

From: Paul Murphey
To: Baiocchi, Bob; Ferrari, Chandra; Fife, Michael; Freeman, Donald; Gom...
CC: Baggett, Jr., Arthur G.; Taylor, Buck; Wolff, Gary
Date: 9/12/2008 9:35 AM
Subject: California American Water Hearing - Status of Exhibits

Hearing Participants:

The Hearing Officers have made rulings on three requests to admit exhibits into evidence after the hearing adjourned.

1) The State Water Resources Control Board (Board) will not take official notice of Prosecution Team's exhibit PT-53 which is California American's (Cal-Am) Urban Water Management Plan. Although the contents of the Urban Water Management Plan appear to be relevant to these proceedings, they do not constitute the official act of a public agency, and cannot be admitted over objection without reopening the evidentiary hearing. Therefore, the Prosecution Team's request to admit PT-53 into evidence is denied.

2) Cal Am's exhibit CAW-44 (Coastal Water Project schedule) was submitted in response to a procedure established by the Hearing Officers providing for service on all parties, with an opportunity to object within one week of service. No party objected. Accordingly, Cal Am's exhibit CAW-44 is accepted into evidence.

3) In response to a request by Hearing Officer Wolff, the Monterey Peninsula Water Management District has submitted exhibits MPWMD-DF14 through MPWMD-DF19. We have not received any objections to the admission of these exhibits. Because the Hearing Officers did not expressly provide an opportunity for objection, however, we are notifying the parties that if they have any objection to the Board considering these materials as part of the hearing record, they should do so by close of business Friday, September 19, 2008. Failure to object does amount to a concession that any conclusions in the exhibits are correct and waives any argument as to the weight or persuasiveness of the evidence provided.

If you have any questions you may call me at (916) 341-5435.

Paul Murphey
Hearings Unit
Division of Water Rights