

# ELLISON SCHNEIDER HARRIS & DONLAN LLP

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June 1, 2017

Tam M. Doduc  
Felicia Marcus  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

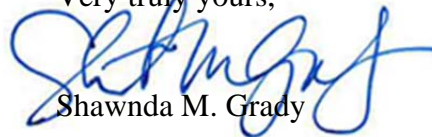
Re: Admission of EBMUD Rebuttal Exhibits

Dear Hearing Officers Doduc and Marcus:

I write on behalf of East Bay Municipal Water District (“EBMUD”) in response to correspondence received today from the CWF Hearing Team in regard to EBMUD exhibits EBMUD X-4, EBMUD X-5, and EBMUD X-6, and to request that these three documents be moved into evidence.

We have reviewed our files and correspondence and it appears that when EBMUD submitted and served the attached correspondence on all parties on May 1, 2017, which included EBMUD’s Revised Exhibit Identification Index, the three rebuttal exhibits, and the Notice of Availability and Statement of Service, we inadvertently failed to include a letter expressly moving the three exhibits – all of which EBMUD used in the course of its cross-examination of Petitioner’s witnesses on April 25, 2017 – into evidence. As the failure to formally move EBMUD X-4, EBMUD X-5, and EBMUD X-6 into evidence by the May 26, 2017 deadline was due to mistake and excusable neglect (see CCP § 473), and because all parties were served copies of these documents on May 1, 2017, and because no party has objected to the admission of any of these documents, we ask that the Board excuse this administrative error and admit the documents into evidence at this time.

Very truly yours,



Shawnda M. Grady

**STATEMENT OF SERVICE**

**CALIFORNIA WATERFIX PETITION HEARING Department  
of Water Resources and U.S. Bureau of Reclamation (Petitioners)**


I hereby certify that on June 1, 2017, I submitted to the State Water Resources Control Board a true and correct copy of the following East Bay Municipal Utility District document(s):

**Letter Regarding the Admission of  
EBMUD Rebuttal Exhibits**

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 May 31, 2017, 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](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/service_list.shtml)

I certify that the foregoing is true and correct and that this document was executed on June 1, 2017.

Signature: 

Name: Patty Slomski

Title: Paralegal

Party/Affiliation: East Bay Municipal Utility District

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