

CWFhearing

From: CWFhearing
Sent: Monday, March 13, 2017 9:04 AM
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Subject: Response to Downey Brand Protestants' March 8, 2017 Letter

Service List,

On March 8, 2017, a number of parties represented by Downey Brand LLP submitted a letter to the hearing officers requesting “confirmation that proposed permit terms and conditions that address Part 1 and Part 2 issues and any necessary supporting evidence will be accepted by the State Water Resource Control Board as part of the evidentiary record at an appropriate time (yet to be determined) after the March 23 deadline for the submittal of Part 1 rebuttal evidence.” To clarify, although the hearing officers will allow proposed permit terms to be submitted at a later date, any evidence that supports proposed permit terms should be submitted during the appropriate stage of the hearing. In response to concerns that information presented in Part 2 may have a bearing on Part 1 issues, the hearing officers have indicated that it may be necessary to revisit Part 1 issues after Part 2 of the hearing. The hearing officers will not evaluate whether it is necessary to revisit Part 1 issues, however, until Part 2 has been completed, and the parties should not assume that they will have a second opportunity to present evidence relevant to Part 1 issues. Accordingly, the parties should present any supporting evidence for permit terms that they intend to propose to address Part 1 issues, including potential injury to legal users of water, during the rebuttal phase of Part 1.

Respectfully,

CA WaterFix Hearing Team

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http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/water_right_petition.shtml