
State Water Resources Control Board

NOTICE OF REVISED SCHEDULE FOR PUBLIC HEARINGS

The State Water Resources Control Board will hold a Public Hearing to determine whether to:

Issue a Cease and Desist Order against

**The West Side Irrigation District (WSID)
Old River tributary to San Joaquin River
San Joaquin County**

The State Water Resources Control Board will hold a Public Hearing to determine whether to:

Impose Administrative Civil Liability against

**Byron-Bethany Irrigation District (BBID)
Intake Channel to the Banks Pumping Plant (formerly Italian Slough)
Contra Costa County**

The WSID Public Hearing listed above, which was rescheduled to commence on Monday, January 11, 2016, and continue through Friday, January 15, 2016, and to be reconvened on Thursday, February 4, 2016, and continue through February 5, 2016

And

The BBID Public Hearing listed above, which was rescheduled to commence on Monday, March 21, 2016, and continue, through March 25, 2016

**HAVE BEEN CONSOLIDATED, IN PART, AND RESCHEDULED
AS FOLLOWS:**

A **Joint Pre-Hearing Conference**, will commence on
Monday, February 8, 2016, at 9:00 am

in the Sierra Hearing Room
Joe Serna Jr.-CalEPA Building
1001 I Street, Second Floor
Sacramento, CA

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

The Consolidated Phase of the Hearings (PHASE 1)
will commence on

March 21, 2016, at 9:00 am
and continue, if necessary, on
March 22, 23, 24, 25, 28, 29, and 30, 2016, and April 1, 4, and 6, 2016

The Separate Phases of the Hearings (PHASE 2)
will commence immediately following PHASE 1

Phase 1 and Phase 2 will be held
in the Coastal Hearing Room (March 21-25, 28-30, 2016, April 1, 2016)
in the Byron-Sher Auditorium (April 4, 6, 2016)
Joe Serna Jr.-CalEPA Building
1001 I Street, Second Floor
Sacramento, CA

PURPOSES OF HEARING

Phase 1 Hearing (Water Availability):

The purpose of the consolidated Phase 1 of the BBID Administrative Civil Liability (ACL) complaint and WSID draft Cease and Desist Order (CDO) hearings is to receive evidence regarding the following issues:

1. *Was the water diverted by BBID from June 13 through June 25, 2015, if any, unavailable under its claimed pre-1914 appropriative right and all other claims of right by BBID?*
2. *Was the water diverted by WSID after May 1, 2015, if any, unavailable under License 1381 and all other claims of right by WSID?*

Phase 2 Hearing (Remaining Key Issues of Enforcement Actions):

The purpose of Phase 2 of the BBID ACL complaint hearing is to receive evidence relevant to determining all issues not addressed during Phase 1 of the hearing that are within the scope of the [August 19, 2015, Notice of Public Hearing](#).

The purpose of Phase 2 of the WSID draft CDO hearing is to receive evidence relevant to determining all issues not addressed during Phase 1 of the hearing that are within the scope of the [September 1, 2015, Notice of Public Hearing](#).

Please Take Notice: The changes described in this notice do not alter the scope of the hearings.

HEARING SCHEDULE AND DEADLINES

As noted above, the BBID ACL complaint hearing and the WSID draft CDO hearing have been rescheduled to commence on **March 21, 2016, and continue if necessary March 22, 23, 24, 25, 28, 29, and 30, 2016, and April 1, 4, and 6, 2016.**

The water availability analysis portion of the hearings (Phase 1) is scheduled to commence on March 21, 2016. Portions of the proceedings that are specific to each case (Phase 2) will commence immediately following completion of Phase 1.

Please note that the start times may be earlier than 9 a.m. on subsequent hearing days if the hearing officer determines an earlier start is necessary. Any change in start times will be announced at the conclusion of the previous hearing day. Please also note that on March 21-25, 2016, and March 28-30, 2016, and April 1, 2016, the Hearing will be held in the Coastal Hearing Room. On April 4 and 6, 2016, the Hearing will be held in the Bryon-Sher Auditorium.

Please note the following rescheduled hearing dates and submittal deadlines.

WSID CDO and BBID ACL Complaint Hearings Rescheduled Hearing and Document Submittal Deadlines	
Noon, Tuesday, January 19, 2016.	Deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service.
Noon, Monday, January 25, 2016.	Deadline for receipt and service of: 1. Motions to dismiss and/or motions for summary judgment. 2. Pre-hearing briefing of legal issues. (BBID ACL complaint hearing only)
Monday, February 8, 2016	2 nd Pre-Hearing Conference: Phase 1, Phase 2 (BBID ACL complaint hearing), and Phase 2 (WSID draft CDO hearing).
Noon, Monday, February 22, 2016.	Deadline for receipt and service of: 1. Responsive briefing of legal issues (BBID ACL complaint hearing only) and motions. 2. Proposed written rebuttal testimony, exhibits, list of exhibits, qualifications, and statements of service.
Noon, Monday, February 29, 2016.	Deadline for receipt and service of: 1. Written opening statements. 2. Motions in limine.
Noon, Friday, March 4, 2016	Deadline for receipt of opposition to motions in limine.
March 21, 22, 23, 24, 25, 28, 29, 30, 2016 and April 1, 4 and 6, 2016	Phase 1 Hearing (Water Availability) and Phase 2 Hearing (Remaining Key Issues of Enforcement Actions)

SUBMITTALS TO THE STATE WATER BOARD

All documents, including written testimony, and other exhibits submitted to the State Water Board should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
Attention: WSID/BBID Hearing Team

By Mail: PO Box 2000, Sacramento, CA 95812-2000

By Hand Delivery: Joe Serna Jr.-CalEPA Building
1001 I Street, 2nd Floor, Sacramento, CA 95814

By Fax: (916) 341-5400

By Email: wrearing@waterboards.ca.gov
With Subject of **"BBID/WSID Hearings"**


ALL HAND DELIVERED SUBMITTALS should be Date and Time stamped by the Division of Water Rights' Records Unit on the second (2nd) floor of the Joe Serna Jr.-CalEPA Building at the above address prior to or at the submittal deadline. Persons delivering submittals must first check in with lobby security personnel on the first floor. Hand delivered submittals that do not have a timely Date and Time stamp by the Division of Water Rights' Records Unit will be considered late and may not be accepted by the hearing officer.

Please Take Notice: This notice does not alter the hearing requirements as originally noticed, unless expressly noted herein.

IF YOU HAVE ANY QUESTIONS

During the pendency of this proceeding, there shall be no *ex parte* communications regarding substantive or controversial procedural matters within the scope of the proceeding between State Water Board members or hearing team members and any of the other participants, including members of the prosecution team. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters should be directed to Staff Counsel Nicole Kuenzi at (916) 322-4142, or by email to Nicole.Kuenzi@waterboards.ca.gov; or Staff Engineer Ernest Mona at (916) 341-5359, or by email to Ernie.Mona@waterboards.ca.gov; or Staff Environmental Scientist Jane Farwell-Jensen at (916) 341-5349 or by email to Jane.Farwell-Jensen@waterboards.ca.gov. (Gov. Code, § 11430.20, subd. (b).)

January 8, 2016
Date



Jeanine Townsend
Clerk to the Board