impacts contrary to the public interest or public trust resources. We therefore direct Antioch and Dr. Paulsen to revise that portion of her testimony to clarify how her testimony relates to one or more Part 2 key hearing issues.

B. Clifton Court, L.P.

As a preliminary matter, Clifton Court, L.P.'s (Clifton Court) written testimony (CCLP-38 Part 2 Testimony) did not identify any one person who will swear or attest to its contents. As a general rule, written testimony must identify the natural person testifying and should summarize or reference that individual's qualifications and/or the basis for their personal knowledge as it pertains to the subject of the testimony.

Clifton Court's testimony also alleges multiple harms by DWR that do not stem from WaterFix, specifically. For example, Clifton Court alleges both threatened and actual harm to its levees due to past project operations by DWR, and further alleges that project operations cause hyacinth to impede public access to waterways, but does not tie those impacts to WaterFix or any of the Part 2 issues identified above. The alleged impacts that are within the scope of Part 2 are those that WaterFix itself may cause. We therefore direct Clifton Court to revise its testimony to clarify how the alleged past grievances that are otherwise unrelated to WaterFix pertain to one or more Part 2 key issues.

Alleged harassment by DWR personnel categorically does not relate to any Part 2 issues. We therefore direct Clifton Court to redact that section when revising its testimony.

C. California Sportfishing Protection Alliance

Pages 44 through 49 of Bill Jennings's testimony on behalf of CSPA (CSPA-200) contains discussion of the legal adequacy of the WaterFix CEQA-NEPA document. Pages 6 and 7, 19 through 21, and 24 of Marc del Piero's testimony on behalf of CSPA (CSPA-208) similarly contain discussion of the WaterFix CEQA-NEPA document's legal adequacy. We have reminded the parties repeatedly—most recently in our August 31, 2017 ruling—that the issue of whether the FEIR/EIS for the WaterFix Project satisfies CEQA or NEPA requirements is not a key hearing issue and that testimony on that issue will not be admitted. Accordingly, we will strike that discussion from these testimonies.

Additionally, on page 7 of his testimony, Mr. del Piero attempts to incorporate a significant volume of documents from the State Water Board's 2010 public informational proceeding to develop flow criteria for the Delta ecosystem into his testimony by reference. Our February 21, 2017 ruling addressed how and under what circumstances a witness may incorporate a report or other document into his or her testimony. Specifically, the ruling states that a "witness may not wholesale convert already existing documents into direct testimony by simple incorporation by reference." Mr. del Piero's attempted incorporation by reference therefore does not comport with that guidance. Alternatively, if Mr. del Piero's intent was to offer those documents as exhibits by reference, he did not comply with State Water Board procedures. Namely, the documents being referenced have not been introduced and

identified as exhibits in CSPA's exhibit index, and Mr. del Piero did not specify by name exactly which documents he was referencing. (See Cal. Code Regs., tit. 23, § 648.3.) Accordingly, the sentences incorporating outside documents by reference will be stricken and the subject documents will not be accepted at this time.

D. Environmental Justice Coalition for Water

Pages 7 to 10 of Sherri Norris's testimony (EJCW-33) on behalf of Environmental Justice Coalition for Water contain allegations that DWR's tribal consultation in connection with the WaterFix Project was legally inadequate. Ms. Norris's testimony also alleges several legal deficiencies in the WaterFix CEQA document. To the extent Ms. Norris is alleging that DWR has not complied with legally required procedures, those issues are outside the scope of Part 2 and should be stricken from her testimony. However, an explanation of the alleged project impacts (e.g. to tribal subsistence fishing or cultural resources) that will result and could have been avoided if different procedures had been followed may be within the scope of Part 2. We therefore direct Ms. Norris to revise her testimony to either redact discussion of the WaterFix CEQA document or explain how that discussion relates to a Part 2 key issue.

Ms. Norris also raises the issue of tribal beneficial uses and tribal water rights on pages 14 and 15 of her testimony, but does not tie that discussion to any aspect of DWR's and U.S. Bureau of Reclamation's (collectively petitioners) proposed changes. Testimony regarding potential impacts of WaterFix on legal users of water should have been introduced during Part 1 and will be excluded from the case-in-chief phase of Part 2. Impacts to tribal beneficial uses, however, may be relevant to Part 2 issues if the testimony alleges impacts that would be caused by the petitioners' proposed changes. We therefore direct Ms. Norris to revise her testimony accordingly; otherwise, the discussion on pages 14 and 15 will be stricken.

E. Patrick Porgans

Pages 7 through 10 of Mr. Porgans' testimony (Porgans-326) contain numerous references to past actions by DWR and the Bureau of Reclamation (USBR) causing injury to legal users of water. Potential injury to legal users of water from WaterFix was addressed in Part 1 and is outside the scope of the case-in-chief phase of Part 2. References in Mr. Porgans' testimony to injuries to legal users of water will be stricken accordingly.

F. South Delta Water Agency

John Nomellini, Sr.'s testimony (SDWA-300) on behalf of South Delta Water Agency contains an extended discussion regarding the legal adequacy of the WaterFix Project's FEIR/EIS and allegedly pre-decisional commitments by the petitioners. We reiterate that the legal adequacy of the CEQA-NEPA document is not a key issue in this proceeding. Similarly, alleged procedural irregularities in the development of that document and in the petitioners' respective approval decisions are beyond the scope of this proceeding. Framing such issues in terms of a public interest in legal compliance does not put them within the scope of Part 2. Those portions of Mr. Nomellini's testimony will be stricken accordingly.

3. Part 2 Order of Presentation and Order for Cross-Examination

After reviewing the parties' proposed groupings, we have prepared the attached draft order of presentation for Part 2, scheduled to commence on January 18, 2018. Please note that this order is for the presentation of the parties' respective cases-in-chief only. The draft order for cross-examination also is attached to this ruling and generally proceeds according to the group numbers established in Part 1, with certain exceptions noted in the attachment. Several parties did not participate in Part 1, and therefore had not yet been assigned group numbers. The attached tables include newly-assigned group numbers for those parties.

Unless we approve a change, parties are on notice that they should be ready to present their witness testimony and exhibits and conduct cross-examination when called, in the scheduled order attached to this ruling. Consistent with our prior rulings, we will not accept notices of unavailability from parties. As in Part 1, we remain willing to accommodate some changes to the order of appearance of parties' witnesses, provided that any changes do not delay the hearing schedule and the other parties are notified in advance. If a party cannot present on a particular day, it is that party's responsibility to coordinate with another party to take their place in line and give at least three days' notice to the hearing officers and the Service List. We would like to reiterate our appreciation for the efforts of all the parties to coordinate presentation of witnesses' testimony.

Any comments on the draft order of presentation or draft order for cross-examination are due on January 11, 2018 and must be served on all parties.

If you have any non-controversial, procedural questions about this ruling or other matters related to the California WaterFix Hearing, please contact the hearing team at CWFhearing@waterboards.ca.gov or (916) 319-0960.

Sincerely,

ORIGINAL SIGNED BY

Felicia Marcus, State Water Board Chair
WaterFix Project Co-Hearing Officer

ORIGINAL SIGNED BY

Tam M. Doduc, State Water Board Member
WaterFix Project Co-Hearing Officer

Attachments

Attachment 1

Order of Presentation for Part 2

California WaterFix Petition Hearing

Scheduled to Continue on January 18, 2018

| Order of Direct Testimony | Group | Party | Witness Panels |
|---------------------------|------------|---|---|
| 1 st | 1 & 2 | California Department of Water Resources (DWR) and U.S. Department of the Interior (DOI) | <ul style="list-style-type: none"> ▪ Gwen Buchholz (DWR) ▪ Aaron Miller (DWR) ▪ Kristin White (DOI) |
| | | | <ul style="list-style-type: none"> ▪ Dr. Marin Greenwood (DWR) ▪ Dr. Rick Wilder (DWR) ▪ Dr. Chris Earle (DWR) ▪ Tara Smith (DWR) ▪ Erik Reyes (DWR) ▪ Dr. Mike Bryan (DWR) ▪ Dr. Ellen Preece (DWR) ▪ Dr. Harry Ohlendorf (DWR) ▪ Dr. Marianne Guerin (DWR) ▪ Dr. En Ching Hsu (DWR) ▪ John Bednarski (DWR) ▪ Praba Pirabarooban (DWR) ▪ Nancy Parker (DOI) |
| | | | <ul style="list-style-type: none"> ▪ Doug Rischbieter (DWR) ▪ John Bednarski (DWR) |
| 2 nd | 4, 5, & 44 | San Luis & Delta-Mendota Water Authority (SLDMWA), Westlands Water District (WWD), and Grassland Water District (GWD) | <ul style="list-style-type: none"> ▪ Jason Peltier (SLDMWA) ▪ Cindy Kao (SLDMWA) ▪ Jose Gutierrez (WWD) ▪ Dr. Michael Shires (WWD) |
| | | | <ul style="list-style-type: none"> ▪ Ricardo Ortega (GWD) ▪ Eric Hansen (GWD) ▪ Dr. Mark Petrie (GWD) |

Attachment 1

| Order of Direct Testimony | Group | Party | Witness Panels |
|---------------------------|---------------------|--|---|
| 3rd | 7, 19, 20, 21, & 24 | Sacramento County Water Agency (SCWA), Local Agencies of the North Delta, et al. (LAND), Daniel Wilson (DW), South Delta Water Agency, et al. (SDWA), and County of San Joaquin, et al. (COSJ) | <ul style="list-style-type: none"> ▪ David Robinson (LAND) ▪ Dr. Fraser Shilling (LAND) ▪ David Stirling (LAND) ▪ Sara Hemly (LAND) ▪ Daniel Wilson (DW) |
| | | | <ul style="list-style-type: none"> ▪ Dante John Nomellini (SDWA) ▪ Christopher Neudeck (COSJ) ▪ Tom Burke (SDWA) |
| | | | <ul style="list-style-type: none"> ▪ Dr. Jeffrey Michael (SDWA) |
| | | | <ul style="list-style-type: none"> ▪ John Lambie (COSJ) ▪ Josef Tootle (COSJ) ▪ Dr. Steffen Mehl (SCWA) ▪ Dr. Laura Foglia (SCWA) ▪ Kerry Schmitz (SCWA) |
| 4th | 11 | Water Forum (WF) | <ul style="list-style-type: none"> ▪ Tom Gohring (WF) ▪ Paul Bratovich (WF) |
| | | | <ul style="list-style-type: none"> ▪ Tom Gohring (WF) ▪ Paul Bratovich (WF) ▪ Dr. Craig Addley (WF) ▪ Dr. Chris Hammersmark (WF) ▪ Jeff Weaver (WF) |
| 5th | 13 | Sacramento Regional County Sanitation District (SRCSD) | <ul style="list-style-type: none"> ▪ Michael Melady (SRCSD) ▪ Prabhakar Somavarapu (SRCSD) ▪ Ruben Robles (SRCSD) ▪ Dr. Susan Paulsen (SRCSD) ▪ Tom Grovhoug (SRCSD) |

Attachment 1

| Order of Direct Testimony | Group | Party | Witness Panels |
|---------------------------|------------------|---|---|
| 6th | 14, 19, 24, & 45 | County of Yolo (YOLO), Local Agencies of the North Delta, et al. (LAND), County of San Joaquin, et al. (COSJ), and County of Sacramento (CoSac) | <ul style="list-style-type: none"> ▪ Kris Balaji (COSJ) ▪ Panos Kokkas (YOLO) ▪ Reza Moghissi (CoSac) |
| | | | <ul style="list-style-type: none"> ▪ Don Nottoli (CoSac) ▪ Dr. Robert Benedetti (CoSac) ▪ Jeff Letherman (CoSac) ▪ Juli Jensen (CoSac) ▪ Russell Van Loben Sels (LAND) ▪ Virginia Hemly Chhabra (CoSac) ▪ Paul Philley (CoSac) ▪ Karen Huss (CoSac) |
| | | | <ul style="list-style-type: none"> ▪ Mark Wilson (YOLO) ▪ Steve Heringer (YOLO) ▪ Tom Slater (YOLO) |
| 7th | 15 | East Bay Municipal Utility District (EBMUD) | <ul style="list-style-type: none"> ▪ Dr. Benjamin Bray (EBMUD) ▪ Jose Setka (EBMUD) ▪ Michelle Workman (EBMUD) |
| 8th | 18 | The San Joaquin Tributaries Authority, et al. (SJTA) | <ul style="list-style-type: none"> ▪ Daniel Steiner (SJTA) ▪ Dr. Susan Paulsen (SJTA) |
| 9th | 22 | City of Stockton (STKN) | <ul style="list-style-type: none"> ▪ Dr. Mel Lytle (STKN) ▪ Robert Granberg (STKN) |
| 10th | 25 | Contra Costa County and Contra Costa County Water Agency (CCC) and County of Solano (SOL) | <ul style="list-style-type: none"> ▪ Dr. Richard Denton (CCC-SOL) |
| 11th | 27 | City of Antioch (ANTIOCH) | <ul style="list-style-type: none"> ▪ Dr. Susan Paulsen (ANTIOCH) |

Attachment 1

| Order of Direct Testimony | Group | Party | Witness Panels |
|---------------------------|-------|---|--|
| 12 th | 30 | Save the California Delta Alliance, et al. (SCDA) | <ul style="list-style-type: none"> ▪ Dr. Brent Haddad (SCDA) ▪ Bill Wells (SCDA) ▪ Charles Salter (SCDA) ▪ Chris Kinzel (SCDA) ▪ Frank Morgan (SCDA) ▪ Dr. Rune Storesund (SCDA) ▪ Russel Ooms (SCDA) |
| 13 th | 31 | California Sportfishing Protection Alliance, (CSPA), California Water Impact Network (CWIN), and AquAlliance (AQUA) | <ul style="list-style-type: none"> ▪ Bill Jennings (CSPA) ▪ Tom Cannon (CSPA) ▪ Chris Shutes (CSPA) ▪ Dr. G. Fred Lee (CSPA) ▪ Tom Stokely (CSPA) |
| | | | <ul style="list-style-type: none"> ▪ Gerald Neuberger (CSPA) ▪ Dan Bacher (CSPA) ▪ David Hurley (CSPA) ▪ Dr. Dave Fries (CSPA) ▪ Arve Sjovold (CWIN) |
| | | | <ul style="list-style-type: none"> ▪ Dr. Kit Custis (AQUA) ▪ Barbara Vlamis (AQUA) ▪ James Brobeck (AQUA) ▪ Dr. Don Hankins (AQUA) ▪ Trina Cunningham (AQUA) |
| 14 th | 32 | Restore the Delta (RTD) | <ul style="list-style-type: none"> ▪ Barbara Barrigan-Parrilla (RTD) ▪ Gary Mulcahy (RTD) ▪ Roger Mammon (RTD) ▪ Tim Stroshane (RTD) |
| 15 th | 33 | Friends of the River and Sierra Club California (FOR) | <ul style="list-style-type: none"> ▪ Deirdre Des Jardins (FOR) ▪ Jonas Minton (FOR) ▪ Dr. Lawrence Kolb (FOR) ▪ Ron Stork (FOR) |

Attachment 1

| Order of Direct Testimony | Group | Party | Witness Panels |
|---------------------------|-------|---|---|
| 16th | 34 | The Environmental Justice Coalition for Water (EJCW) | <ul style="list-style-type: none"> ▪ Colin Bailey (EJCW) |
| | | | <ul style="list-style-type: none"> ▪ Daniel Heagerty (EJCW) ▪ Allegra Schunemann (EJCW) ▪ Milo Wetherall (EJCW) ▪ Lucia Paczkowski (EJCW) ▪ Caroline Schurz (EJCW) |
| | | | <ul style="list-style-type: none"> ▪ Andria Ventura (EJCW) ▪ Dr. Fraser Shilling (EJCW) ▪ Sherri Norris (EJCW) |
| 17th | 35 | Natural Resources Defense Council, The Bay Institute and Defenders of Wildlife (NRDC) | <ul style="list-style-type: none"> ▪ Doug Obegi (NRDC) |
| 18th | 37 | Deirdre Des Jardins (DDJ) | <ul style="list-style-type: none"> ▪ Dr. David S. Fries (DDJ) ▪ Randal Baxter, other DFW witnesses (DFW) |
| 19th | 38 | Pacific Coast Federation of Fishermen's Associations, et al. (PCFFA) | <ul style="list-style-type: none"> ▪ David Bitts (PCFFA) ▪ Deirdre Des Jardins (PCFFA) ▪ Noah Oppenheim (PCFFA) |
| | | | <ul style="list-style-type: none"> ▪ Thomas Stokely (PCFFA) ▪ Greg Kamman (PCFFA) ▪ Dr. Joshua Strange (PCFFA) ▪ Michael Belchik (PCFFA) |
| | | | <ul style="list-style-type: none"> ▪ Amy Cordalis (PCFFA) ▪ Thomas O'Rourke Sr. (PCFFA) ▪ Dr. Cutcha Risling Baldy (PCFFA) ▪ Brittani Orona (PCFFA) |

Attachment 1

| Order of Direct Testimony | Group | Party | Witness Panels |
|---------------------------|--------------|--|--|
| 20 th | 39 | North Delta C.A.R.E.S. (NDC) | <ul style="list-style-type: none"> ▪ James Motlow (NDC) ▪ Barbara Daly (NDC) ▪ Mark Pruner (NDC) ▪ Nicole Suard (NDC) |
| 21 st | 40 | Patrick Porgans (PORGANS) | <ul style="list-style-type: none"> ▪ Patrick Porgans (PORGANS) |
| 22 nd | 41 | Snug Harbor Resorts, LLC. (SHR) | <ul style="list-style-type: none"> ▪ Nicole Suard (SHR) |
| 23 rd | 43 | Clifton Court, L.P. (CCLP) | <ul style="list-style-type: none"> ▪ Suzanne Womack (CCLP) ▪ Sheldon Moore (CCLP) |
| 24 th | 46, 47, & 48 | Environmental Council of Sacramento (ECOS), Friends of Stone Lakes National Wildlife Refuge (FSL), and Save Our Sandhill Cranes (SOSC) | <ul style="list-style-type: none"> ▪ Scott Finley (FSL) ▪ Michael Savino (SOSC) ▪ Dr. Gary Ivey (FSL) ▪ Dr. Ed Pandolfino (SOSC) ▪ James Pacht (ECOS) |
| | | | <ul style="list-style-type: none"> ▪ Robert Burness (ECOS) ▪ Sean Wirth (SOSC) ▪ Dr. Judith Lamare (ECOS) ▪ David Yee (SOSC) |
| 25 th | 35 | Natural Resources Defense Council, The Bay Institute and Defenders of Wildlife (NRDC) | <ul style="list-style-type: none"> ▪ Dr. Jon Rosenfield (NRDC) |

Attachment 2

Order for Cross-Examination and Group Number Assignment for Part 2

California WaterFix Change Petition Hearing

Scheduled to Continue on January 18, 2018

| Group Number | Party |
|---------------------|---|
| 1 | California Department of Water Resources |
| 2 | U.S. Department of the Interior |
| 3 | State Water Contractors |
| 4 | San Luis & Delta-Mendota Water Authority |
| 5 | Westlands Water District |
| 6 | Coalition for a Sustainable Delta, The |
| 7 | Carmichael Water District, The |
| 7 | Nevada Irrigation District |
| 7 | Paradise Irrigation District |
| 7 | South Feather Water and Power Agency: Mike Glaze, SFWPA General Manager |
| 7 | Yuba County Water Agency |
| 7 | Anderson - Cottonwood Irrigation District |
| 7 | Biggs-West Gridley Water District |
| 7 | Butte Water District ("BWD") |
| 7 | City of Folsom, The |
| 7 | City of Roseville, The |
| 7 | City of Sacramento |
| 7 | Glenn-Colusa Irrigation District (GCID) |
| 7 | Placer County Water Agency |
| 7 | Plumas Mutual Water Company |
| 7 | Reclamation District 1004 |
| 7 | Richvale Irrigation District ("RID") |
| 7 | Sacramento County Water Agency |
| 7 | Sacramento Municipal Utility District |
| 7 | Sacramento Suburban Water District |
| 7 | Sacramento Valley Group |
| 7 | San Juan Water District |
| 7 | Western Canal Water District |
| 8 | Tehama-Colusa Canal Authority & water service contractors in its service area |
| 9 | North Delta Water Agency & Member Districts |
| 10 | Reclamation District No. 800 (Byron Tract) |

Attachment 2

| Group Number | Party |
|--------------|--|
| 10 | 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 |
| 10 | City of Brentwood, The |
| 11 | Water Forum, The |
| 12 | County of Colusa, The |
| 13 | Sacramento Regional County Sanitation District |
| 14 | County of Yolo |
| 15 | East Bay Municipal Utility District |
| 17 | San Joaquin River Exchange Contractors Water Authority |
| 18 | The San Joaquin Tributaries Authority (SJTA), Merced Irrigation District, Modesto Irrigation District, Oakdale Irrigation District, South San Joaquin Irrigation District, Turlock Irrigation District, and City and County of San Francisco |
| 19 | Islands, Inc. |
| 19 | Local Agencies of the North Delta |
| 19 | Bogle Vineyards/Delta Watershed Landowner Coalition |
| 19 | Brett G. Baker |
| 19 | Diablo Vineyards and Brad Lange/Delta Watershed Landowner Coalition |
| 19 | Stillwater Orchards/Delta Watershed Landowner Coalition |
| 20 | Daniel Wilson |
| 21 | Central Delta Water Agency, South Delta Water Agency ("Delta Agencies"), Lafayette Ranch, Heritage Lands Inc., Mark Bachetti Farms and Rudy Mussi Investments L.P. |
| 22 | City of Stockton |
| 23 | Stockton East Water District |
| 24 | County of San Joaquin, San Joaquin County Flood Control and Water Conservation District, and Mokelumne River Water and Power Authority |
| 24 | North San Joaquin Water Conservation District |
| 25 | Contra Costa County and Contra Costa County Water Agency |
| 25 | County of Solano |
| 27 | City of Antioch |
| 28 | California Delta Chambers & Visitors Bureau |
| 29 | Steamboat Resort |
| 30 | Save the California Delta Alliance; Janet & Michael McCleary; Frank Morgan; and Captain Morgan's Delta Adventures, LLC |
| 31 | California Sportfishing Protection Alliance, California Water Impact Network, and AquAlliance |
| 32 | Restore the Delta |
| 33 | Friends of the River and Sierra Club California |

Attachment 2

| Group Number | Party |
|---------------------|--|
| 33 | Planning and Conservation League |
| 34 | The Environmental Justice Coalition for Water |
| 35 | Natural Resources Defense Council, The Bay Institute, and Defenders of Wildlife |
| 37 | Deirdre Des Jardins |
| 38 | Pacific Coast Federation of Fishermen's Associations and Institute for Fisheries Resources |
| 39 | North Delta C.A.R.E.S. / Barbara Daly |
| 40 | Patrick Porgans |
| 41 | Snug Harbor Resorts, LLC |
| 42 | SolAgra Corp. |
| 43 | Clifton Court, L.P. |
| 44 | Grassland Water District |
| 45 | County of Sacramento |
| 46 | Environmental Council of Sacramento |
| 47 | Friends of Stone Lakes National Wildlife Refuge |
| 48 | Save Our Sandhill Cranes |
| 49 | American Rivers, INC |
| 50 | Environmental Water Caucus |