



Friends of the River
1418 20th Street, Suite 100
Sacramento, CA 95814

November 14, 2017

Via Email

Tam Doduc, Hearing Officer
Felicia Marcus, Hearing Officer
State Water Resources Control Board
1001 I Street
Sacramento, CA 94596
CWFhearing@waterboards.ca.gov

Re: Request for Modification of November 8, 2017 Ruling in Water Fix Water Rights Change Petition Hearing Part 2, to allow written objections to written testimony

Dear Hearing Officers Doduc and Marcus:

Protestants AquAlliance, California Sportfishing Protection Alliance, California Water Impact Network, Environmental Justice Coalition for Water, Environmental Water Caucus, Friends of the River, Restore the Delta, and Sierra Club California respectfully request a modification to the November 8, 2017, Ruling on Matters Raised During the October 19, 2017 Pre-Hearing Conference. That Ruling includes the following provision (at pp. 3-4):

5. Evidentiary Objections

We have directed the parties not to file evidentiary objections to the admissibility of testimony before the hearing resumes for presentation of Part 2 cases-in-chief. ***We further direct that all objections to the admissibility of evidence be made orally during the hearing before or at the time the evidence is offered into the record.*** We may allow the submission of written motions at the request of the moving party if we determine that a written motion would assist us in ruling on the issue. If a written motion is permitted, written responses will also be allowed. Evidentiary objections that go to the weight of the evidence, including hearsay objections, should be reserved for closing briefs. (Emphasis added).

The portion of the Ruling requiring that all objections “be made orally during the hearing before or at the time the evidence is offered into the record” is prejudicial particularly to public interest protestants. Many public interest protestants lack the financial and other resources to have legal counsel present throughout the entire duration of the hearing. These organizations can, however, make their best efforts to scrape together the resources to have legal counsel review the written testimony which must be filed by noon on November 30, 2017, and prepare written objections to objectionable portions of the written testimonies. That would only require a small fraction of the time and money necessary to have legal counsel present throughout the Hearing.

These protestants therefore respectfully request that the Board modify the November 8, 2017 Ruling, to allow parties to submit written objections to written testimony. Based upon the scheduled commencement date of January 18, 2018 for Part 2 of the Water Fix Hearing, these protestants request that parties be allowed to file written objections to written testimony on or before noon, January 11, 2018.

Sincerely,



E. Robert Wright, Senior Counsel
Friends of the River



Bill Jennings, Executive Director
California Sportfishing Protection Alliance



Barbara Barrigan-Parrilla, Executive Director
Restore the Delta



Conner Everts, Facilitator
Environmental Water Caucus



Kyle Jones, Policy Advocate
Sierra Club, California



Colin Bailey, Executive Director
Environmental Justice Coalition for Water



Carolee Krieger, Executive Director
California Water Impact Network



Barbara Vlamis, Executive Director
AquAlliance