

State Water Resources Control Board

July 18, 2025

Re: Cancellation of Hearing Dates and Procedural Ruling on Order of Proceeding and Time Allocations (Hearing on Proposed Delta Conveyance Project)

TO ALL PARTIES:

The hearing dates on **September 9 and 10, 2025**, are **cancelled**. The Administrative Hearings Office (AHO) will issue an amended hearing notice that reflects the cancellation of these hearing dates. The AHO is considering adding September 12 as a hearing date.

The remainder of this procedural ruling responds to DWR's July 8 request for Protestants' order of presentation of witnesses, witnesses to be grouped as a panel, and time estimates for presentation of direct testimony. This ruling also sets initial time limits for the Protestants' and State Water Contractors' (SWC) case-in-chief portion of the hearing, and addresses a miscellaneous procedural request from Institute for Fisheries Resources about late-filed testimony.

Order of Witnesses

Because SWC supports approval of DWR's pending petitions, SWC will present its witnesses first, starting on August 12. Protestants shall identify by **July 25**, the first three of Protestants' witnesses who will testify after SWC's presentation of its case-in-chief, whether any of these witnesses will be grouped as a panel, and an estimate of time (if any) for each witness to summarize the direct testimony. Protestants shall submit to the AHO a proposed order of presentation of the remaining witnesses, panel groupings, and time estimates for each witness' summary of direct testimony (if any), by **August 1**. SWC shall also submit a proposed order of presentation of its witnesses, any panel groupings, and time estimate for each witness' summary of direct testimony (if any) by **August 1**. I will consider any subsequent requests for scheduling changes on a case-by-case basis.

Time Allocations

This ruling sets initial time limits for Protestants' (and SWC's) case-in-chief portion of the hearing. In lieu of setting specific time limits for each party's presentation of direct testimony, cross-examination, and opening statements, the AHO is allocating a total number of hours to party groups using a "chess clock" approach. This approach allocates a specific amount of time to each party or group of parties to make opening statements, present direct oral testimony, conduct cross-examination, make evidentiary objections, or otherwise participate in the hearing as they see fit, subject to the hearing officer's ongoing discretion to manage the hearing. AHO staff will track the parties' use of their time. The AHO will not allocate additional time to any party except upon an offer of proof and showing of good cause, and will not entertain such requests from any party (or party group) before it has exhausted all of its allocated time.

Each party or group of parties is allocated the following time, subject to modification at the hearing officer's discretion. These allocations are based on the number of scheduled hearing days, the number of parties in each group, the number of witnesses testifying for the party or party group, the number of witnesses to be cross-examined by the party or party group, and the extent to which the interests of a party may be similar to or distinct from the interests of other parties.

- **70 Hours:** Department of Water Resources
- **20 Hours:** State Water Contractors
- **To be determined, as necessary:** Bureau of Reclamation

- **30 Hours:** Contra Costa County; San Joaquin County; Solano County; NDWA; Reclamation Districts 999, 2060, 2068; County of Sacramento; Sacramento County Water Agency; Farm Bureau Delta Caucus; Sacramento County Farm Bureau; Byron-Bethany Irrigation District; City of Stockton; Diablo Water District; El Dorado Irrigation District; Heritage Land Co.; Naglee Burk Irrigation District; Pescadero Reclamation District No. 2058; Placer County Water Agency; Sacramento Area Sewer District; Yolo County; ECOS/Habitat 2020; Save Our Sandhill Cranes; Wurster Ranches; David J. Elliot & Sons/Stillwater Orchards; Frank Loretz; South Delta Water Agency, et al.
- **9 Hours:** CSPA, et al.; Sierra Club, et al.; Camp Lotus, et al.; PCFFA & Institute for Fisheries Resources; CWIN; Foothill Conservancy; Save California Salmon.
- **9 Hours:** DTEC, et al.; CIEA; San Francisco Baykeeper; and Golden State Salmon Association.
- **6 Hours:** SCDA/HCC and Delta Legacy Communities.
- **To be determined, as necessary:** All other parties not listed.

I have included ECOS/Habitat 2020 and Save Our Sandhill Cranes within the larger Protestant group because it appeared to me from the submittals that these parties may be coordinating with members of this larger group. If ECOS/Habitat 2020 and Save Our Sandhill Cranes are more appropriately included in another group, if any party would like to request that it or any other party be separated from a group and included in a

different group, or if this ruling fails to identify a party that should be included in one of the groups, please submit a request to the AHO by **August 1**.

Miscellaneous

The late-filed testimony of Mr. George Bradshaw (IFR-1) is accepted into the record subject to any evidentiary objections raised by the parties.

Sincerely,

Nicole Kuenzi
Presiding Hearing Officer
Administrative Hearings Office
State Water Resources Control Board

Attachments:

- Attachment 1 – Service List

**ATTACHMENT 1
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