

From: Andrew Ramos <AJR@bkslawfirm.com>
Sent: Friday, August 12, 2016 3:23 PM
To: CWFhearing
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Subject: California WaterFix: Sacramento Valley Water Users' Partial Joinder in Request for Extension

Attachments: L081216 SVWU Partial Joinder Extension Request.pdf

Dear Co-Hearing Officers Doduc and Marcus:

Please find enclosed the Sacramento Valley Water Users' Partial Joinder in the Protestants Central Delta Water Agency, et al. Request for an Extension of Time to Submit Protestants' Exhibits and Written Summaries of Testimony for Part 1B of the California WaterFix Change Petition Hearing.

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Of Counsel

STEPHEN A. KRONICK
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August 12, 2016

Co-Hearing Chair Tam Doduc
Co-Hearing Officer Felicia Marcus
State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95812-0100

By E-mail
CWFhearing@waterboards.ca.gov

Re: Sacramento Valley Water Users' Partial Joinder in the Protestants Central Delta Water Agency, et al. Request for an Extension of Time to Submit Protestants' Exhibits and Written Summaries of Testimony for Part 1B of the California WaterFix Change Petition Hearing

Dear Co-Hearing Officers Doduc and Marcus:

The undersigned counsel collectively represent the parties comprising the Sacramento Valley Water Users. This letter partially joins in the request submitted by protestants Central Delta Water Agency, et al. on August 11, 2016 for an extension of time to submit exhibits and written testimony for Part 1B of the California WaterFix change petition hearing. We respectfully request that you grant an extension of the deadline to submit testimony and exhibits for Part 1B of this hearing from September 1, 2016, to Monday, October 3, 2016. This would be a 32-day extension to ensure that the new deadline falls on a weekday.

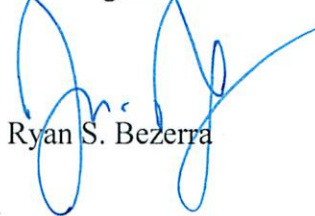
The August 2, 2016 release of the California WaterFix Biological Assessment ("BA") necessitates the requested extension. This BA supersedes the draft BA that the petitioners made publicly available in January 2016 and that is referenced in the testimony that petitioners are presenting in Part 1A of the SWRCB's hearing. (See exhibit DWR-1, p. 10 (identifying "H3+ (BA)" operations as within the range of possible project operations).) The new BA comprises more than 1,300 pages and contains information relevant to how petitioners may operate the California WaterFix project if the SWRCB were to approve their pending change petition. Petitioners released the new BA several days into the Part 1A hearing and, in fact, during protestants' cross-examination of the project manager for the BA, Jennifer Pierre. (See exhibit DWR-51, pp. 1:27-2:1 ("I managed the preparation of the January 2016 draft Biological Assessment").) The requested extension is necessary for the SVWU and other protestants to have an adequate opportunity to review the new BA and determine whether responsive testimony and exhibits are necessary in Part 1B of the SWRCB's hearing. This need is particularly pressing because, as you know, petitioners appear to have proposed at best limited water-right terms and conditions that would govern their operation of the California WaterFix if the SWRCB were to grant their change petition. Protestants therefore need to consider all operational scenarios that might be possible with California WaterFix in place and those scenarios could include operations addressed in the new BA.

In addition, extending the current September 1 deadline will allow protestants to address testimony developed during Part 1A cross-examination more thoroughly in their initial Part 1B submissions and help to minimize the amount of rebuttal testimony that may be necessary.

For these reasons, we respectfully request that you grant an extension of the deadline to submit testimony and exhibits for Part 1B from September 1, 2016 to October 3, 2016. Such an extension would allow the SWRCB to consider adjustments to its current deadlines on September 15, 2016 and maintain October 20, 2016 as the day for starting Part 1B of the hearing. As you know, you have taken under submission evidentiary objections filed before Part 1A started. You could take a similar approach with any objections to Part 1B evidence and testimony by allowing those objections to be filed closer to October 20 and still maintain that date as the start of Part 1B of the hearing

Thank you for your consideration and attention to this request.

Kind regards,



Ryan S. Bezerra

Downey Brand, LLP

/s/ Kevin M. O'Brien
Kevin M. O'Brien

/s/ David R. E. Aladjem
David R. E. Aladjem

Minasian, Meith, Soares, Sexton & Cooper, LLP

/s/ Dustin C. Cooper
Dustin C. Cooper

Somach, Simmons & Dunn, PC

/s/ Andrew M. Hitchings
Andrew M. Hitchings

/s/ Aaron Ferguson
Aaron Ferguson

Stoel Rives, LLP

/s/ Wesley A. Miliband
Wesley A. Miliband

cc: Service List of Hearing Parties as Revised on August 8, 2016

Enclosure: Attachment 1 – SVWU Parties

8816\CWF\Change Petition\L081216rsb SVWU Partial Joinder Extension Request

Attachment 1—Sacramento Valley Water Users

Clients represented by Downey Brand LLP

Carter Mutual Water Company
El Dorado Irrigation District
El Dorado Water & Power Authority
Howald Farms, Inc.
Maxwell Irrigation District
Natomas Central Mutual Water Company
Meridian Farms Water Company
Oji Brothers Farm, Inc.
Oji Family Partnership
Pelger Mutual Water Company
Pleasant-Grove Verona Mutual Water Co.
Princeton Codora-Glenn Irrigation District
Provident Irrigation District
Reclamation District 108
Sacramento Municipal Utility District
Henry D. Richter, et al.
River Garden Farms Company
South Sutter Water District
Sutter Extension Water District
Sutter Mutual Water Company
Tisdale Irrigation and Drainage Company
Windswept Land and Livestock Company

Clients represented by Somach Simmons & Dunn

Glenn-Colusa Irrigation District
Biggs-West Gridley Water District
Sacramento County Water Agency
Placer County Water Agency
Carmichael Water District

Clients represented by Bartkiewicz, Kronick & Shanahan

City of Folsom
City of Roseville
San Juan Water District
Sacramento Suburban Water District
Yuba County Water Agency

Clients represented by Minasian, Meith, Soares, Sexton & Cooper, LLP

Anderson-Cottonwood Irrigation District

Butte Water District

Nevada Irrigation District

Paradise Irrigation District

Plumas Mutual Water Company

Reclamation District No. 1004

Richvale Irrigation District

South Feather Water & Power Agency

Western Canal Water District

Clients represented by Stoel Rives

City of Sacramento

STATEMENT OF SERVICE
CALIFORNIA WATERFIX PETITION HEARING
Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)

I hereby certify that I have this day submitted to the State Water Resources Control Board and caused a true and correct copy of the following document(s):

Sacramento Valley Water Users' Partial Joinder in the Protestants Central Delta Water Agency, et al. Request for an Extension of Time to Submit Protestants Exhibits and Written Summaries of Testimony for Part 1B of the California WaterFix Change Petition Hearing

to be served by Electronic Mail (email) upon the parties listed in Table 1 of the Current Service List for the California WaterFix Petition Hearing, dated August 8, 2016, posted by the State Water Resources Control Board at
http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml:

I certify that the foregoing is true and correct and that this document was executed on August 12, 2016.

Signature:  _____

Name: Andrew J. Ramos

Title: Attorney

Party/Affiliation: Sacramento Valley Water Users (SVWU)

Address:

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