



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

December 3, 2010

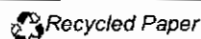
VIA ELECTRONIC MAIL
TO: ENCLOSED SERVICE LIST

SERVICE LIST: WATER RIGHT HEARING REGARDING WATER RIGHT APPLICATION 30358A FILED BY THE CITY OF DAVIS AND THE UNIVERSITY OF CALIFORNIA, DAVIS AND APPLICATION 30358B FILED BY THE CITY OF WOODLAND (SACRAMENTO RIVER) - YOLO COUNTY - SCHEDULED TO COMMENCE ON JANUARY 18, 2011

In accordance with the State Water Resources Control Board's (State Water Board) Notice of Public Hearings (Notice), dated November 5, 2010, enclosed is the Service List of Participants who have submitted a Notice of Intent to Appear (NOI) and who have indicated intent to participate in the above-referenced hearings. Copies of the NOIs are attached.

As instructed in Section 6 of the November 5th Notice's attachment entitled, "Information Concerning Appearance at Water Right Hearings," each party shall submit to the State Water Board 10 paper copies and one electronic copy of each of its exhibits". Exhibits are due no later than **12 noon, Friday, December 17, 2010**. Please see Section 6 of the Notice's attachment for details regarding electronic submissions. With exhibits, each party must submit to the State Water Board and provide to the service list a completed "Exhibit Identification Index". Please submit the "Exhibit Identification Index" to the State Water Board in either Microsoft Word or Excel format. **All of the required copies must be received by the 12 noon, Friday, December 17, 2010 deadline.** Each party shall also serve a copy of each exhibit on everyone on the service list. Parties may serve those who agree to electronic service with an electronic copy of exhibits. For this hearing, everyone on the service list has agreed to accept electronic service of hearing-related materials. All written testimony and other documents submitted to the State Water Board should be addressed as follows:

California Environmental Protection Agency



PAPER COPIES

Division of Water Rights
State Water Resources Control Board
Attention: Jane Farwell
P.O. Box 2000
Sacramento, CA 95812-2000
City of Davis, and UCD, and City of Woodland Hearing
Service List

ELECTRONIC COPY

Email: wrhearing@waterboards.ca.gov
With Subject of "City of Davis, and UCD, and City of Woodland Hearing".

Documents related to the hearing will also be posted on the Division of Water Rights website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/daviswoodland/index.shtml

If you have any questions regarding this letter, please contact me at (916) 341-5349 or by email at jfarwell@waterboards.ca.gov.

Sincerely,



Jane Farwell
Hearings and Special Projects
Enclosures

HEARING REGARDING WATER RIGHT APPLICATION 30358A FILED BY THE CITY OF DAVIS AND THE UNIVERSITY OF CALIFORNIA, DAVIS AND APPLICATION 30358B FILED BY THE CITY OF WOODLAND (SACRAMENTO RIVER) - YOLO COUNTY

**SCHEDULED TO COMMENCE ON
JANUARY 18, 2011**

THE FOLLOWING MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)

<p>CITY OF DAVIS, CITY OF WOODLAND, UNIVERSITY OF CALIFORNIA, DAVIS Alan B. Lilly, Esq. Bartkiewicz, Kronick & Shanahan 1011 22nd Street Sacramento, CA 95816-4907 abl@bkslawfirm.com</p>	<p>CALIFORNIA SPORTFISHING PROTECTION ALLIANCE Michael Jackson, Esq. P.O. Box 207 Quincy, CA 95971 mjatty@sbcglobal.net</p>
<p>SOUTH DELTA WATER AGENCY John Herrick, Esq. 4255 Pacific Avenue, Suite 2 Stockton, CA 92507 Jherrlaw@aol.com</p>	

HEARING REGARDING WATER RIGHT APPLICATION 30358A FILED BY THE CITY OF DAVIS AND THE UNIVERSITY OF CALIFORNIA, DAVIS AND APPLICATION 30358B FILED BY THE CITY OF WOODLAND (SACRAMENTO RIVER) - YOLO COUNTY

**SCHEDULED TO COMMENCE ON
JANUARY 18, 2011**

THE FOLLOWING ARE INTERESTED PARTIES WHO WILL PARTICIPATE BY POLICY STATEMENT ONLY. IT IS NOT NECESSARY TO SERVE THEM WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.

CALIFORNIA FISHERIES AND WATER
UNLIMITED
Robert J. Baiocchi
rbaiocchi@gotsky.com

U.S. mail address not provided

LL

10 NOV 18 11 26
UNIVERSITY OF CALIFORNIA LIBRARY

NOTICE OF INTENT TO APPEAR

City of Davis, City of Woodland
University of California, Davis and
~~Woodland-Davis Clean Water Agency~~ plans to participate in the water right hearing regarding
(name of party or participant)

Page 1 of 3

CITY OF DAVIS AND UCD, AND CITY OF WOODLAND HEARING scheduled to commence JANUARY 18, 2011

Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
James Yost	Davis-Woodland Water Supply Project	20 min.	yes
Walter Bourez	Hydrology	20 min.	yes
Charles Hanson	Fisheries Biology	20 min.	yes

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: *Alan B. Lilly* Dated: November 18, 2010

Name (Print): Alan B. Lilly

Mailing Address: Bartkiewicz, Kronick & Shanahan, P.C.

1011 22nd Street, Sacramento, CA 95816-4907

Phone Number: (916) 446-4254 Fax Number: (916) 446-4018
E-mail: abl@bkslawfirm.com

NOTICE OF INTENT TO APPEAR

City of Davis, City of Woodland
 University of California, Davis and
~~Woodland-Davis Clean Water Agency~~ plans to participate in the water right hearing regarding
 (name of party or participant)

**CITY OF DAVIS AND UCD, AND CITY OF WOODLAND HEARING
 scheduled to commence
 JANUARY 18, 2011**

Check all that apply:

The following witnesses

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Dan Rich	Woodland wastewater requirements		yes
Tess Dunham	Davis wastewater requirements		yes
Richard Shanahar	Woodland-Davis Clean Water Agency		yes

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: _____ Dated: _____

Name (Print): _____

Mailing Address: _____

Phone Number: () _____ Fax Number: () _____
 E-mail: _____

NOTICE OF INTENT TO APPEAR

City of Davis, City of Woodland
 University of California, Davis and
 Woodland-Davis Clean Water Agency

Page 3 of 3

_____ plans to participate in the water right hearing regarding
 (name of party or participant)

**CITY OF DAVIS AND UCD, AND CITY OF WOODLAND HEARING
 scheduled to commence
 JANUARY 18, 2011**

Check all that apply:

The following people

- I/we intend to present ^(S) a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Bill Marble			
Martie Dote			
Stephen Souza			
Sid England			

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: _____ Dated: _____

Name (Print): _____

Mailing Address: _____

Phone Number: () _____ Fax Number: () _____
 E-mail: _____

FAX COVER PAGE

from the office of

MICHAEL B. JACKSON

Attorney at Law
P.O. Box 207
429 W. Main Street
Quincy, California 95971
telephone: (530) 283-1007
fax: (530) 283-4999

RECEIVED
10 NOV 18 PM 9:24
DIV. OF WATER RIGHTS
SACRAMENTO

TO: Div. of Water Rights
SWR&B
Attn: Jane Farwell (916) 341-5400 fax

FROM: M. Jackson

SUBJECT: Notice of Intent to Appear re
City of Davis and UCD, and
City of Woodland hearing
to begin Jan. 18, 2011

Original signed Notice of Intent is
being mailed to you.

DATE: 11-17-10

COVER PAGE AND 1 PAGES

NOTICE OF INTENT TO APPEAR

California Sportfishing
Protection Alliance

plans to participate in the water right hearing regarding
(name of party or participant)

**CITY OF DAVIS AND UCD, AND CITY OF WOODLAND HEARING
scheduled to commence
JANUARY 18, 2011**

10 Nov 18 11:00
Davis, CA

Check all that apply: -

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Bill Jennings	Water availability and impacts to fish and wildlife.	20 min.	no
Chris Shutes	Water availability and impacts to fish and wildlife.	20 min.	no

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: Michael B. Jackson Dated: Nov. 17, 2010

Name (Print): Michael B Jackson

Mailing Address: P. O. Box 207, Quincy, CA 95971

Phone Number: (530) 283-1007 Fax Number: (530) 283-4999
E-mail: mjatty@sbcglobal.net

Wr_Hearing Unit - CITY OF DAVIS AND UCD, AND CITY OF WOODLAND HEARING

From: <jherrlaw@aol.com>
To: <wrhearing@waterboards.ca.gov>
Date: 11/17/2010 4:05 PM
Subject: CITY OF DAVIS AND UCD, AND CITY OF WOODLAND HEARING
Attachments: SKMBT_C35101117165400.pdf

Attached is a copy of the Notice of Intent to Appear on behalf of South Delta Water Agency. The original is being sent via U. S. mail to you.

Dayle Daniels, Secretary to
JOHN HERRICK, Esq.
4255 Pacific Avenue, Ste. 2
Stockton, CA 95207
(209) 956-0150 ph
(209) 956-0154 fax

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

NOTICE OF INTENT TO APPEAR

SOUTH DELTA WATER AGENCY

plans to participate in the water right hearing regarding
(name of party or participant)

CITY OF DAVIS AND UCD, AND CITY OF WOODLAND HEARING
scheduled to commence
JANUARY 18, 2011

Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: John Herrick Dated: Nov. 17, 2010

Name (Print): John Herrick, Esq.

Mailing Address: 4255 Pacific Avenue, Suite 2

Stockton, CA 95207

Phone Number: (209) 956-0150 Fax Number: (209) 956-0154

E-mail: jherrlaw@aol.com

Jane Farwell - City of Davis and UCD, and City of Woodland Hearing

From: Bob Baiocchi <rbaiocchi@gotsky.com>
To: <wrhearing@waterboards.ca.gov>
Date: 11/9/2010 1:00 PM
Subject: City of Davis and UCD, and City of Woodland Hearing
CC: Nathan Jacobsen <NJacobsen@waterboards.ca.gov>, Jane Farwell <JFarwell@waterboards.ca.gov>, Kathleen Groody <kgroody@waterboards.ca.gov>

State of California

Before the State Water Resources Control Board

Water Right Application 30358A
City of Davis, Applicant

Water Right Application 30358B
City of Woodland

Sacramento River thence Bay Delta Estuary

In the Matter of Public Hearings for Said Applications on January 18 and January 19, 2011

Objections by the California Fisheries and Water Unlimited

The California Fisheries and Water Unlimited have standing before the State Water Board in water right matters. The California Fisheries and Water Unlimited is not a protestant for said applications. However, the California Fisheries and Water Unlimited is an interested party and is part owner of the public trust resources and assets of the State of California. The president of the California Fisheries and Water Unlimited is Robert J. Baiocchi. He has testified as an expert witness before the State Water Board in other water right matters, He will not testify in this hearing matter and objects as follows:

Clearly water right applications and petitions approved by the State Water Board or its staff have adversely impacted the environment of the Bay Delta Estuary, including Central Valley endangered salmon species and threatened steelhead species. I reference the records.

The Cities of Woodland and Davis applied for 45,000 acre-feet of water to serve their people. The Cities applications seek said amount of water from January 1 to December 31 of all year regardless of water year conditions. The use of water for domestic purposes has the highest priority, provide the water is used for domestic purposes such as drinking water and not irrigation and industrial purposes. The Cities claim an overriding consideration regardless of the impacts to the environment of the Bay Delta Estuary and claim no significant effects to Sacramento River and Delta. We disagree and object because of the cumulative effects to the Bay Delta Estuary resulting from all water right applications and petitions approved by the State Water Board or its staff, which now includes the applications by

the Cities. The Cities EIR claims overriding considerations. Overriding considerations do not pre-empt the federal Clean Water Act; the federal Endangered Species Act; the Public Trust Doctrine; the state Endangered Species Act; and many other legal environmental protect measures, including court decisions.

There are many formal Protestants that are attempting to protect their interests. The State Water Contactors do not want their water deliveries affected by said applications. The California Department of Water Resources does not want their water rights affected by said applications. The US Bureau of Reclamation does not want their water rights affected by said applications. The Westland Water District does not want their water deliveries affected by said applications. The City of Sacramento does not want their water rights affected by said applications. Various Protestants and most likely rice growers' et al do not want their water rights and also water deliveries affected by said applications.

However all of the above parties and the state's water that they receive either by permits or deliveries have affected the environment of the Bay Delta Estuary.

The Bay Delta Estuary must be repaired from the damages and harm caused from all water diversions caused by water right petitions and applications. That includes the effects to endangered salmon; threatened steelhead; other endangered species; water quality, et al. of the Bay Delta Estuary.

The State Water Board and its staff must stop approving water petitions and applications until the Bay Delta Estuary is repaired meaningfully. That means changes to water rights permits and water deliveries by all parties. The water rights dilemma must stop for the good of the people and that water uses are finally balanced by the State Water Board to protect the people's trust assets.

I object to said applications being approved as submitted. Water for domestic uses for the people of the Cities of Woodland and Davis should only be approved provided there are reductions to water deliveries for the same amount to the Central Valley Project (Shasta Reservoir) and the State Water Project (Oroville Reservoir) water deliveries.

My questions are: How much water does the City of Woodland need for domestic purposes? How much water does the City of Davis need for domestic purpose? How much water are the cities saving on water conservation management plans for domestic purposes that have been approved by the State Water Board?

For the Board to further compound the adverse impacts to the environment of the Bay Delta Estuary and approve 45,000 acre-feet of water to the Cities would be a continuation of making the wrong water rights decisions that have significantly affected the environment of the By Delta Estuary without balancing the uses of water and protecting he Bay Delta Estuary.

Place these objections and comments into the records for the hearing. Provide copies of the above comments and objections to the Protestants and the applicants, and post the comments and the objections on the State Water Board website. Place the name of the California Fisheries and Water Unlimited on the mailing list for all submittals. Forward all submittals electronically to the representative shown below.

Respectfully Submitted

Signed by Robert J. Baiocchi

Robert J. Baiocchi
California Fisheries and Water Unlimited
California Non-Profit Corporation
E-Mail Address: rbaiocchi@gotsky.com

Dated: November 9, 2010

cc: Vice-Chairman Spivy-Weber, c/o Nathan Jacobsen, Staff Attorney
Jane Farewell, Staff, State Water Board
Katherine Groody, Staff, State Water Board
Interested Parties (bcc)