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Subject: Request for Clarification of 9-20 Hearing Ruling
Date: Thursday, September 20, 2018 11:30:27 PM
Attachments: [Statement of Service 09-20-2018.pdf](#)

This is Part 1 of 2 part service due to email server limitations.

Dear Hearing Team,

Your communication of September 20, regarding the Public Draft EIR/EIS, is very confusing.

The September 18, 2018 Hearing Ruling stated:

By September 24, 2018, Petitioners are directed to provide written testimony – affirmed by a witness (or witnesses) – that identifies potential impacts to CCLP’s water rights from the WaterFix Project and possible mitigation measures, including but not limited to any potential impacts that may result from coordinated operation of the proposed Byron Tract Forebay and Clifton Court Forebay. The testimony should identify and describe any analysis that has been conducted, or is planned to be conducted, about potential impacts to CCLP’s water rights.

Allowing Petitioners to submit parts of the Draft Supplemental EIR/EIS not directly related to Clifton Court’s Water Rights would substantially expand the scope of the DWR’s special, non-surrebuttal testimony. Is this the intention of tonight’s communication from the Hearing Team?

The September 18, 2018 Hearing Ruling also stated:

SDWA notes that a public draft Supplemental EIR/EIS for the project is now available and inquired whether that document should be the basis for sur-rebuttal rather than the administrative draft. However, the purpose of this sur-rebuttal phase is to allow parties the opportunity to respond to certain evidence received during Part 2 rebuttal, including the administrative draft Supplemental EIR/EIS and testimony about that document. The public draft Supplemental EIR/EIS was not entered into evidence during Part 2 rebuttal, nor did we receive testimony regarding that document.

The September 18, 2018 Hearing Ruling appeared to limit the scope of surrebuttal testimony to the Admin Draft Supplemental EIR/EIS? Was this not correct?

Finally, if the scope of surrebuttal is being expanded to include the Public Draft Supplemental EIR/EIS, California Water Research/Deirdre Des Jardins respectfully request an extension of the deadline to submit testimony. Because of the September 18, 2018 Hearing Ruling, all of our citations were revised to refer only to the Admin Draft EIR/EIS.

Thank you,

Deirdre Des Jardins
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Sent: Thursday, September 20, 2018 10:17 PM

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Subject: CWF - Additional Information Regarding Part 2 Sur-Rebuttal Exhibits

Service List,

This email is to provide additional information related to Part 2 sur-rebuttal exhibits. For detailed instructions regarding submission and service of exhibits via the State Water Resources Control Board's secure file transfer protocol (FTP) website, please refer to the previous instructions for submitting rebuttal exhibits on page 2 of the hearing officer's [June 18, 2018 Ruling](#).

Reviewing Sur-Rebuttal Exhibits

Given the limited amount of time between the submittal deadline (**noon on September 21, 2018**) and the beginning of the hearing (**9:30 AM on September 26, 2018**), the hearing team will not be reviewing written sur-rebuttal testimony to ensure the testimony is relevant, within the authorized scope of sur-rebuttal, or sufficiently reliable to be admissible.

Public Draft Supplemental EIR/EIS

We received a question from the Department of Water Resources regarding the proper exhibit identification number for the Public Draft EIR/EIS Supplement for the WaterFix Project. In anticipation of the possibility that more than one party may introduce the document as a sur-rebuttal exhibit, we are marking it for identification as SWRCB-114 to prevent duplicative exhibits and confusing exhibit references.

If you have any questions, please contact the WaterFix hearing team staff.

Sincerely,

CA WaterFix Hearing Team

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