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BEFORE THE

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CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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17 In re State Water Resources Control Board
Petition Requesting Changes in Water Rights
18 of the Department of Water Resources and
U.S. Bureau of Reclamation for the California
19 WaterFix Project.

**SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY'S OPPOSITION TO
VARIOUS PETITIONERS' REQUESTS
FOR EXTENSION OF TIME TO SUBMIT
PROTESTANTS' EXHIBITS AND
WRITTEN SUMMARIES OF
TESTIMONY FOR PART 1B OF THE
CALIFORNIA WATERFIX CHANGE
PETITION**

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The San Luis & Delta-Mendota Water Authority opposes the several requests by protestants to extend the date to file and serve documents in support of their in chief for Part 1B. For the reasons explained in the opposition filed by petitioner Department of Water Resources, the requested extension is unwarranted. In the alternative, if the Hearing Officers grant an extension, then the San Luis & Delta-Mendota Water Authority requests that you ensure there will be sufficient time between

1 the new deadline and commencement of Part 1B to allow you, State Water Board staff, the petitioners,
2 and other interested parties adequate time to review that material before Part 1B testimony begins.

3 Under the current schedule, Part 1B case in chief materials must be filed 50 days before Part
4 1B begins on October 20. In contrast, the several proposals for extension leave very little, if any, time
5 between submittal of written testimony and exhibits and the start of Part 1B testimony. Hence, in
6 addition to seeking additional time to prepare their cases, protestants seek a schedule that would
7 severely hamper the ability of other parties to review protestants' evidence before cross examination
8 begins. While certainly to protestants' tactical advantage, that schedule would be grossly unfair.

9 Most of the protestants requesting an extension ask that the September 1 deadline be extended
10 until 30 days after conclusion of testimony in Part 1A. None say when they expect that would be, or
11 compare that date to the currently scheduled October 20 start of Part 1B. Part 1A is scheduled to
12 conclude on September 30, 2016. If Part 1A continues into any of the currently scheduled hearing
13 dates from September 22 to September 30, which seems highly likely, then the current October 20
14 date for start of Part 1B must be extended as well, since under the extension protestants will not
15 submit their written materials in support of their Part 1B case in chief until after October 20. Thus,
16 although none claim to be asking for an extension of the start of Part 1B testimony, that is the likely
17 effect of their proposal.

18 Two of the protestant groups propose an extension to dates certain that fall before October 20.
19 Ms. Daly, with North Delta CARES, proposes a new deadline of 45 days from September 1, i.e., to
20 October 15. The Sacramento Valley Water Users propose a new deadline of October 3, 2016. While
21 these parties at least propose to submit their material before October 20, neither proposes to extend the
22 October 20 date for the start of Part 1B. They instead propose that the parties supporting the petition
23 be allowed at most only 17 days to review Part 1B case in chief material before testimony begins. As
24 a comparison, protestants have had the petitioners' Part 1A case in chief materials since May 31, and
25 hence were allowed 56 days to review that material before Part 1A testimony began.

26 Extending the September 1 deadline for submitting case in chief materials will necessitate an
27 extension of commencement of testimony for Part 1B, to allow adequate time for review. Protestants
28 will likely file a considerable volume of material for Part 1B. If the cross examination in Part 1A is

1 any guide, that material will raise a sweepingly wide range of issues, and will be offered from a
2 variety of different perspectives. In contrast to the focused and coordinated submittals by petitioners,
3 there likely will be numerous, separate submittals by numerous protestants. It will take substantial
4 time just to sort through and attempt to understand what has been filed, let alone analyze it sufficiently
5 to prepare for cross examination in response. The current schedule recognizes this, and allows 50
6 days for review of this Part 1B material before testimony begins.

7 Any further delay in these proceedings can be avoided by denying the requests for an
8 extension of the deadline for submittal of Part 1B materials. However, if an extension of the
9 September 1 deadline is granted, then the date for commencing Part 1B testimony should be extended
10 as well, to avoid prejudice. The San Luis & Delta-Mendota Water Authority therefore requests that if
11 you extend the deadline for submitting case in chief materials for Part 1B, you further direct that the
12 presentation of testimony in Part 1B will not begin for 50 days thereafter, the same time for review of
13 Part 1B case in chief materials allowed under the current schedule.

14 Thank you for your consideration of this response.

15 Dated: August 17, 2016

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

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18 By: 

Daniel J. O'Hanlon
Attorneys for San Luis & Delta-Mendota Water
Authority

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): San Luis & Delta-Mendota Water Authority's Opposition to Various Petitioners' Requests for Extension of Time to Submit Protestants' Exhibits and Written Summaries of Testimony for Part 1B of the California WaterFix Change Petition

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 August 16, 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:

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 hard copy 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: Method of Service: _____
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I certify that the foregoing is true and correct and that this document was executed on August 17, 2016

Date

Signature: 

Name: Terri Whitman

Title: Legal Secretary

Party/Affiliation: SLDMWA

Address: 400 Capitol Mall, 27th Floor

Sacramento, CA 95814