

1 CLIFFORD W. SCHULZ, State Bar No. 039381
2 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
3 A Professional Corporation
4 400 Capitol Mall, 27th Floor
5 Sacramento, CA 95814-4416
6 Telephone: (916) 321-4500
7 Facsimile: (916) 321-4555

8 Attorneys for Real Party In Interest State Water
9 Contractors

10
11
12 **BEFORE THE CALIFORNIA STATE WATER**
13 **RESOURCES CONTROL BOARD**

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE WATER CONTRACTORS'
PETITION FOR
RECONSIDERATION

In the Matter of Order 2006-0006,

A Cease and Desist Order Against the **Department of Water Resources** and the **United States Bureau of Reclamation** Under their Water Right Permits and License; and

Petitions for Reconsideration of the Approval of a Water Quality Response Plan Submitted by the **Department of Water Resources** and the **United States Bureau of Reclamation** for their Use of Joint Points of Diversion in the Sacramento-San Joaquin Delta

Pursuant to Water Code section 1122 and California Code of Regulations, title 23, section 768, the State Water Contractors ("SWC") petitions the State Water Resources Control Board ("State Board") for reconsideration of its Order 2006-006, dated February 15, 2006, (the "Order") on the following grounds:

- (a) Irregularities in the proceedings, by which the SWC and other parties were prevented from having a fair hearing.
- (b) The decision or order is not supported by substantial evidence.
- (c) Errors of law.

1 **I. THE STATE BOARD ERRED BY FAILING TO DISQUALIFY**
2 **MEMBERS OF THE PROSECUTION TEAM**

3 The SWC petitioned the State Board on January 3, 2006, to terminate the CDO
4 proceedings until the State Board had staffed the prosecution team with persons who were not, at
5 the same time, providing advice to the State Board on other matters. Footnote 10, at page 15 of
6 the Order, denied the motion as follows:

7 [T]he ensuing petition [is] rejected for the following reasons: First,
8 SLDMWA and SWC are not parties to either the CDO or the
9 reconsideration of the WQRP, and therefore are not in a position to
10 claim that this proceeding violates its due process rights. Since the
11 hearing officers were under no duty to allow SLDMWA or SWC to
12 participate, they likewise have no duty to recommence the hearing
13 at SLDMWA's or SWC's request. Third, this request is untimely,
14 as it should have been made no later than the commencement of the
15 hearing on October 24, 2005, instead of waiting for three months
16 while the State Water Board conducted a full six days of hearing
and then prepared and published a draft order. Fourth, the ruling in
the *Morongo* case is not a citable precedent. (See *Fenske v. Board*
of *Administration* (1980) 103 Cal.App.3d 590, 596 [163 Cal.Rptr.
182].) Fifth, the *Quintero* case is based on evidence and is
distinguishable, since there is no evidence, and no timely attempt to
present evidence, in this case to establish the same type of close
attorney-client relationship between Ms. Mahaney, the prosecutor
in this case, and the members of the Board that was evident in
Quintero. Sixth, Mr. Sawyer did not speak on the record during the
hearing in this matter.

17 This footnote is legally and factually incorrect in several respects and, for that reason, the Order
18 should be rescinded until new proceedings are conducted that are not tainted by potential conflicts
19 at the prosecution team level.

20 First, the SWC had an absolute right to participate in the CDO hearings and could
21 not have been excluded by the hearing officer. The SWC is, at the very least, a real party in
22 interest with full due process rights, as its members are legal users of the water provided through
23 the State Water Project. It is those water users, not the Department of Water Resources, who are
24 threatened with direct injury by adoption of the CDO. In its very recent opinion interpreting the
25 State Board's Decision 1641, the Third District Court of Appeal specifically found that contract
26 water users are legal users of water under California law:

27 California law has long recognized that the fundamental basis of a
28 right to appropriate water is that the water must be put to beneficial
use. Section 1240, which mirrors former Civil Code section 1411

1 and therefore embodies California law dating back to 1872,
2 expressly provides that the right to appropriate water ceases when
3 the appropriator ceases to use the water for a useful or beneficial
4 purpose.

5 When a person obtains a permit to appropriate water for a
6 specific beneficial purpose, and that purpose is to be accomplished
7 by others who put the water to use under the terms of a contract
8 with the permit holder, the persons who use the water are an
9 integral part of the appropriator's right to take that water from its
10 natural course in the first place. Without their beneficial use of the
11 water, the appropriator would have no right to take the water.

12 (Slip Opinion at p. 213)¹ Given the state of the law, the suggestion that the State Board or its
13 hearing officer could exclude the actual users of water from a proceeding that directly affects
14 their supply, and that those water users have no basic due process rights, is without precedent and
15 unsupportable on any ground.

16 Further, the State Board's contention that the SWC waived its right to raise this
17 issue through delay is alleged without any citation to authority. Reading *Quintero v. City of*
18 *Santa Ana*, (2003) 114 Cal. App.4th 810, the leading appellate court opinion on the topic, there is
19 no indication that the due process issue needs to be raised at any particular time. Further, in this
20 case, the motion was brought immediately after learning that a superior court decision had found
21 that the *Quintero* doctrine was applicable to the State Board and immediately after undertaking an
22 investigation of public records to determine if members of the prosecution team were involved in
23 the improper activity of "switching roles" (114 Cal.App.4th at 817) during the CDO hearings.
24 Finally, given that the "switching rolls" aspect of the *Quintero* holding is central to a finding that
25 due process rights have been violated, it would have been impossible for the SWC to have filed
26 its petition at the time required by the State Board's footnote 10 – "no later than the
27 commencement of the hearing on October 24, 2005." The "switching rolls" could not have been
28 known until after the hearings began, when it became apparent that impermissible conduct was
occurring.

¹ See also, *Central Delta Water Agency v. State Water Resources Control Board*, (2004) 124 Cal. App.4th 245, where the Court of Appeal overturned issuance of a water rights permit, in part, because an end user of the water was not identified

1 The Board also contends that the Quintero doctrine can be distinguished from the
2 CDO proceedings, first, because “there is no evidence, and no timely attempt to present evidence,
3 in this case to establish the same type of close attorney-client relationship between Ms. Mahaney,
4 the prosecutor in this case, and the members of the Board that was evident in *Quintero*,” and,
5 second, because “Mr. Sawyer did not speak on the record during the hearing in this matter.”

6 With respect to Ms. Mahaney, the SWC respectfully submits that it provided a
7 prima facie case that Ms. Mahaney was providing advice to the State Board on unrelated matters
8 after she was selected as counsel for the prosecution team. The State Board minutes submitted
9 with the petition provide as much evidence as is available from State Board public records.
10 Unless the State Board is suggesting that the SWC should have undertaken discovery to further
11 develop the facts, the SWC believes that the State Board had the obligation, legal and ethical, to
12 investigate and fully disclose to the parties what Ms. Mahaney’s other duties entailed while the
13 CDO hearings were pending.

14 With respect to Mr. Sawyer, we are amazed that the State Board relies on the fact
15 that he “did not speak,” and even that statement is incorrect. Speaking can occur either orally or
16 in writing. The State Board should review the “Enforcement Team’s Closing Brief,” dated
17 December 12, 2005, where Mr. Sawyer is on the brief as counsel. Further, during most, if not all,
18 of the proceedings, Mr. Sawyer was in the hearing room, often sitting and conferring with Ms.
19 Mahaney.

20 The State Board’s footnote 10 ignores *Quintero*’s most fundamental holdings.
21 While discussing the role of Attorney Halford, who acted both as a prosecutor and an advisor the
22 board in question, the Court of Appeal stated:

23 This is enough to show the probability of actual bias. It would only
24 be natural for the Board members, who have looked to Halford for
25 advice and guidance, to give more credence to his arguments when
26 deciding plaintiff’s case. *Whether or not they actually did is*
irrelevant; the appearance of unfairness is sufficient to invalidate
the hearing. (*Nightlife, supra*, 108 Cal.App.4th at p. 94.)

27 In reaching our decision, we are not attributing bad faith to
28 defendants, the Board, or Halford. But given the frequent contact
between Halford and members of the Board, it is only natural for
them to have developed a relationship. That is precisely the reason

1 defendants must exercise vigilance and caution, to ensure not only
2 fairness, but the appearance of fairness. It appears the lines
3 distinguishing Halford's roles of advocate and adviser have become
4 blurred.

5 "[A] prosecutor, by definition, is a partisan advocate for a particular
6 position or point of view. [Citation.] Such a role is inconsistent with
7 the objectivity expected of administrative decision makers.
8 [Citation.] Accordingly, to permit an advocate for one party to act
9 as the legal adviser for the decision maker creates a substantial risk
10 that the advice given to the decision maker will be skewed
11 [citation], particularly when the prosecutor serves as the decision
12 maker's adviser in the same or a related proceeding." (*Nightlife*,
13 *supra*, 108 Cal.App.4th at p. 93.)

14 *For the Board to allow its legal adviser to also act as an advocate
15 before it creates a substantial risk that the Board's judgment in the
16 case before it will be skewed in favor of the prosecution. The
17 chance that the Board will show a preference toward Halford, even
18 "perhaps unconsciously" is present and unacceptable. (Howitt v.
19 Superior Court, supra, 3 Cal.App.4th at p. 1585.)*

20As noted in *Howitt v. Superior Court, supra*, 3 Cal.App.4th 1575,
21 dual representation is not barred so long as there is an adequate
22 separation of the two roles and the attorneys performing them. (*Id.*
23 at pp. 1586-87.) *What is inappropriate is one person
24 simultaneously performing both functions. That is not to say that
25 once a city attorney has appeared in an advisory role, he or she
26 cannot subsequently act as a prosecutor, or vice versa. But the
27 attorney may occupy only one position at a time and must not
28 switch roles from one meeting to the next.*

(114 Cal. App.4th at pp. 816-817; italics added.)

29 The italicized passages emphasize the vice that footnote 10 does not address. It
30 does not matter whether Mr. Sawyer ever orally "spoke" to the State Board during the CDO
31 process. It does not matter whether anything inappropriate went on between Ms. Mahaney and
32 the State Board decision makers. As stated in *Quintero*, "Whether or not they actually did is
33 irrelevant; the appearance of unfairness is sufficient to invalidate the hearing. Therefore, the
34 SWC asks that the Board reconsider the Order, rescind it, and undertake a hearing that
35 corresponds with the *Quintero* rules.²

36 ² The State Board will note that this petition does not rely on the trial court decision in the *Morongo*
37 *Band of Mission Indians* case that was recently decided by the Sacramento County Superior Court. That
38 case merely shows that the Board has been told explicitly that *Quintero* is applicable to its enforcement
hearings. We do not believe that the Board contends otherwise. Therefore, the important case is *Quintero*
and this petition relies on that case for the proposition that the Board has denied the SWC and other
parties' due process.

1 **II. THE CDO DOES NOT COMPLY WITH THE THIRD DISTRICT**
2 **COURT OF APPEAL DECISION INTERPRETING DECISION 1641.**

3 In the recently decided “State Water Resources Control Board Cases” (Third
4 District Court of Appeal, February 9, 2006), Judge Robie clearly, throughout the opinion,
5 established that water rights decisions and orders cannot conflict with the terms of applicable
6 water quality control plans. Thus, care must be taken to interpret water rights terms and
7 conditions in a manner that does not create a contradiction between those terms and conditions
8 and the applicable water quality plan.

9 In this case, the State Board’s CDO seems fundamentally to rest on an
10 interpretation of the SWP water rights permits that is inconsistent with the Bay-Delta Plan’s
11 program of implementation. Absent this erroneous interpretation, there would be no evidence
12 supporting the CDO’s finding that there is a threat that DWR will violate the terms of its water
13 rights permits related to South Delta salinity.

14 Beginning at page 31 of the slip opinion, the Court of Appeal described the 1995
15 Bay-Delta Plan as follows:

16 In addressing implementation of the objectives in the 1995 Bay-
17 Delta Plan, the Board divided the program of implementation into
18 “four general components: (1) measures within [the Board’s]
19 authority over water diversion and use which implement the water
20 quality objectives; (2) *measures requiring a combination of [the*
21 *Board’s] water quality and water rights authorities and actions by*
22 *other agencies to implement the objectives;* (3) recommendations to
23 other agencies to improve fish and wildlife habitat conditions; and
24 (4) a monitoring and special studies program.” The Board then
25 explained: “The specific actions identified within these components
26 include time schedules for implementation, if appropriate. If no
27 time schedule is included, implementation should be immediate.”
28 (1995 Bay-Delta Plan, p. 27.)

(Italics Added) The Court then continued:

29 The Board included within the second component of the program of
30 implementation -- “measures requiring a combination of [the
31 Board’s] water quality and water rights authorities and actions by
32 other agencies to implement the objectives” -- *the agricultural*
33 *salinity objectives for the southern Delta*, including the Vernalis
34 salinity objective. The Board explained: “Elevated salinity in the
35 southern Delta is caused by low flows, salts imported in irrigation
36 water by the State and federal water projects, and discharges of
37 land-derived salts, primarily from agricultural drainage.
38 Implementation of the objectives will be accomplished through the

1 release of adequate flows to the San Joaquin River *and control of*
2 *saline agricultural drainage to the San Joaquin River and its*
3 *tributaries....*

3 (Id. at 33; italics added.)

4 This accurate description of the 1995 Plan, combined with the Court's rulings that
5 emphasize the primacy of the 1995 Water Quality Control Plan, clearly demonstrate why
6 Decision 1641 was crafted as it was. As the parties pointed out throughout the CDO hearings,
7 Decision 1641's South Delta salinity ordering paragraphs contain the following caveat.

8 If Permittee exceeds the objectives at stations C-6, C-8, or P-12,
9 Permittee shall prepare a report for the Executive Director. The
10 Executive Director will evaluate the report and make a
11 recommendation to the SWRCB as to whether enforcement action
12 is appropriate or the noncompliance is the result of actions beyond
13 the control of the Permittee.

12 (D-1641, p. 159)

13 Only one interpretation of this provision is consistent with the 1995 Water Quality
14 Plan. DWR is responsible for meeting the South Delta salinity objectives to the extent the *cause*
15 of an exceedance is related to SWP operations, but is not responsible not when the *cause* is
16 "saline drainage to the San Joaquin River and its tributaries." Any other interpretation converts
17 the South Delta salinity objectives from a Component 2 to a Component 1 objective, and directly
18 contradicts the 1995 Plan's program of implementation.³

19 Thus, the State Board's conclusion, at section 6.0, paragraph 1, page 26 of the
20 Order,

21 DWR and USBR are each fully responsible to meet the objectives
22 in the interior southern Delta, as described in Table 2 of D-1641, at
23 the following stations: the San Joaquin River at Brandt Bridge
(Station C-6); Old River near Middle River (Station C-8); and Old
24 River at Tracy Road Bridge (Station P-12).

24 is simply incorrect. The word "fully" is not accurate because the permittees are not responsible
25 when the cause of the salinity exceedance is beyond their control.

26 The phrase "beyond the control of the Permittee" can be, the SWC submits,

27
28 ³ Conversion of the South Delta salinity objectives from a Category 2 to a Category 1 can only be
accomplished through an amendment of the 1995 Plan, not through a cease and desist proceeding.

1 somewhat ambiguous, if one mistakenly reads it in isolation from the rest of Decision 1641 and
2 the 1995 Plan. It could be interpreted to provide dispensation when the cause of an exceedance is
3 beyond SWP and CVP control or, in the alternative, only when the cure is beyond their control. It
4 is the SWC's position that the phrase must be interpreted to refer to the cause. To hold otherwise
5 leads inexorably to a conclusion that the State Board members now believe that when their
6 predecessors issued D-1641, they intended to require the SWP and CVP to release previously
7 stored water from their reservoirs to clean up the effects of third party, in-Delta, high-salinity
8 waste discharges. This interpretation would not only directly contradict the 1995 Water Quality
9 Plan, but also constitute a precedent shattering ruling with respect to state policy for pollution
10 control.⁴

11 The State Board, on reconsideration, needs to clearly address the question of how
12 it is interpreting the phrase "beyond the control." It needs to clearly inform the parties, place on
13 the record, and include in its findings whether it interprets the South Delta salinity term quoted
14 above as obligating the projects to avoid causing an exceedance or to clean up the exceedance
15 even if it is wholly caused by others. Why is this needed? It is needed to understand the premise
16 underlying the State Board's ruling that there is a threat that the SWP and CVP will violate the
17 terms of their water rights permits.

18 There is no evidence in the record that SWP operations may, in the foreseeable
19 future, *cause* South Delta salinity objectives to be exceeded. On the contrary, the evidence shows
20 that SWP operations are far more likely to enhance South Delta water quality over what it would
21 be without SWP operations by moving higher quality Sacramento River water into the South
22 Delta area. On the other hand, there is a great deal of evidence that in-Delta discharges will cause
23 salinity degradation, particularly in the San Joaquin River below Vernalis and above Brandt
24 Bridge, an area where operable gate construction will have virtually no impact on salinity levels.

25 _____
26 ⁴ It also makes the SWP responsible for making storage releases to enhance riparian rights in the
27 Delta, again directly in opposition to Judge Robie's decision in the State Water Resources Control Board
28 Cases: "Since Delta riparians and appropriators have no right to water stored by the irrigation districts, the
Board properly concluded they cannot be injured or unreasonably affected within the meaning of sections
1707 and 1736 by changes in the use of that water." (Slip Opinion, p. 103)

1 This set of facts leads the SWC to one of two conclusions. Either the State Board,
2 in the CDO, has imposed a new burden on the SWP to clean up the impacts of in-Delta waste
3 discharges or the State Board has ruled that there is a threat that the DWR will misoperate the
4 SWP so as to cause a salinity exceedance. If it is the former, then the Board has (a) effectively
5 amended the 1995 Water Quality Plan, without following proper procedures, to make South Delta
6 salinity control a Category 1 program and (b) has offered up the SWP's San Luis Reservoir
7 storage as a substitute for proper waste discharge management. If it is the latter, the State Board
8 has failed to cite any record evidence that such misoperation of the SWP is likely to occur.

9 Thus, the SWC requests that the State Board grant reconsideration and find:

- 10 (a) That the SWP is responsible for ensuring that its operations do not cause
11 the South Delta salinity objectives to be exceeded;
- 12 (b) That the SWP is not responsible for meeting the South Delta salinity
13 objectives when exceedances are being caused by the discharge of saline
14 waters into the Delta by in-Delta water users; and
- 15 (c) That there is no evidence of a threat that the SWP will be improperly
16 operated so as to cause the South Delta salinity objectives to be exceeded.

17 **III. THE HEARING OFFICER IMPROPERLY EXCLUDED KEY**
18 **EVIDENCE RELATED TO THE IMPACT OF SALINITY ON**
19 **CROP PRODUCTION IN THE DELTA**

20 On October 25, 2005, DWR called as a witness Dr. John Letey, a recognized
21 expert on agricultural salinity relationships, to testify on the issue of whether salinity exceedances
22 in the South Delta would effect crop production. The testimony was presented after State Board
23 had ruled that such testimony was admissible, because potential damage or lack thereof was
24 something the State Board could consider in exercising its discretion to issue or not issue a CDO
(Transcript, October 25, 2006, p. 30, lns. 11-13)

25 Dr Letey presented DWR Exhibit 22 as his written testimony, which included
26 significant references to, and a critique of, an earlier paper -- Ayers, R.S. and D.W. Westcot.
27 1985. "Water Quality for Agriculture, Food and Agriculture Organization of the United Nations
28 (FAO). Irrigation and Drainage Paper 29." This public document was one of the resources used

1 by the State Board to establish the salinity objectives to protect Delta agriculture. Based on
2 objections by several Delta parties, the hearing officer ruled that Mr. Letey's written testimony
3 had to be revised to exclude references to the Ayers and Wescot testimony and his oral testimony
4 could not refer to or critique that report. (See Transcript, October 25, 2005, pp. 137-167) This
5 ruling was error and eviscerated Dr Letey's testimony and DWR's effort to demonstrate the
6 degree of harm, if any, that might result from various levels of salinity in the South Delta.

7 Evidence Code section 355 specifically spells out how to handle testimony that
8 may be irrelevant for one purpose but relevant for another. In the CDO hearings, the hearing
9 officer had already ruled that evidence was admissible for the purpose of disproving harm, but not
10 for the purpose of suggesting that the 1995 Water Quality Control Plan should be amended to
11 change the South Delta salinity objective. That ruling was proper. But the ruling that, because
12 the Ayers paper had been used in those earlier water quality proceedings, it could not be critiqued
13 as part of testimony on the lack of harm was serious error.

14 A document published through the United Nations that deals with the impacts of
15 salinity on crops does not become off limits to soil scientists looking at the impacts of salts in the
16 Delta just because it was evidence in a prior State Board proceeding. The Ayers paper is a
17 central, public document, that is relevant to an issue that was properly before the State Board in
18 the CDO hearings. It is relevant to the question of harm. It is a paper that had to be critiqued if
19 one believes that the harm suggested in that paper is incorrect in light of current knowledge.

20 The fact that the critique might incidentally cast a shadow on the water quality
21 control plan objective does not make the testimony inadmissible for the limited purpose of
22 showing the lack of harm. The error was ruling that the critique of the Ayers paper could not
23 come in – even though it helped establish lack of harm – just because it incidentally cast doubt on
24 the scientific underpinning of the water quality control plan objective. That incidental fact is
25 irrelevant to the question of whether the testimony was relevant to disprove harm.

26 Therefore, the State Board should grant reconsideration and allow Dr. Letey to
27 testify from his original Exhibit 22 and to contrast his conclusions on harm to those derived from
28 the now 20 year old Ayers paper.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV. CONCLUSION

For the reasons set forth above and for the reasons set forth in the Department of Water Resources petition, the State Water Contractors request that the State Board grant reconsideration and rescind the February 15, 2006, Cease and Desist Order.

Dated: March 17, 2006

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

By Clifford W. Schulz
Clifford W. Schulz
Attorneys for Real Party In Interest State Water Contractors

824017.1

MAILING LIST

Cathy Crothers, Senior Staff Counsel
Department of Water Resources
1416 Ninth Street, Room 1118
Sacramento, CA 95814
crothers@water.ca.gov

Amy L. Aufdemberge
Assistant Regional Solicitor
Room E-1712
2800 Cottage Way
Sacramento, CA 95825
jstruebing@mp.usbr.gov
Rep: U.S. Bureau of Reclamation

Erin K. L. Mahaney
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
emahaney@waterboards.ca.gov
*Rep: Division of Water Rights
Enforcement Team*

Dante John Nomellini, Esq.
Nomellini, Grilli & McDaniel
P.O. Box 1461
235 East Weber Avenue
Stockton, CA 95201
ngmplcs@pacbell.net
Rep: Central Delta Water Agency, et al.

Carl P. A. Nelson
Bold, Polisner, Maddow, Nelson & Judson
500 Ygnacio Valley Road, Suite 325
Walnut Creek, CA 94596-3840
cpanelson@prodigy.net
Rep: Contra Costa Water District

Tim O'Laughlin
O'Laughlin & Paris LLP
2580 Sierra Sunrise Terrace, Suite 210
Chico, CA 95928
klanouette@olaughlinparis.com
Rep: San Joaquin River Group Authority

Thomas J. Shephard, Sr.
P.O. Box 20
Stockton, CA 95201
tshephard@neumiller.com
Rep: County of San Joaquin

Jon D. Rubin
Diepenbrock Harrison
400 Capitol Mall, 18th Floor
Sacramento, CA 95814
jrubin@diepenbrock.com

*Rep: San Luis & Delta-Mendota Water
Authority and Westlands Water District*

John Herrick, Esq.
South Delta Water Agency
4255 Pacific Avenue, Suite 2
Stockton, CA 95207
Jherlaw@aol.com
*Rep: South Delta Water Authority
and Lafayette Ranch*

Michael Jackson
P.O. Box 207
429 W. Main Street
Quincy, CA 95971
mjatty@sbcglobal.net
Rep: Calif. Sportfishing Protection Alliance

Clifford W. Schulz
Kronick, Moskovitz, Tiedemann & Girard
400 Capitol Mall, Suite 2700
Sacramento, CA 95814
cschulz@kmtg.com
Rep: The State Water Contractors

Gary Bobker, Program Director
The Bay Institute
500 Palm Drive, Suite 200
Novato, CA 94949

Mailing List

Patrick Porgans
Patrick Porgans & Assoc., Inc.
P.O. Box 60940
Sacramento, CA 95860

Paul R. Minasian
P.O. Box 1679
Oroville, CA 95965
pminasian@minasianlaw.com
msexton@minasianlaw.com
dforde@minasianlaw.com
*Rep: San Joaquin River Exchange
Contractors Water Authority*

Karna E. Harrigfeld
Herum Crabtree Brown
2291 W. March Lane, Suite B100
Stockton, CA 95207
kharrigfeld@herumcrabtree.com
jzolezzi@herumcrabtree.com
Rep: Stockton East Water District

David J. Guy, Executive Director
Northern California Water Association
455 Capitol Mall, Suite 335
Sacramento, CA 95814
dguy@norcalwater.org

Arthur F. Godwin
700 Loughborough Drive, Suite D
Merced, CA 95348
agodwin@mrgb.org
*Rep: Merced Irrigation District
and San Luis Canal Company*

Tina R. Cannon
CA Department of Fish and Game
1416 9th Street, Suite 1341
Sacramento, CA 95814
tcannon@dfg.ca.gov

Alex Peltzer
Dooley Herr & Peltzer
100 Willow Plaza, Suite 300
Visalia, CA 93291

Ernest A. Conant
Young Wooldridge, LLP
1800 30th Street, 4th Floor
Bakersfield, CA 93301

Bob Baiocchi, Consultant
P.O. Box 1790
Graeagle, CA 96103
baiocchi@psln.com

William C. Bianchi
4375 San Simeon Creek Road
Cambria, CA 93428

Kirk C. Rodgers, Regional Director
Mid-Pacific Regional Office
Bureau of Reclamation
U.S. Department of the Interior
2800 Cottage Way
Sacramento, CA 95825-1898