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August 2, 2016

CWFhearing@waterboards.ca.gov

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

**RE:** WaterFix Change Petition, Part 1 - Name of Person Representing  
Antioch during Hearings and Procedural Questions

Dear Hearing Officers and Hearing Staff:

I am sending this letter at the request of SWRCB Staff to notify the SWRCB that the representative for the City of Antioch appearing during Part 1 (DWR/DOI's case-in-chief) will be Matthew Emrick, Special Counsel to Antioch. For the time being, City Assistant Manager, Ron Bernal, will remain as the City's party for service.

I also had a couple procedural questions that I thought could be helpful to put in writing to the Hearing Officers:

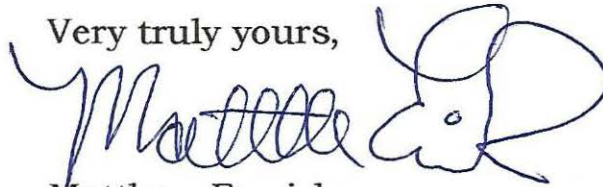
1. Will the protesting parties be allowed to amend their NOIs to add rebuttal witnesses not designated in the original NOI following the conclusion of DWR's/DOI's case-in-chief? Or can such parties call rebuttal witnesses without amending the current NOIs?
2. Will the protesting parties be allowed to amend their NOIs following Part 1 to designate themselves as protestants (as opposed to filing a policy statement) for Part 2 given that the following critical information is not available during Part 1: Final BiOp, Final Project Design, Final Operating Criteria, Final RDEIR/SDEIS, and Final Delta

Flow Criteria? Antioch respectfully believes it would be prejudiced by now participating in Part 1 without having the ability to review and analyze this information. Had the City known this information would not be available until Part 2, the City would have opted to have been a protestant during Part 2 rather than simply giving a policy statement. Perhaps the best way to handle this issue would be to allow all parties participating in Part 1 to: a) participate in Part 2 without the need to file amended NOIs; and, b) provide additional testimony as to "injury" during Part 2.

3. Are the above issues best raised by way of formal motion from the City?

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Matthew Emrick". The signature is stylized and cursive, with a large, looped initial "M" and a distinct "E" at the end.

Matthew Emrick

Special Counsel to the City of Antioch

**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):

**Antioch - August 2, 2016 Letter to Hearing Officers regarding procedural issues for hearing**

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 Aug. 3, 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](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:**

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:

**Method of Service:** \_\_\_\_\_

I certify that the foregoing is true and correct and that this document was executed on 8/3/16  
Date

Signature: 

Name: Jessica Decker

Title: Assistant to Matthew Emrick

Party/Affiliation: Antioch

Address: 6520 Lonetree Blvd., #1009

Rocklin, CA 95765