



June 29, 2016

cwfhearing@waterboards.ca.gov via email

Chair Felicia Marcus  
Board Member Tam Doduc  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Response to June 10, 2016 Ruling

Dear Hearing Officers Marcus and Doduc,

On June 10, the State Water Resources Control Board (State Water Board) issued a ruling on numerous requests filed in the water rights hearing for the change in point of diversion associated with the California WaterFix (June 10<sup>th</sup> Ruling). Among those requests were two that were included in the May 31 submission of written testimony by the Department of Water Resources (DWR) and U.S. Department of the Interior, Bureau of Reclamation (Reclamation)(jointly Petitioners). Petitioners seek reconsideration of the format to present policy statements, testimony, and cross-examination information. Additionally, Petitioners request that the State Water Board provide additional clarity as to the motion practice for this hearing.

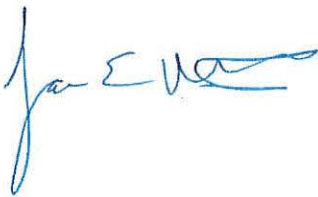
The Petitioners' petitioned project is of statewide importance. It represents the culmination of decades of planning in order to address the ecological health of the Delta and address conflicts between species protection and Delta water exports. Climate change, seismicity and flood risks also compel consideration of the petitioned project. As such, we request that DWR Director Mark Cowin be granted 10 minutes for a policy statement and Assistant Deputy Director Russell Stein be granted five minutes for a policy statement. These statements would occur immediately before the opening statement and presentation of the case-in-chief. We firmly believe this amount of time is reasonable, and suggest it be deducted from the current 13 hours granted for the summarization of the testimony.

Petitioners also respectfully request reconsideration of its testimony presentation. It is Petitioners' belief that testimony should be presented as one panel of witnesses

summarizing the direct testimony in order to fully explain the project. The intent for this format is to provide a clear and comprehensive presentation of the project and to minimize potential questions that may be answered in subsequent direct testimony.<sup>1</sup> We recognize that the Hearing Officers and hearing team can ask questions at any time during the direct testimony.

Lastly, Petitioners request additional clarity and certainty as to the procedure intended for this hearing. The recent Ruling did not establish clear deadlines for structuring motions during the hearing. All parties would benefit from understanding the timing of filing, responding to and resolution of motions. A clear, certain and equitable procedural framework for this hearing is imperative given the number of participants.

Sincerely,



Office of the Chief Counsel  
CA Department of Water Resources



Office of the Regional Solicitor  
U.S. Department of the Interior

cc: *Electronic Service*

Tom Howard, Executive Officer, State Water Resources Control Board  
Michael Lauffer, Chief Counsel, State Water Resources Control Board  
Electronic service list

*Personal Service via U.S. Postal Service*

Suzanne Womack and Sheldon Moore  
Clifton Court, L.P.  
3619 Land Park Drive  
Sacramento, CA 95818

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<sup>1</sup> As an example of this structure, during the recent State Water Board's Delta Water Rights Curtailment hearings direct testimony was presented in panel format where several witnesses gave sequential and cohesive presentations, which was then followed by cross examination. For example, the prosecution team direct testimony was given by five witnesses, who were questioned after completing direct testimony of the panel.

**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):

Response to June 10, 2016 Ruling

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 June 29, 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](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml):


*Note: In the event that any emails to any parties on the Current Service List are undeliverable, you must attempt to effectuate service using another method of service, if necessary, and submit another statement of service that describes any changes to the date and method of service for those parties.*

**For Petitioners Only:**

✓	I caused a true and correct <b>hard copy</b> of the document(s) to be served by the following method of service to Suzanne Womack & Sheldon Moore, Clifton Court, L.P., 3619 Land Park Drive, Sacramento, CA 95818:  <b>Method of Service:</b> <u>U.S. Postal</u>
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I certify that the foregoing is true and correct and that this document was executed on 6/29/16

Date

Signature: 

Name: Valentina German

Title: Legal Analyst

Party/Affiliation: DWR

Address: 1416 9th Street

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