

1 RICHARD M. FRANK (STATE BAR NO. 63482)
Professor of Environmental Practice
2 JANELLE KRATTIGER (STATE BAR NO. 299076)
Environmental Law Fellow
3 School of Law
4 University of California
400 Mrak Hall Drive
5 Davis, CA 95616
Telephone: (530) 752-7422
6 Facsimile: (530) 752-4704
7 Email: rmfrank@ucdavis.edu

8 *Attorneys for Amicus Former California State*
9 *Legislator Joe Simitian*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO

13 **Coordinated Proceeding Special Title**
14 **DELTA STEWARDSHIP COUNCIL**
15 **CASES**

Coordinated Proceeding JCP No. 4758

APPLICATION TO FILE AND
(PROPOSED) AMICUS BRIEF OF
FORMER CALIFORNIA STATE
LEGISLATOR JOE SIMITIAN IN
SUPPORT OF RESPONDENT AND
DEFENDANT

19 Dept: 31
20 Judge: Hon. Michael P. Kenny
21 Hearing Date: Not Set

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

TABLE OF CONTENTS

	Page
APPLICATION TO FILE AMICUS BRIEF.....	1
INTRODUCTION.....	2
ARGUMENT.....	3
I. THE DELTA STEWARDSHIP COUNCIL ~~~ DELTA PLAN ~~~	
FULLY MEETS THE EXPECTATIONS OF THE	
LEGISLATURE THAT ENTACTED THE DELTA	
REFORM ACT.....	4
II. THE DELTA PLAN FULFILLS THE SUBSTANTIVE	
MANDATE OT THE DELTA REFORM ACT: ~~~WHILE	
ACCOMMODATING THE ~~~INTERESTS OF	
COMPETING STAKEHOLDERS.....	6
CONCLUSION.....	

1
2
3 **APPLICATION TO FILE AMICUS BRIEF**

4 Pursuant to this Court’s July 31, 2014, Order on Case Management Conference and Rule
5 8.200(c) of the California Rules of Court, proposed amici seek leave of the Court to submit this
6 brief.

7 Amicus Joe Simitian is a former member of the California Legislature. Former State
8 Senator Simitian represented the 11th Senate District from 2004 through 2014. There, he chaired
9 the Senate Environmental Quality Committee. Currently, amicus Simitian serves as a member of
10 the Santa Clara Board of Supervisors.

11 As a State Senator, amicus Simitian played a key role in the legislative debate over and
12 ultimate enactment in 2009 of a five-bill package of legislation (“Delta legislation”) designed to
13 address the multiple ills that have befallen the Sacramento-San Joaquin Delta (“the Delta”) and
14 compromised state water policy. Most significantly, he authored SBX7 1, the most significant
15 of the five bills enacted as part of the 2009 Delta legislation. SBX7 1 is the measure that includes
16 the Delta Reform Act—the focus of the present litigation.

17 Following enactment of that legislation, amicus Simitian has monitored with great interest the
18 work of the Delta Stewardship Council (“Council”) in developing and adopting a Delta Plan as
19 required by the Delta legislation and, specifically, by the Delta Reform Act.

20 Finally, amicus Simitian has closely followed the instant, coordinated litigation
21 challenging the Council’s Delta Plan, adopted by the Council pursuant to SBX7 1. He submits
22 this amicus brief in order to provide his views as to the consistency of that Delta Plan with the
23 carefully crafted mandates of the enabling Delta legislation, in the hope that those views and
24 amicus’ work on these issues will help inform the Court’s decision in this case.

25 No party or party’s counsel has either authored this proposed amicus brief or made a
26 monetary contribution intended to fund the preparation of the brief. No one has made a monetary
27 contribution intended to fund the preparation or submission of this brief. (Calif. Rules of Court,
28 Rule 8.200(c)(3).)

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

AMICIS BRIEF

INTRODUCTION

Former Governor Arnold Schwarzenegger called a special legislative session in the latter part of 2009 to consider a suite of bills designed to address the chronic environmental and political problems surrounding California water policy in general and the Delta in particular. The special session culminated in passage of five separate but related bills—collectively, the Delta legislation--that were signed into law by Governor Schwarzenegger in November 2009. Amicus Simitian served as the lead author of SBX7 1, the substantive centerpiece of the Delta legislation.

SBX7 1, which includes the “Sacramento-San Joaquin Delta Reform Act of 2009 (“Delta Reform Act”)” at issue here, is the substantive centerpiece of the five-bill package. It was a legislative response to a pre-existing system of Delta governance that the Legislature determined to be dysfunctional, overly decentralized, redundant and without a legally-enforceable oversight component. SBX7 1 addressed these deficiencies by creating a new Delta governance structure featuring a new state agency: the Delta Stewardship Council. The principal, short-term mandate of the Council was to craft a comprehensive, legally-enforceable Delta Plan, consisting of strategies and actions designed to achieve the Legislature’s broad, co-equal goals for the Delta. (Cal. Water Code § 85300(a) (West 2010).) It is the Council’s adoption of a Delta Plan under the Delta Reform Act that forms the basis of the present litigation.

The California Legislature’s 2009 enactment of the historic Delta legislation did not occur in a vacuum. It was preceded and was greatly influenced by a convergence of key environmental and policy developments. These included:

- Scientifically documented declines in Delta fisheries and ecosystem health;
- Important research, findings and policy recommendations by the Public Policy Institute of California (PPIC) (see generally, J. Lund et. al, *Comparing Futures for the Sacramento-San Joaquin Delta* (2010) Freshwater Ecology Series, Public Policy Institute

1 of California [L2563¹]; see also, J. Lund et. al, *Envisioning Futures for the Sacramento-*
2 *San Joaquin Delta* (2007) Public Policy Institute of California) [L2238];

- 3 • Successive years of drought and resulting water delivery cutbacks to California urban and
4 agricultural users from the State Water Project and federal Central Valley Project;
- 5 • The findings and recommendations of the Delta Vision Blue Ribbon Task Force, created
6 by former Governor Schwarzenegger's Executive Order in 2006 and reflected in two
7 reports, issued in 2007 and 2008 (see Delta Vision Blue Ribbon Task Force, Our Vision
8 for the California Delta (2007) [L17288]; see also Delta Vision Blue Ribbon Task Force,
9 Delta Vision Strategic Plan (2008) [L3196]; and
- 10 • Continued, protracted and expensive litigation by a wide variety of Delta stakeholder
11 groups: agricultural interests, urban water users, conservation groups, and in-Delta
12 interests.

13 (See generally, R. Frank, *A New Dawn for the Sacramento-San Joaquin Delta? Assessing the*
14 *2009 California Delta/Water Legislation*, Ecology Law Currents, Vol. 37:17, pp. 17-19 (2010).)

16 ARGUMENT

17 The adoption of the Delta legislation, and especially the Delta Reform Act, was the
18 consequence of years of accumulated political strife, legal disputes and lengthy political debate.
19 The Delta Reform Act, the key governance reform contained in the 2009 five-bill package,
20 created a new state agency—the Delta Stewardship Council—and conferred on the Council broad
21 authority to address the governance, ecosystem, water supply and related problems endemic to
22 the Delta.

23 The Delta Reform Act's principal mandate for the Council was its preparation of a
24 comprehensive and legally-enforceable Delta Plan, consisting of numerous strategies and specific
25 actions designed to achieve the Act's stated purposes. A key and inherent component of that
26 daunting task, delegated by the Legislature to the Council, was the exercise of considerable
27

28 ¹ This and subsequent citations refer to the administrative record lodged with this Court.

1 discretion by the Council in formulating the provisions of the final Delta Plan. It is the Council's
2 2013 adoption of the Delta Plan, of course, which forms the basis of this litigation.

3 The Act's overarching objective for both the Council and its Delta Plan is to "[a]chieve
4 the two cocqual goals of providing a more reliable water supply for California, and protecting,
5 restoring, and enhancing the Delta ecosystem." (Cal. Water Code § 85054 (Deering 2010).)
6

7 **I. THE DELTA STEWARDSHIP COUNCIL TOOK EXTRAORDINARY STEPS TO**
8 **FORMULATE, RECEIVE TESTIMONY, REVISE AND ULTIMATELY ADOPT**
9 **ITS DELTA PLAN; IT DID SO THROUGH A DELIBERATE, TRANSPARENT,**
10 **INCLUSIVE AND LENGTHY PROCESS THAT FULLY MEETS THE**
11 **EXPECTATIONS OF THE LEGISLATURE THAT ENACTED THE DELTA**
12 **REFORM ACT.**

13 The Legislature understood full well that formulation and adoption of a Delta Plan by
14 the Council would be a difficult, contentious and time-consuming process. The governance
15 reforms contained in the Delta Reform Act represented a dramatic change from the previously
16 decentralized and at times dysfunctional system of Delta governance that preceded this reform
17 legislation.

18 Cognizant of both the legislation's demands and the scope of the task before it, the Council
19 embarked upon its efforts to formulate a Delta Plan by devising a public process that was
20 deliberate, transparent, inclusive and respectful of the wide array of viewpoints and interests
21 of the Delta stakeholders who participated in the process. Amicus believes that the process by
22 which the Council met its obligation to fashion and adopt the legislatively-mandated Delta Plan
23 was impressive indeed. It met and, indeed, exceeded the expectations of the Legislature that
24 enacted the legislation.

25 The Legislature's principal objective in enacting the Delta Reform Act was to direct the
26 Council to develop a comprehensive, comprehensible and legally-enforceable Delta Plan that
27 will achieve California's co-equal goals for the Delta: meeting California's pressing water needs
28 while restoring the environmental health of the Delta. The Act contemplates that these co-equal
goals will be achieved while simultaneously accommodating to the extent feasible the agricultural
economy, cultural resources, recreational opportunities and ecosystem values of the Delta and its

1 inhabitants.

2 The Council coupled its substantive deliberations over the Delta Plan with the preparation of
3 a detailed Environmental Impact Report (EIR) in compliance with the California Environmental
4 Quality Act (CEQA), Cal. Pub. Res. Code § 21000 *et. seq.* That EIR was designed to achieve the
5 three overarching objectives of CEQA: to inform the Council and its members of the potential
6 environmental consequences of various Plan alternatives it was considering; provide relevant
7 information that would enhance the ability of Delta stakeholders and other interested members
8 of the public to participate in the Council's Delta Plan process in a meaningful fashion; and
9 allow the Council to avoid or mitigate adverse environmental impacts associated with the Plan's
10 adoption to the maximum extent feasible.

11 A review of the administrative record in this case reveals that the Council devoted an
12 extraordinary amount of time and effort to the development and ultimate adoptions of its Final
13 Delta Plan. Over a period of 30 months, the Council engaged in an intensive public process that
14 met and exceeded the requirements of the Delta Reform Act, the Administrative Procedure Act
15 and due process. The Council convened 64 regular, public meetings, twelve public workshops
16 concerning various Delta Plan topics, and dozens of meetings with Boards of Supervisors,
17 Delta civic groups, and other stakeholders concerning the Delta Plan. (Memo, *Consideration of*
18 *Certifying Final Delta Plan PEIR, and Adopting the Proposed Final Delta Plan and Proposed*
19 *Regulation: Overview of Staff Reports and Council Actions* (Meeting May 16-17, 2013) E - 8.)
20 Those convenings were held not just at the Council's headquarters in Sacramento, but in various
21 venues in the Delta and across the State of California generally. ([L285].)

22 Over the course of these many meetings, the Council received testimony from over
23 160 different speakers, many of whom provided testimony on multiple occasions. (Memo,
24 *Consideration of Certifying Final Delta Plan PEIR, and Adopting the Proposed Final Delta Plan*
25 *and Proposed Regulation: Overview of Staff Reports and Council Actions* (Meeting May 16-17,
26 2013) E - 8.) The Council released no fewer than *six* separate drafts of the Delta Plan before the
27 Final Delta Plan was adopted. These drafts of the Delta Plan, along with the multi-volume draft
28

1 EIR and the rulemaking package assembled in compliance with the APA, elicited over 13,000
2 public comments. Additionally, the Council received more than 200 written comments from well
3 over 100 different organizations and individuals during the comment periods for the Recirculated
4 PEIR and Rulemaking Package. (*Id.*)

5 In addition to encouraging and facilitating extensive public involvement in the development
6 of the Delta Plan, the Final Delta Plan reflects the Council's efforts to reconcile and respond fully
7 to the public's comments. For example, many plan revisions from the fifth draft Delta Plan (e.g.,
8 to WR-P1 – Reduce Reliance on the Delta, or RR-P1 – Priorities for State Investment in Levees)
9 were focused on accommodating commenters' concerns about the Delta Plan and its impacts on
10 particular interests.

11 The voluminous Administrative Record in this case—exceeding 260,000 pages—amply
12 demonstrates the extraordinary lengths taken by the Council to ensure that the process by which it
13 formulated and ultimately adopted the Plan was deliberate, searching, transparent and inclusive.

14 In sum, the lengthy and exacting process that culminated in the Council's May 13, 2013,
15 adoption of its Delta Plan is fully faithful to the expectations of the Legislature that enacted the
16 Delta Reform Act.

17
18 **II. THE DELTA PLAN FULFILLS THE SUBSTANTIVE MANDATE OF THE**
19 **DELTA REFORM ACT: TO ACHIEVE THE ACT'S CO-EQUAL GOALS WHILE**
20 **ACCOMMODATING THE OFTEN-DISPARATE INTERESTS OF COMPETING**
21 **STAKEHOLDERS TO THE MAXIMUM EXTENT POSSIBLE**

22 The Council faced a daunting task in formulating a Delta Plan that meets the substantive
23 mandate of the Act, will achieve the legislation's co-equal goals, and accommodates the disparate
24 interests of Delta stakeholders to the extent feasible. At the end of that process, it was not—and
25 could not be—possible to satisfy fully the demands of all of those diverse stakeholders. Amicus
26 fully recognizes this reality of public policy and a disparate body politic.

27 A careful review of the Administrative Record the Council developed in this case nonetheless
28 reveals that the Council did a laudable job of fulfilling its statutory obligations under the Delta
Reform Act when it adopted its Delta Plan. The Council was required to and did make numerous

1 difficult decisions in developing the Plan. Amicus is fully satisfied that the adopted Plan meets
2 both the letter and spirit of the legislation they worked to enact in 2009.

3 For example, the Council's Water Policy 1 (WR-P1), adopted as California Code of
4 Regulations, Title 23, section 5003, resulted from the careful, meticulous balancing of various
5 stakeholder interests. WR-P1, along with other measures, are the product of four major water
6 strategies identified by the Council to address the co-equal goal of providing a more reliable
7 water supply for California: to (1) increase water conservation and expand local and regional
8 water supplies; (2) improve groundwater management; (3) improve conveyance and storage; and
9 (4) improve water management information. (See Final Delta Plan, Ch. 3, p. 60 [B526].) Major
10 water policy problems emanating from the Delta include added pressure on the Delta's fragile
11 ecosystem, increasing demands for water diversions from the Delta watershed, reliance on the
12 Delta for water conveyance, and vulnerability of the Delta system to climate change. WR-P1
13 addresses these concerns by reducing water users' reliance on the Delta by potentially limiting
14 water exports and transfers from the Delta watershed.

15 During the public scoping process regarding WR-P1, individual participants emphasized
16 disparate and contradictory elements of the co-equal goals, with some participants advocating for
17 water conservation and reduced exports of water from the Delta (e.g., the Environmental Water
18 Caucus); while others commentators opposed systematic reductions of water exported through the
19 Delta (e.g., State and Federal Contractors Water Agency). (See Respondent Delta Stewardship
20 Council's Opposition Brief, Responding to All Opening Briefs, at p. 12; see also K136-39, K75-
21 76.) In direct response to these contradictory positions expressed during the public comment
22 period, the Council made substantive amendments to its Draft WR-P1 Policy--i.e., to the water
23 policy ultimately adopted by the Council and reflected in its Final Delta Plan. These amendments
24 included a stronger policy statement in the Final Delta Plan describing the need to reduce the
25 amount or percentage of water used from the Delta watershed, as well as an enhanced policy
26 on how to *achieve* such diminished reliance through a reduction in water exported from and
27 transferred through the Delta by improving regional self-reliance. These substantive revisions
28

1 reflect the thoughtful effort the Council expended to accommodate the interests of those involved
2 to the extent possible, while remaining faithful to the Delta Reform Act's substantive mandates.
3 (See Final Draft Delta Plan, Ch. 3, pp. 109-110 [B153-154].)

4 The same is true of the Delta Plan's Delta Flow Objective Policy, ER-P1. ER-P1 is a policy
5 aimed at achieving the co-equal goal of restoring the Delta ecosystem as mandated by the Delta
6 Reform Act, and is derived from five core strategies identified by the Council: to (1) create more
7 natural and functional flows in the Delta; (2) restore habitat; (3) improve water quality to protect
8 the ecosystem; (4) prevent the introduction of and manage nonnative species impacts; and (5)
9 improve hatcheries and harvest management. (See Final Delta Plan, Ch. 4, p. 116 [B582].) In
10 response to stakeholder comments, the ER-P1 policy contained in the Final Draft Delta Plan
11 reflects significant revisions. The original policy language was amended (ER-R1), new language
12 was drafted, and a new policy was created and became ER-P1 (adopted as California Code of
13 Regulations, Title 23, section 5003). The final adopted ER-P1 policy furthers the Council's
14 ecosystem restoration strategies by mandating compliance with existing and future regulatory
15 flow objectives set by the State Water Resources Control Board. By contrast, Draft ER-P1 was
16 a more complex hybrid that also included suggested deadlines for updated flow objectives set by
17 the State Board, and listed potential actions the Council might take if those deadlines were not
18 met. (See Delta Plan Fifth Draft, Ch. 4, p. 86 [K4333].)

19 These significant amendments, resulting in a simplified, streamlined policy mandating
20 compliance with current and future flow objectives set by the State Board, in direct response
21 to stakeholder input, demonstrates the Council's genuine efforts to accommodate and address
22 differing interests while remaining faithful to the Delta Reform Act's central mandate of
23 achieving the statute's co-equal goals.

24 In undertaking the extremely difficult task of developing a Delta Plan that balances disparate
25 participant views, adequately addresses the issues within the Delta, and achieves the co-equal
26 goals, amicus firmly believes that the Council effectively satisfied its legal mandate in the
27 adoption of the Council's Final Delta Plan, and reasonably accommodated the interests of
28

1 stakeholders to the maximum extent possible.
2
3

4 **CONCLUSION**

5 For the foregoing reasons, amicus Joe Simitian urges the Court to find that the Delta
6 Stewardship Council's carefully-crafted Delta Plan conforms fully to the Delta Reform Act, the
7 Administrative Procedures Act and the California Environmental Quality Act. Accordingly, each
8 of the petitions in this coordinated proceeding should be denied.
9

10 Dated: April 13, 2015

11 Respectfully Submitted,

12 

13 RICHARD M. FRANK
14 Professor of Environmental Practice
15 JANELLE KRATTIGER
16 Environmental Law Fellow
17 UC Davis School of Law
18 *Attorneys for Amicus Joe Simitian*
19
20
21
22
23
24
25
26
27
28

1 2 3 4	Steven A. Herum Herum Crabtree Suntag 5757 Pacific Ave., Suite 222 Stockton, CA 95207 sherum@herumcrabtree.com	<i>Petitioner City of Stockton</i>
5 6 7	Stephan C. Volker Law Offices of Stephan C. Volker 436 14 th Street, Suite 1300 Oakland, CA 94612 svolker@volkerlaw.com	<i>Petitioners North Coast Rivers Alliance, et al.</i>
8 9 10 11	Adam Keats Center for Biological Diversity 351 California Street, Suite 600 San Francisco, CA 94104 akeats@biologicaldiversty.org	<i>Petitioners California Water Impact Network, et al.</i>
12 13 14	Charity Schiller Best Best & Krieger LLP 3390 University Ave., 5 th Floor Riverside, CA 92501 Charity.schiller@bbklaw.com	<i>Petitioners State Water Contractors, et al.</i>
15 16 17 18	Daniel J. O'Hanlon Kronick Moskovitz Tiedemann & Girard 400 Capitol Mall, 27 th Floor Sacramento, CA 95814 dohanlon@kmtg.com	<i>Petitioners San Luis & Delta-Mendota, et al.</i>
19 20 21	Osha R. Meserve Soluri Meserve, a Law Corporation 1010 F Street, Suite 100 Sacramento, CA 95814 osha@semllawyers.com	<i>Petitioners Central Delta Water Agency, et al.</i>

22
23 I declare under penalty of perjury, under the laws of the State of California, that the
24 foregoing is true and correct.

25 Executed on April 13, 2015, at Sacramento, California.

26
27
28 
Janelle S. Krattiger

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

DECLARATION OF ELECTRONIC SERVICE

Case Name: Delta Stewardship Council Cases
Judicial Council Coordination Proceeding No. 4758

I declare:

I am employed by University of Davis, School of Law, and am a member of the California State Bar. I am 18 years of age or older and not a party to this matter.

On April 13, 2015, I electronically served the attached:

APPLICATION TO FILE AND (PROPOSED) AMICUS BRIEF OF FORMER CALIFORNIA STATE LEGISLATOR JOE SIMITIAN IN SUPPORT OF RESPONDENT AND DEFENDANT

I electronically served a copy of the above document from the office of Richard M. Frank, Professor of Environmental Practice, School of Law, University of California, Davis's electronic service address rmfrank@ucdavis.edu on April 13, 2015 by 5:00 p.m. on the close of business day at the following address:

SEE ATTACHED LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that his declaration was executed on April 13, 2015, at Davis, California.

Janelle S. Krattiger
Declarant

Signature 

SERVICE LIST BY ELECTRONIC MAIL

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p>	<p>E. Robert Wright Friends of the River 1418 20th Street, Suite 100 Sacramento, CA 95811 bwright@friendsoftheriver.org</p>	<p><i>Attorneys for Friends of the River</i></p>
<p>7</p> <p>8</p> <p>9</p>	<p>Michael B. Jackson 429 West Main Street, Suite D P.O. Box 207 Quincy, CA 95971 mjatty@sbcglobal.net</p>	<p><i>Attorneys for C-WIN, SCPA, AquAlliance, and Restore the Delta</i></p>
<p>10</p> <p>11</p> <p>12</p> <p>13</p>	<p>Adam Keats Chelsea H. Tu Center for Biological Diversity 351 California Street, #600 San Francisco, CA 94104 akeats@biologicaldiversity.org ctu@biologicaldiversity.org</p>	<p><i>Attorneys for Center for Biological Diversity</i></p>
<p>14</p> <p>15</p> <p>16</p> <p>17</p>	<p>Thomas H. Keeling Freeman Firm 1818 Grand Canal Blvd., Suite 4 Stockton, CA 95207 tkeeling@freemanfirm.com</p>	<p><i>Attorneys for Petitioners Central Delta Water Agency, South Delta Water Agency, Lafayette Ranch, Inc., and Cindy Charles</i></p>
<p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>Dante John Nomellini Dante John Nomellini, Jr. Daniel A. McDaniel Nomellini, Grilli & McDaniel Professional Law Firm 235 East Weber Avenue Stockton, CA 95202 ngmples@pacbell.net dantejr@pacbell.net dample@pacbell.net</p>	<p><i>Attorneys for Petitioners Central Delta Water Agency, South Delta Water Agency, Lafayette Ranch, Inc., and Cindy Charles</i></p>
<p>24</p> <p>25</p> <p>26</p> <p>27</p>	<p>John H. Herrick Law Offices of John H. Herrick 4255 Pacific Avenue, Suite 2 Stockton, CA 95207 jherrlaw@aol.com</p>	<p><i>Attorneys for Petitioners Central Delta Water Agency, South Delta Water Agency, Lafayette Ranch, Inc., and Cindy Charles</i></p>

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

<p>S. Dean Ruiz Harris, Perisho & Ruiz Brookside Corporate Center 3439 Brookside Road, Suite 210 Stockton, CA 95219 dean@hpllp.com</p>	<p><i>Attorneys for Petitioners Central Delta Water Agency, South Delta Water Agency, Lafayette Ranch, Inc., and Cindy Charles</i></p>
<p>Osha R. Meserve Patrick M. Soluri Soluri Meserve, a Law Corporation 1010 F Street, Suite 100 Sacramento, CA 95814 osha@semlawyers.com Patrick@semlawyers.com</p>	<p><i>Attorneys for Petitioner Local Agencies of the North Delta</i></p>
<p>Steven A. Herum Herum Crabtree Suntag A California Professional Corporation 5757 Pacific Avenue, Suite 222 Stockton, CA 95207 Sherum@herumcrabtree.com</p>	<p><i>Attorneys for Petitioner City of Stockton</i></p>
<p>Stephan C. Volker Daniel P. Garrett-Steinman Marcus Benjamin Eichenberg Lauren E. Pappone Law Offices of Stephan C. Volker 436 14 St., Suite 1300 Oakland, CA 94612 svolker@volkerlaw.com dgarrett@volkerlaw.com mbeichenberg@volkerlaw.com lpappone@volkerlaw.com</p>	<p><i>Attorneys for North Coast Rivers Alliance, Pacific Coast Federation of Fishermen's Associations, San Francisco Crab Boat Owners Association, and Winnemem Wintu Tribe</i></p>
<p>Daniel J. O'Hanlon Rebecca R. Akroyd Elizabeth L. Leeper Kronick, Moskovitz, Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 dohanlon@kmtg.com rakroyd@kmtg.com eleeper@kmtg.com</p>	<p><i>Attorneys for Petitioners/Plaintiffs, San Luis & Delta-Mendota Water Authority and Westlands Water District</i></p>

1		
2	Andrea A. Matarazzo Pioneer Law Group, LLP 1122 S Street Sacramento, CA 95811 andrea@pioneerlawgroup.net	<i>Attorneys for Petitioner/Plaintiff, Westlands Water District</i>
3		
4		
5	Michael A. Brodsky Law Offices of Michael A. Brodsky 201 Esplanade, Upper Suite Capitola, CA 95010 Michael@brodskylaw.net	<i>Attorneys for Petitioners/Plaintiff, Save the California Delta Alliance</i>
6		
7		
8		
9	Charity Schiller Kira L. Johnson Lucas I. Quass Melissa R. Cushman Best Best & Krieger LLP 3390 University Avenue, 5th Floor P.O. Box 1028 Riverside, CA 92502 Lucas.Quass@bbklaaw.com Kira.Johnson@bbklaw.com Charity.Schiller@bbklaw.com Melissa.Cushman@bbklaw.com	<i>Attorneys for Petitioners, State Water Contractors and Antelope Valley-East Kern Water Agency</i>
10		
11		
12		
13		
14		
15		
16	Stefanie Morris State Water Contractors 1121 L. Street, Suite 1050 Sacramento, CA 95814 smorris@swc.org	<i>Attorney for State Water Contractors</i>
17		
18		
19		
20	Stanly Yamamoto, District Counsel Anthony T. Fulcher, Senior Assistant District Counsel Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118-3686 syamamoto@valleywater.org afulcher@valleywater.org	<i>Attorneys for Petitioner Santa Clara Valley Water District</i>
21		
22		
23		
24		
25		
26		
27		
28		

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

<p>Adam C. Kear, Chief Deputy General Counsel Robert C. Horton, Sr. Deputy General Counsel The Metropolitan Water District of Southern California P.O. Box 54153 Los Angeles, CA 90054-0153 akear@mwdh2o.com rhorton@mwdh2o.com</p>	<p><i>Attorneys for Petitioner The Metropolitan Water District of Southern California</i></p>
<p>William J. Brunick Leland McElhaney Brunick, McElhaney & Kennedy 1839 Commercenter West San Bernadino, CA 92408-3303 wbrunick@bmblawoffice.com lmcelhaney@bmblawoffice.com</p>	<p><i>Attorneys for Petitioner, Mojave Water Agency</i></p>