



---

## State Water Resources Control Board

July 29, 2024

VIA ELECTRONIC MAIL

TO: Enclosed Service List

### DELTA CONVEYANCE PROJECT CHANGE PETITIONS – LATE PROTESTS

This letter concerns two protests received by the State Water Resources Control Board (State Water Board or Board) regarding the water right change petitions filed by the Department of Water Resources (DWR) for the Delta Conveyance Project (DCP). Approval of the petitions would add two new authorized points of diversion to the water right permits for the State Water Project (SWP), which is owned and operated by DWR. On February 29, 2024, the Board issued a [Notice of Petition for Change](#), which established a deadline for protests to the change petitions that was later extended to May 13, 2024. The Board received two protests sent after this deadline.

The Board has discretion to accept late protests if they are accompanied by an explanation giving good cause for why the protest was submitted late and why it should be accepted.

#### **Freeport Citizens Community Protest**

The Board received a late protest from the Freeport Citizens Community (FCC). The Board received the protest in the form of a physical letter postmarked on May 24, 2024, 11 days after the deadline for mailing. The protest reached the Board on June 24, 2024, because FCC addressed the protest to DWR. FCC has not provided any justification for the late submittal. Accordingly, the protest is dismissed, and DWR is not required to engage in protest resolution with FCC. However, the Board will accept the letter as a non-evidentiary policy statement.

#### **Environmental Council of Sacramento and Habitat 2020 Protest**

The Board received a late protest from the Environmental Council of Sacramento (ECOS) and Habitat 2020. The protest was attached to an email sent on May 12, 2024, to an incorrect email address. A representative of ECOS noticed that ECOS had not received a confirmation that the protest was received by the Board and contacted the Board on July 1, 2024. The representative explained that ECOS had addressed their

---

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

protest to an incorrect email address and was resending their protest to the correct address. DWR received the protest and submitted a written answer on July 12, 2024. Because ECOS attempted to submit the protest in a timely manner and there is no evidence that DWR will be prejudiced by the acceptance of this protest, the Board accepts the protest submitted by ECOS and Habitat 2020. With this letter, the Board directs DWR to continue to engage in protest resolution with ECOS and Habitat 2020 per the instructions provided in the [May 22, 2024 Directive Letter](#).

The Administrative Hearings Office has added ECOS and Habitat 2020 to the initial service list for the hearing on the Delta Conveyance Project and FCC to the associated initial interested persons list.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl", with a long horizontal flourish extending to the right.

Erik Ekdahl  
Deputy Director  
State Water Resources Control Board

## INITIAL SERVICE LIST

Ann Carroll  
Stefanie Morris  
Department of Water Resources  
[Ann.Carroll@water.ca.gov](mailto:Ann.Carroll@water.ca.gov)  
[smorris@calnevawaterlaw.com](mailto:smorris@calnevawaterlaw.com)

Russell van Loben Sels  
Amistad Ranches  
[revanlobensels@gmail.com](mailto:revanlobensels@gmail.com)

Michael E. Vergara  
Louinda V. Lacey  
Alyson E. Ackerman  
Ellen M. Moskal  
Jennifer Estabrook  
Gloria Loomis  
Yolanda De La Cruz  
Pennie MacPherson  
Somach Simmons & Dunn  
[mvergara@somachlaw.com](mailto:mvergara@somachlaw.com)  
[llacey@somachlaw.com](mailto:llacey@somachlaw.com)  
[aackerman@somachlaw.com](mailto:aackerman@somachlaw.com)  
[emoskal@somachlaw.com](mailto:emoskal@somachlaw.com)  
[jestabrook@somachlaw.com](mailto:jestabrook@somachlaw.com)  
[gloomis@somachlaw.com](mailto:gloomis@somachlaw.com)  
[ydelacruz@somachlaw.com](mailto:ydelacruz@somachlaw.com)  
[pmacpherson@somachlaw.com](mailto:pmacpherson@somachlaw.com)  
*Attorneys for Byron-Bethany Irrigation District*

Chris Shutes  
California Sportfishing Protection  
Alliance (CSPA)  
[blancapaloma@msn.com](mailto:blancapaloma@msn.com)

Barbara Vlamis  
AquAlliance  
[barbarav@aqualliance.net](mailto:barbarav@aqualliance.net)

Michael Jackson  
[mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net)  
*Attorney for CSPA and AquAlliance*

David Fries  
San Joaquin Audubon Society  
[dfries.audubon@gmail.com](mailto:dfries.audubon@gmail.com)

Roger B. Moore  
LAW OFFICE OF ROGER B. MOORE  
[rjm@landwater.com](mailto:rjm@landwater.com)  
*Attorney for California Water Impact Network*

Adam Keats  
LAW OFFICE OF ADAM KEATS, PC  
[adam@keatslaw.org](mailto:adam@keatslaw.org)  
*Attorney for California Water Impact Network*

S. Dean Ruiz  
John Herrick  
Dante J. Nomellini, Sr.  
Dante J. Nomellini, Jr.  
Mohan, Harris, Ruiz LLP  
[dean@mohanlaw.net](mailto:dean@mohanlaw.net)  
[dean@sdeltawater.net](mailto:dean@sdeltawater.net)  
[john@sdeltawater.net](mailto:john@sdeltawater.net)  
[ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net)  
[dantejr@pacbell.net](mailto:dantejr@pacbell.net)  
[brettgbaker@gmail.com](mailto:brettgbaker@gmail.com)  
*Attorneys for Central Delta Water Agency, South Delta Water Agency, Heritage Land Co., and Rudy Mussi Investment L.P.*

Matthew Emerick  
Law Offices of Matthew Emerick  
[matthew@mlelaw.com](mailto:matthew@mlelaw.com)

Pravani Vandeyar  
[pvandeyar@cityofsacramento.org](mailto:pvandeyar@cityofsacramento.org)

Kelley M. Taber  
Louinda V. Lacey  
Aaron A. Ferguson  
Ellen M. Moskal  
Gloria Loomis  
Crystal Rivera  
Pennie MacPherson  
Somach Simmons & Dunn  
[ktaber@somachlaw.com](mailto:ktaber@somachlaw.com)  
[llacey@somachlaw.com](mailto:llacey@somachlaw.com)  
[aferguson@somachlaw.com](mailto:aferguson@somachlaw.com)  
[emoskal@somachlaw.com](mailto:emoskal@somachlaw.com)  
[gloomis@somachlaw.com](mailto:gloomis@somachlaw.com)  
[crivera@somachlaw.com](mailto:crivera@somachlaw.com)  
[pmacpherson@somachlaw.com](mailto:pmacpherson@somachlaw.com)  
*Attorneys for the City of Stockton*

Osha Meserve  
Soluri Meserve, A Law Corporation  
[osha@semlawyers.com](mailto:osha@semlawyers.com)  
[legal@semlawyers.com](mailto:legal@semlawyers.com)  
*Attorney for County of Contra Costa,  
Contra Costa County Water Agency,  
David J. Elliot & Sons/Stillwater Orchards,  
Frank Loretz, Friends of Stone Lakes National Wildlife Refuge,  
Local Agencies of the North Delta, County of San Joaquin,  
and County of Solano*

Protestant County of San Joaquin  
Kirnpreet Kaur Virk  
Deputy County Counsel  
Office of the County Counsel  
County of San Joaquin  
[kvirk@sjgov.org](mailto:kvirk@sjgov.org)

Thomas H. Keeling  
Freeman Firm  
[tkeeling@freemanfirm.com](mailto:tkeeling@freemanfirm.com)  
*Attorney for San Joaquin County*

Protestant County of Contra Costa and  
the Contra Costa County Water Agency  
Contra Costa County  
Contra Costa County Water Agency  
c/o Ryan Hernandez  
Department of Conservation and  
Development  
[Ryan.Hernandez@dcd.cccounty.us](mailto:Ryan.Hernandez@dcd.cccounty.us)

Thomas L. Geiger, County Counsel  
Stephen M. Siptroth, Assistant County  
Counsel  
Contra Costa County Counsel's Office  
[Stephen.Siptroth@cc.cccounty.us](mailto:Stephen.Siptroth@cc.cccounty.us)  
Protestant County of Solano  
Bernadette Curry, County Counsel  
Holly E. Tokar, Deputy County Counsel  
Solano County  
[BSCurry@SolanoCounty.com](mailto:BSCurry@SolanoCounty.com)  
[HETokar@SolanoCounty.com](mailto:HETokar@SolanoCounty.com)

Dan Whaley  
Delta Legacy Communities Inc.  
[Whaley500@yahoo.com](mailto:Whaley500@yahoo.com)

Dan Muelrath  
Diablo Water District  
[dmuelrath@diablowater.org](mailto:dmuelrath@diablowater.org)

Deirdre Des Jardins  
[ddj@cah2oresearch.com](mailto:ddj@cah2oresearch.com)

Jon Salmon  
East Bay Municipal Utility District  
[Jon.salmon@ebmud.com](mailto:Jon.salmon@ebmud.com)

Robert E. Donlan  
Ellison, Schneider, Harris & Donlan LLP  
[red@eslawfirm.com](mailto:red@eslawfirm.com)  
[kwb@eslawfirm.com](mailto:kwb@eslawfirm.com)  
*Attorney for East Contra Costa Irrigation  
District*  
Brian Poulsen  
El Dorado Irrigation District  
[bpoulsen@eid.org](mailto:bpoulsen@eid.org)

Amber McDowell  
Farm Bureau Delta Caucus  
Sacramento County Farm Bureau  
[executivedirector@sacfarmbureau.org](mailto:executivedirector@sacfarmbureau.org)

Michael A. Brodsky  
Law Offices of Michael A. Brodsky  
[michael@brodskylaw.net](mailto:michael@brodskylaw.net)  
*Attorney for Hood Community Council  
and Save the California Delta Alliance*

Alexis K. Stevens  
Ellen M. Moskal  
Crystal Rivera  
Pennie MacPherson  
Somach Simmons & Dunn  
[astevens@somachlaw.com](mailto:astevens@somachlaw.com)  
[emoskal@somachlaw.com](mailto:emoskal@somachlaw.com)  
[crivera@somachlaw.com](mailto:crivera@somachlaw.com)  
[pmacpherson@somachlaw.com](mailto:pmacpherson@somachlaw.com)  
*Attorneys for Naglee Burk Irrigation  
District and Pescadero Reclamation  
District No. 2058*

Kevin O'Brien  
Brian Hamilton  
Austin Cho  
Downey Brand LLP  
[bhamilton@downeybrand.com](mailto:bhamilton@downeybrand.com)  
[acho@downeybrand.com](mailto:acho@downeybrand.com)  
[dfillon@downeybrand.com](mailto:dfillon@downeybrand.com)  
[kobrien@downeybrand.com](mailto:kobrien@downeybrand.com)  
*Attorneys for North Delta Water Agency  
and associated Reclamation Districts*

Kelley M. Taber  
Aaron A. Ferguson  
Louinda V. Lacey  
Gloria Loomis  
Crystal Rivera  
Pennie MacPherson  
Somach Simmons & Dunn, PC  
[ktaber@somachlaw.com](mailto:ktaber@somachlaw.com)  
[aferguson@somachlaw.com](mailto:aferguson@somachlaw.com)  
[llacey@somachlaw.com](mailto:llacey@somachlaw.com)  
[gloomis@somachlaw.com](mailto:gloomis@somachlaw.com)  
[crivera@somachlaw.com](mailto:crivera@somachlaw.com)  
[pmacpherson@somachlaw.com](mailto:pmacpherson@somachlaw.com)  
*Attorneys for Sacramento Area Sewer  
District, Sacramento County, and  
Sacramento County Water Agency*

E. Robert Wright  
Erin Woolley  
Sierra Club California  
[bwrightatty@gmail.com](mailto:bwrightatty@gmail.com)  
[erin.woolley@sierraclub.org](mailto:erin.woolley@sierraclub.org)

John Buse  
Center for Biological Diversity  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)

Jann Dorman  
Keiko Mertz  
Friends of the River  
[janndorman@friendsoftheriver.org](mailto:janndorman@friendsoftheriver.org)  
[keiko@friendsoftheriver.org](mailto:keiko@friendsoftheriver.org)

Howard Penn  
Planning and Conservation League  
[howard@pcl.org](mailto:howard@pcl.org)

Regina Chichizola  
Save California Salmon  
[regina@californiasalmon.org](mailto:regina@californiasalmon.org)

Emily Pappalardo  
DCC Engineering Co., Inc  
[Epappalardo@dcceng.net](mailto:Epappalardo@dcceng.net)  
*Representative for Steamboat Resort*

Philip J. Pogledich  
County of Yolo  
[Philip.pogledich@yolocounty.org](mailto:Philip.pogledich@yolocounty.org)  
Eric Buescher  
San Francisco Baykeeper  
[eric@baykeeper.org](mailto:eric@baykeeper.org)

Stephanie Safdi  
Environmental Justice Law and  
Advocacy Clinic, Yale Law School  
[stephanie.safdi@ylsclinics.org](mailto:stephanie.safdi@ylsclinics.org)

Charles Center  
Camp Lotus  
[charlesmcenter@gmail.com](mailto:charlesmcenter@gmail.com)

Scott Armstrong  
All-Outdoors California Whitewater  
Rafting  
[scott@aorafting.com](mailto:scott@aorafting.com)

Isaac Ingram  
American River Touring Association  
[isaac@arta.org](mailto:isaac@arta.org)

Theresa Lorejo-Simsiman  
American Whitewater  
[theresa@americanwhitewater.org](mailto:theresa@americanwhitewater.org)

Keith Miller  
California Canoe and Kayak  
[cckjefe@gmail.com](mailto:cckjefe@gmail.com)

Nathan Rangel  
California Outdoors  
[nathanjrangel@gmail.com](mailto:nathanjrangel@gmail.com)

Brian Jobson  
Foothill Conservancy  
[jobsonbrian@hotmail.com](mailto:jobsonbrian@hotmail.com)

Scott Underwood  
Mother Lode River Center  
[scott@malode.com](mailto:scott@malode.com)

Clavey Wendt  
OARS California Rafting (OARS)  
[claveywendt@gmail.com](mailto:claveywendt@gmail.com)

Kevin Wolf  
Restoring the Stanislaus River  
[kevinjwolf@gmail.com](mailto:kevinjwolf@gmail.com)

Dan Kelly  
Placer County Water Agency  
[dkelly@pcwa.net](mailto:dkelly@pcwa.net)

Marty McDonnell  
Sierra Mac River Trips  
[marty@sierramac.com](mailto:marty@sierramac.com)

Aaron Zettler-Mann  
South Yuba River Citizens League  
(SYRCL)  
[aaron@yubariver.org](mailto:aaron@yubariver.org)  
Patrick Koepele  
Tuolumne River Trust  
[patrick@tuolumne.org](mailto:patrick@tuolumne.org)

Stephen Smallcombe  
Upper Merced River Watershed Council  
[kristinarylands@gmail.com](mailto:kristinarylands@gmail.com)

ECOS/Habitat 2020  
Sean Wirth  
[office@ecosacramento.net](mailto:office@ecosacramento.net)

## **INITIAL SERVICE LIST (CONT'D)**

### **Interested Parties**

Adam Nickles  
Ray Sahlberg  
United States Department of Interior  
Bureau of Reclamation  
[anickels@usbr.gov](mailto:anickels@usbr.gov)  
[rsahlberg@usbr.gov](mailto:rsahlberg@usbr.gov)

Allison Febbo  
Westlands Water District  
[afebbo@wwd.ca.gov](mailto:afebbo@wwd.ca.gov)

Scott Slater  
Elisabeth Esposito  
Benjamin Markham  
Brownstein Hyatt Farber Schreck, LLP  
[sslater@bhfs.com](mailto:sslater@bhfs.com)  
[eesposito@bhfs.com](mailto:eesposito@bhfs.com)  
[bmarkham@bhfs.com](mailto:bmarkham@bhfs.com)  
*Attorneys for Westlands Water District*

Yvonne Perkins  
Tribal Historic Preservation Officer  
YD0122202005  
Yocha Dehe Wintun Nation  
[THPO@yochadehe.gov](mailto:THPO@yochadehe.gov)

Miles Krieger  
Best Best & Krieger  
[Miles.Krieger@bbklaw.com](mailto:Miles.Krieger@bbklaw.com)  
*Attorney for State Water Contractors*

Janet Lake  
Freeport Citizens Community (FCC)  
[riverscitybrand@gmail.com](mailto:riverscitybrand@gmail.com)