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VIA ELECTRONIC MAIL ONLY

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Ms. Frances Spivy-Weber
Hearing Officer , WSID CDO Matter
State Water Resources Control Board

Re. WSID CDO Submittal Deadlines and Hearing Date

This correspondence is submitted on behalf of the South Delta Water Agency and the Central Delta Water Agency, the ("Delta Agencies"). The Delta Agencies herein respond to Mr. Mona's request for recommendations with regard to deadlines for: (1) receipt and service of proposed Case-in-Chief, including testimony, exhibits, lists of exhibits, qualifications, and statements of service and (2) receipt and service of Rebuttal testimony, exhibits, list of exhibits, qualifications and statement of service.

The Delta Agencies are aware the Prosecution Team proposes December 9, 2015 and January 6, 2016 for the two deadlines described above. The Delta Agencies are also aware that the Prosecution Team additionally proposes, "That opening briefs be due with the case in chief deadline, rebuttal briefs be due with the rebuttal deadline, and any pre-hearing legal motions be due no later than January 4, at noon, with opposition due no later than January 8' at noon." The Delta Agencies cannot agree to these dates for the following reasons: (1) We still have not been able to schedule several of the necessary depositions, (2) Even if the depositions are scheduled soon, we do know when they will be concluded, (3) We have not received all of the documents promised relative to the Public Records Act requests made by BBID and WSID and we cannot fully prepare for or commence the depositions until the documents are received and we have adequate opportunity to review same with our experts, (4) The critical time lines currently fall within the Thanksgiving, Christmas, and New Year's holidays which presents significant constraints on our experts, (5) The complexity of the issues and analyses in this proceeding are significant and unlike "typical" enforcement actions. Expert analysis of the documents thus provided, unfortunately, raise more questions than provide answers and cannot be fully evaluated without receipt of all the documents requested and promised pursuant to the PRAs.

Moreover, the Delta Agencies are unaware of what the Prosecution Team means with respect to opening and rebuttal briefs. The Delta Agencies propose the following:

- Case-in-Chief – 20 business days after (1) completion of all requested depositions and (2) full production of public records act requests.
- Rebuttal – 20 business days after submittal of cases-in-chief.
- Pre-hearing legal briefs – five days before the hearing.
- Pre-hearing motions – 20 days before the hearing; oppositions to same 10 days before the hearing; reply briefs five days before the hearing.

As much as WSID wants to conclude this matter it simply cannot adequately prepare its case in chief and proceed with the hearing if it remains set for January of 2016. The delays have not been the fault of WSID. WSID will be severely prejudiced if the hearing is not rescheduled to allow it adequate time to prepare its case. The scheduling difficulties appear to be largely driven by the Board' desire to conduct the WSID hearing prior to the BBID hearing. This is self-imposed and artificial constraint. The Delta Agencies request that the WSID hearing be rescheduled to no earlier than March of 2016. One option to accomplish this is for the WSID hearing to commence on March 21, 2016 and reschedule the BBID matter for April. If agreement cannot be reached to reschedule WSID hearing forthwith, the Delta Agencies will be left with no choice but to file a motion to continue, or in the alternative, to dismiss.

Very Truly Yours,

HARRIS, PERISHO & RUIZ

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SDR/bs
CC: Service List