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6 *Attorneys for Protestant Restore the Delta*

7
8 **BEFORE THE**
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

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11
12 HEARING IN THE MATTER OF
13 CALIFORNIA DEPARTMENT OF WATER
14 RESOURCES AND UNITED STATES
15 BUREAU OF RECLAMATION REQUEST
FOR A CHANGE IN POINT OF DIVERSION
FOR CALIFORNIA WATERFIX

**PROTESTANT RESTORE THE DELTA'S
REQUEST FOR ADEQUATE TIME TO
RESPOND TO REBUTTAL EVIDENCE**

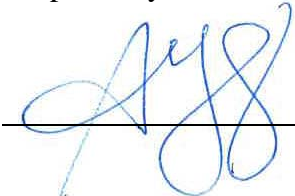
1 To the Hearing Officers and Hearing Team:

2 Protestant Restore the Delta respectfully requests that the Board ensure that all parties are
3 provided sufficient time to review and respond to any and all rebuttal, or sur-rebuttal evidence
4 presented in Part 1 of the above captioned proceeding. Restore the Delta further requests that the
5 Board provide an opportunity for all parties to submit closing briefs regarding the issues raised in
6 Part 1 once all of the parties to Part I have submitted evidence in support of their cases in chief and
7 in rebuttal/sur-rebuttal, and prior to the commencement of Part 2 of this proceeding.

8 These requests follow those made by other parties including the “proposal” made by
9 Sacramento Valley Water Users (“SVWU”) on November 15, 2016, which suggests that the Board
10 accept evidentiary submissions on rebuttal, no earlier than 30 days prior to the conclusion of all of
11 the parties’ cases in chief, and only after such evidence has been simultaneously filed by the parties.
12 (See November 15, 2016 SVWU Proposal Regarding Part 1 Rebuttal Evidence and Submission of
13 Closing Briefs.) SVWU makes clear in its “proposal” that it makes these requests on the basis that it
14 will “allow the parties time to review all rebuttal evidence and prepare cross examination that is
15 tailored to that evidence in the interest of timely and efficient proceedings.” (See *id.* at 2.) In the
16 same spirit in which SVWU sets forth its proposal, Restore the Delta requests that the Board ensure
17 that all parties are given adequate time to respond to any and all evidence submitted on rebuttal and
18 sur-rebuttal. This would specifically include, but is not limited to, any additional environmental
19 review documents, modeling results, and/or raw data or analysis from Petitioners and other parties.

20 With respect to closing briefs, while Restore the Delta agrees with SVWU and others that
21 many of the overarching issues pertaining to the Petition before the Board cross into both Parts of
22 this proceeding, due to the discrete issues before the Part 1, which will no longer be issues for
23 consideration in Part 2, Restore the Delta would urge the Board to receive and review closing briefs
24 pertaining to Part 1, before the commencement of Part 2.

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26 Respectfully submitted,

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DATED: November 21, 2016

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Attorneys for Protestant Restore the Delta

1 **STATEMENT OF SERVICE**

2 **CALIFORNIA WATERFIX PETITION HEARING**
3 **Department of Water Resources and U.S. Bureau of Reclamation (Petitioners)**

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

6 **NOTICE REGARDING AVAILABILITY OF WITNESSES**
7 **FOR PROTESTANT RESTORE THE DELTA'S CASE IN CHIEF**

8 to be served by **Electronic Mail** (email) upon the parties listed in Table 1 of the **Current Service**
9 **List** for the California WaterFix Petition Hearing, dated November 15, 2016, posted by the State
10 Water Resources Control Board at [http://www.waterboards.ca.gov/waterrights/water_issues/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)
11 [programs/bay_delta/california_waterfix/service_list.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

12 I certify that the foregoing is true and correct and that this document was executed on
13 November 22, 2016.

14 Signature:  _____

15 Name: Rikki Weber

16 Title: Litigation Assistant

17 Party/Affiliation: Protestant, Restore the Delta

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