

## CWFhearing

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**From:** Irvine, Catharine <cirvine@DowneyBrand.com>  
**Sent:** Friday, January 22, 2016 11:22 AM  
**To:** Aaron Ferguson; Alan Lilly; Alex Peltzer; Amy Aufdemberge; Andrew Hitchings; Anna Swenson; Barbara Barrigan-Parilla; Barbara Daly; Barbara Vlamis; Barry Sgarrella; Bill Jennings; info@californiadelta.org; Brad & Emily Pappalardo; Brad Pappa; Brett G. Baker; Carolee Krieger; Chris Shutes; Colin Bailey; CWFhearing; Daniel Kelly; daniel@kaydix.com; Aladjem, David; David Orth; Dean Ruiz; Deirdre Des Jardins; Dustin Cooper; F. Morrissey; Fred Etheridge; Gregory Adams; Mizell, James@DWR; Jennifer Buckman; Jennifer Spaletta; Joe Robinson; Herrick, John @aol.com; John Luebberke; Rubin, Jon@sldmwa.org; Jonathan Salmon; JPH; kharrigfeld@herumcrabtree.com; Kelweg; O'Brien, Kevin; Kurtis Keller; Lauren Caster; M. Hagman; M. Larsen; Marcos Kropf; Mark Atlas; Martha Lennihan; Michael Brodsky; Michael Jackson; Van Zandt, Michael@hansonbridgett.com; Nicole Suard; Nikkel, Meredith; Meserve, Osha@semlawyers.com; Patrick Porgans; Paul Minasian; Paul Simmons; Paul Weiland; Pogledich, Philip@yolocounty; Philip Williams; Roland; Ron Bernal; Ryan Bezerra; Ryan Hernandez; S. Dalke; S. Geivet; Sae; Shapiro, Scott @downeybrand.com; Stefanie Morris; Stephen Volker; Saxton, Steven; Tara Mazzanti; Thomas Esqueda; Tim O'Laughlin; Tom Gohring; Trent O rr; Valerie Kincaid; Femlen, William@solanocounty.com  
**Subject:** CalWaterFix 1/28/16 Pre-hearing conference (DFCG)  
**Attachments:** DFCG Pre-Hearing Conference letter.pdf

Please see attached letter.

Catharine Irvine  
Legal Secretary to David R.E. Aladjem,  
Rebecca R.A. Smith and Meredith E. Nikkel

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January 22, 2016

VIA ELECTRONIC MAIL: [CWFhearing@waterboards.ca.gov](mailto:CWFhearing@waterboards.ca.gov)

Felicia Marcus, Chair and Co-Hearing Officer  
Tam Doduc, Member and Co-Hearing Officer  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

Re: California WaterFix – Pre-Hearing Conference, January 28, 2016

Dear Chair Marcus and Member Doduc:

Pursuant to the Pre-Hearing Agenda dated January 15, 2016, Downey Brand's Delta Flood Control Group of clients requests an additional issue for consideration at the Pre-Hearing Conference commencing on January 28, 2016. This request is made on behalf of Brannan-Andrus Levee Maintenance District, Reclamation District 407, Reclamation District 2067, Reclamation District 317, Reclamation District 551, Reclamation District 563, Reclamation District 150, and Reclamation District 2098 (the "Delta Flood Control Group").

The subject of the Delta Flood Control Group's proposed testimony at the Cal WaterFix Hearing does not fit neatly within the defined issues for consideration in Part I or Part II of the Hearing. For example, the proposed testimony will explain how the proposed Project and resulting effects on water quantity and quality (a Part I issue) will impact flood control facilities in the Delta in a manner that adversely affects both agricultural uses of water in the Delta and environmental resources (a Part II issue). We request that the Board provide guidance on whether such testimony should be presented in Part I or Part II of the Hearing.

In the interest of efficiency, the Delta Flood Control Group proposes that it be afforded an opportunity to present its consolidated testimony regarding adverse impacts to water quantity and quality and flood control facilities during Part I of the Hearing. This testimony will be responsive to Part I, Issue 2 because it will explain how the Project will injure agricultural uses of water in the Delta. To the extent that testimony related to purely environmental impacts will be consolidated with other parties, the Delta Flood Control Group will reserve such testimony for Part II.

The Delta Flood Control Group hereby incorporates all of the comments and suggestions provided by the Sacramento Valley Water Users ("SVWU") in their letter dated January 22,

2016. Thank you for the opportunity to provide this additional issue for consideration at the Pre-Hearing Conference next week.

Very truly yours,

DOWNEY BRAND LLP



Kevin M. O'Brien



David Aladjem

cc: Service List