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Sent: Monday, August 15, 2016 4:10 PM

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Subject: California WaterFix Hearing - Westlands Water District's Opposition to Requests for Extension of Time

Please find attached Westlands Water District'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.

Thank you,

Sherry Ramirez

Legal Secretary



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6 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

7
8 **IN RE CALIFORNIA WATERFIX
9 CALIFORNIA DEPARTMENT OF
WATER RESOURCES AND U.S.
10 BUREAU OF RECLAMATION
PETITION FOR CHANGES IN WATER
11 RIGHTS, POINT OF DIVERION/RE-
DIVERSION**

**WESTLANDS WATER DISTRICT'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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14 Westlands Water District ("Westlands") hereby opposes various protestants' requests for
15 extension of time to submit their cases in chief for Part 1B of the California WaterFix Change Petition
16 Hearing. However, should the hearing officers find it appropriate to grant the requested extension,
17 Westlands requests that Part 1B of the hearing be postponed to allow the hearing officers, State Water
18 Resources Control Board ("State Water Board") staff, the petitioners, and other interested parties, to
19 include Westlands, sufficient time to review and prepare for Part 1B.

20 Under the existing schedule, materials in support of Part 1B cases in chief are due September
21 1, 2016 – 50 days prior to the commencement of Part 1B on October 20, 2016. The schedule for Part
22 1A anticipates that it will conclude on September 30, 2016, which effectively isolates only 20 of those
23 50 days for parties to prepare for Part 1B. However, with the Operations Panel still under cross
24 examination, and with both the Modelling and Water Rights panels having yet to put on direct
25 testimony or be subject to cross examination, re-direct, or re-cross examinations, commencing Part 1B
26 on October 20th may prove infeasible.

27 The various groups which have requested extensions of time have not accompanied those
28 requests with requests or suggestions for a new start date for Part 1B that will afford all parties

1 involved, including the hearing officers and State Water Board staff, sufficient time to review and
2 prepare for Part 1B. Should Part 1A prove to require more than the time allotted by the schedule, and
3 should the various protestants' requests for extension be granted without an attending postponement
4 for the commencement of Part 1B, then the petitioners and other interested parties will have very little
5 time – less than 20 days – to focus their attention on reviewing and preparing for the protestants' cases
6 in chief. In comparison to this possibility, all parties were provided 56 days to review petitioners'
7 material before Part 1A began.

8 Furthermore, though protestants quickly, and rightfully, point out the significant volumes of
9 technical analyses, testimony, and environmental and biological review which petitioners have
10 provided to the public, the petitioners, Westlands, and other parties who may be supporting the
11 petition will similarly have to devote significant time to review and prepare for Part 1B. This is
12 particularly true if the scope of cross and re-cross examination which has been permitted in Part 1A is
13 any indication of the breadth and depth of the issues protestants wish to address in Part 1B. For
14 example, though issues related to any unreasonable effect the petition may have on fish and wildlife
15 were specifically preserved in the various rulings issued beforehand for Part 2 of the hearing, many
16 protestants have already raised the potential for such effects in Part 1A; such a strategy indicates that
17 some protestants will address issues which all the parties, including the hearing officers, State Water
18 Board staff, and the public, properly expected to be preserved until Part 2.

19 This strategy will likely force petitioners, and has certainly forced Westlands – which, like
20 many protestants, is also a local public agency – to prepare to address these and other issues in Part
21 1B. However, whether and to what extent Part 2 issues will be raised in Part 1B as parts of
22 protestants' cases in chief will not be known until protestants' file their materials in support of their
23 cases in chief. Additionally, the various parties to this hearing represent a very broad representation
24 of interests, appropriately reflecting the diversity of California by reflecting urban, agricultural, rural,
25 and environmental concerns, and which therefore cross geographical, hydraulic, and socio-economic
26 jurisdictions. Given these realities, the current schedule of 50 days already provides a very tight
27 timeline to fully prepare for the scope of issues which the current procedure has allowed for under Part
28 1B; further restricting that schedule by granting an extension of time for submittal of materials in

1 support of Part 1B without also postponing the commencement of Part 1B would provide the
2 protestants with a significantly unfair substantive and strategic advantage.


3 That advantage should not be welcomed by anyone who is interested in ensuring that the
4 procedures in this hearing provide all parties a full and equitable opportunity to present the
5 information the hearing officers need in order to fulfill their duty to the people of California.

6

7 Dated: August 15, 2016

WESTLANDS WATER DISTRICT

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9 By: 
Philip A. Williams
Deputy General Counsel
Attorney for WESTLANDS WATER DISTRICT

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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):

Westlands Water District'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 8, 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:

	<p>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:</p> <p>Method of Service: _____</p>
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I certify that the foregoing is true and correct and that this document was executed on August 15, 2016
Date

Signature: 

Name: Sherry Ramirez

Title: Legal Secretary

Party/Affiliation: Westlands Water District

Address: 400 Capitol Mall, 27th Floor

Sacramento, CA 95814