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Subject: Hearing Officers' February 21, 2017 Ruling – Clarifications and Typographical Corrections
Date: Monday, March 27, 2017 10:51:37 AM

Service List,

The hearing officers have directed staff to provide the following clarifications and corrections to their February 21, 2017, "Ruling on Evidentiary Objections to Admission of Testimony and Exhibits Into Evidence, Establishment of Deadline for Rebuttal Testimony and Exhibits, and Notice of Rebuttal Hearing Dates."

The hearing officers stated on page 26 of the February 21 ruling that they attempted to identify and exclude duplicate copies of exhibits offered into evidence by other parties to avoid redundancy in the record, as noted in the dispositions. For clarification, staff do not propose to include duplicate copies of the same exhibits in the record, regardless of whether the duplicates were specifically excluded in the dispositions.

There were also cases where multiple versions of the same exhibit were accepted into the record. For example, some parties submitted written testimony and subsequently the hearing officers excluded portions of the testimony from the record. Then the party offered both the original testimony, which includes the excluded text, and the revised testimony into the record. Notwithstanding the acceptance of original versions of testimony or exhibits, the State Water Board will rely only on the revised versions of testimony and exhibits. Likewise, the parties should be careful in referring to exhibits to be sure that they are referencing the most recent version of those exhibits.

The corrections to the February 21, 2017 ruling are as follows:

1. First sentence of the last paragraph on page 1:

As stated on page 2 of our [December 19, 2017/2016 ruling](#), parties who presented a case-in-chief in Part 1 of the hearing or who indicated their intent to participate through cross-examination and/or rebuttal in their Notice of Intent to Appear (NOI) will be permitted to present rebuttal evidence.

2. First citation after the second sentence in the second full paragraph on page 10:

CalSim II and DSM2 were developed over 20 years ago. These models have been in the public domain and

widely used since then. (SWRCB ~~34~~, 2013 Public Draft BDCP EIR/EIS, Appendix 5A, Modeling Technical Appendix, pp. 5A-A5, 5A-A35; DWR 71, p. 4; CSPA 21, pp. 2, 4.)

3. First citation in the middle of the last full paragraph on page 28:

(R.T. (Oct. 27, ~~2017~~2016) 11:18-17.7, 21:14-23:5, 27:4-13.)

4. Disposition as to testimony and exhibits offered into evidence by Group 22, City of Stockton, at the bottom of page 37:

Disposition: The testimony and exhibits listed on City of Stockton’s Exhibit Identification Index dated November ~~16~~15, 2016 are admitted into the evidentiary record.

5. Disposition as to testimony and exhibits offered into evidence by Group 27, City of Antioch, on page 39:

Disposition: The testimony and exhibits listed on City of Antioch’s Exhibit Identification Index dated December ~~21~~19, 2016,...

6. Disposition as to testimony and exhibits offered into evidence by Group 41, Snug Harbor Resorts, LLC, on page 50:

Disposition: The following exhibits (or portions thereof) from Snug Harbor’s revised Exhibit Identification Index dated December ~~20~~30, 2016,....

This email will be posted on the Board’s California WaterFix petition hearing website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/ruling_notices/

Sincerely,

California WaterFix Hearing Team

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Phone: 916-319-0960

http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/water_right_petition.shtml