

October 23, 2015

Via Electronic Mail

Tam M. Doduc, Hearing Officer  
State Water Resources Control Board  
Division of Water Rights  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

Re: **BBID ACL HEARING (ENF01951)**

Dear Hearing Officer Doduc:

In your letter of October 2, 2015 you direct that by October 22, 2015, any interested party can submit “a concise statement of legal issues that the parties would like to address in pre-hearing legal briefs.” By letter dated October 22, 2015, instead of simply identifying legal issues appropriate for pre-hearing briefing, both the Prosecution Team and the California Department of Water Resources (DWR) provide substantive requests for briefing schedules and requests to exclude certain evidence at the hearing. The Prosecution Team has also, in letters following the parties’ briefing on the Prosecution Team’s Motion for Protective Orders, made additional substantive requests regarding limitations on discovery and on these proceedings.

The Byron-Bethany Irrigation District (BBID) has attempted to limit its communications with the Hearing Team to the issues specifically requested by the Hearing Officer, and has attempted to avoid unnecessary argument regarding what BBID sees as inappropriate requests, or requests beyond the scope of the matters identified by the Hearing Officer. BBID’s silence should not be construed as acquiescence on any of the issues raised by the Prosecution Team or DWR. Indeed, BBID objects to any request by the Prosecution Team or DWR to restrict BBID’s ability to conduct discovery or to in any way limit the scope of the proceeding and deprive BBID of its right to present evidence. To the extent any of the Prosecution Team or DWR’s requests are going to be

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entertained by the Hearing Team, BBID insists that those matters be properly addressed in briefs with citation to proper authority for the relief requested, and that BBID be provided an opportunity to oppose those requests.

Very truly yours,



Daniel Kelly  
General Counsel, Byron-Bethany Irrigation District

DJK:yd

cc: See attached Service List

**SERVICE LIST OF PARTICIPANTS  
 BYRON-BETHANY IRRIGATION DISTRICT  
 ADMINISTRATIVE CIVIL LIABILITY HEARING**  
 (Revised 9/2/15; Revised: 9/11/15)

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