



400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T | 916.321.4500
F | 916.321.4555

Rebecca R. Akroyd
rakroyd@kmtg.com

January 8, 2016

VIA ELECTRONIC MAIL ONLY

Hearing Officer Frances Spivy-Weber
Hearing Officer Tam Doduc
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Nicole.Kuenzi@waterboards.ca.gov
Ernie.Mona@waterboards.ca.gov
Jane.Farwell-Jensen@waterboards.ca.gov

Re: Rescheduled Hearings and Document Submittal Deadlines for The West Side Irrigation District and Byron-Bethany Irrigation District Proceedings

Dear Hearing Officers:

On December 16, 2015, Hearing Officers Frances Spivy-Weber and Tam Doduc issued a Procedural Ruling regarding The West Side Irrigation District draft cease and desist order hearing (Enforcement Action ENF01949) (WSID CDO Hearing) and the Byron-Bethany Irrigation District administrative civil liability complaint hearing (Enforcement Action ENF 01951) (BBID ACL Hearing).

The December 16 ruling included the following table with the rescheduled hearing dates and document submittal deadlines for both proceedings:

WSID CDO and BBID ACL Hearings Rescheduled Hearings and Document Submittal Deadlines	
Noon, Tuesday, January 19, 2016	Deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service.
Noon, Monday, January 25, 2016	Deadline for receipt and service of: 1. Motions to dismiss and/or motions for summary judgment. 2. Pre-hearing briefing of legal issues. (BBID ACL Hearing Only)
Monday, February 8, 2016	2 nd Pre-Hearing Conference: Phase 1, Phase 2-BBID, and Phase 2-WSID.
Noon, Monday, February 22, 2016	Deadline for receipt and service of: 1. Proposed written rebuttal testimony, exhibits, list of exhibits, qualifications, and statements of service. 2. Responsive briefing of legal issues and motions. (BBID ACL Hearing Only)

Hearing Officer Frances Spivy-Weber
Hearing Officer Tam Doduc
January 8, 2016
Page 2

Noon, Monday, February 29, 2016	Deadline for receipt and service of: 1. Written opening statements. 2. Motions in limine.
Noon, Friday, March 4, 2016	Deadline for receipt of opposition to motions in limine.
March 21, 22, 23, 24, 25, 28, 29, 30, 2016 April 1, 4 and 6, 2016	Phase 1 Hearing (Water Availability) and Phase 2 Hearing (Remaining Key Issues of Enforcement Actions).

The undersigned parties to the WSID and BBID proceedings request clarification regarding the deadlines for and contents of (1) motions to dismiss and/or motions for summary judgment; (2) pre-hearing briefing of legal issues; and (3) written opening statements.


The table creates confusion regarding the January 25, 2016 deadline for “Pre-hearing briefing of legal issues” in the BBID ACL Hearing only. The undersigned believe the schedule should be revised to clarify that the January 25 deadline for pre-hearing briefing of legal issues applies in both the BBID ACL and the WSID CDO proceedings. In the November 10, 2015 Notice of Rescheduled Hearing for the WSID CDO Hearing, WSID Hearing Officer Frances Spivy-Weber outlined a schedule that listed separate deadlines for: (1) written policy and opening statements, and (2) opening briefs and any pre-hearing motions. In the pre-hearing conference it was clear that the “opening briefs” were to be legal briefs. Thus, “pre-hearing briefing of legal issues” should not be limited to the parties to the BBID ACL Hearing only; parties in both cases should be entitled to submit pre-hearing legal briefs on January 25, 2016.


In addition, the parties request clarification regarding the difference between “pre-hearing briefing of legal issues” and “written opening statements” and the contents, page limits, and format of each.

Accordingly, we respectfully request clarification of the Document Submittal Deadlines for both the WSID and BBID proceedings.

Regards,


Rebecca Akroyd
Attorney for
Westlands Water District

 for
Stefanie Morris
Attorney for
State Water Contractors


Jeanne Zolezzi
Attorney for The
West Side Irrigation District

 for
Dan Kelly
Attorney for
Byron-Bethany Irrigation District




Hearing Officer Frances Spivy-Weber
Hearing Officer Tam Doduc
January 8, 2016
Page 3



Dean Ruiz
Attorney for
South Delta Water Agency



Jennifer Spaletta
Attorney for
Central Delta Water Agency



Tim O'Laughlin
Attorney for
San Joaquin Tributaries Authority



Jonathan Knapp
Attorney for
City and County of San Francisco

