State Water Resources Control Board

Winston H. Hickox
Secretary for Environmental Protection

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5363
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: http://www.waterrights.ca.gov

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov.

NOTICE OF PUBLIC HEARING

AMENDMENT TO LONG-TERM TRANSFER PETITION

AND PRE-HEARING CONFERENCE

A Public Hearing will be held on the Amended Joint Petition of the Imperial Irrigation District and the San Diego County Water Authority for Approval of a Long-Term Transfer of Conserved Water Pursuant to an Agreement between IID and SDCWA, and Approval of Changes in Point of Diversion, Place of Use, and Purpose of Use under Permit No. 7643 (Application 7482).

On December 11, 2001, IID filed an Amendment to Its Petition, Requesting Approval of a Long-Term Transfer of Conserved Water to Coachella Valley Water District and Metropolitan Water District.

A Pre-hearing Status Conference will commence on January 23, 2002 at– 9:00 a.m.
at
Joe Serna Jr./Cal EPA Building
Sierra Room – Second Floor
1001 I Street, Sacramento

The Hearing will commence on April 23, 2002 at 10:00 a.m.*
and continue if necessary on April 24 at 9:00 a.m.,
April 29 at 10:00 a.m., April 30 at 9:00 a.m., and May 1 at 9:00 a.m.
at
Joe Serna Jr./Cal EPA Building
Sierra Room – Second Floor
1001 I Street, Sacramento

* Non-evidentiary policy statements will be heard beginning at 10:00 a.m., on April 23, 2002.

SUBJECT OF THE HEARING

This hearing is being held to receive evidence that will assist the State Water Resources Control Board (SWRCB) in determining whether to approve the joint petition of the Imperial Irrigation District (IID) and the San Diego County Water Authority (SDCWA) for approval of a long-term transfer of conserved water from IID to SDCWA pursuant to an agreement between IID and SDCWA. The petitioners also seek approval of a long-term transfer of

conserved water from IID to Coachella Valley Water District (CVWD) and Metropolitan Water District of Southern California (MWD).

DESCRIPTION OF AMENDED PETITION

The petition seeks approval of changes in the authorized point of diversion, place of use, and purpose of use of water diverted from the Colorado River under Permit Number 7643 (Application Number 7482). If the petition is approved, Lake Havasu would be added as an authorized point of diversion, SDCWA's service area would be added to the authorized place of use, and municipal use would be added as an authorized purpose of use.

Originally, the petition sought approval of a transfer of up to 300,000 acre-feet per annum (afa) to SDCWA. On December 11, 2001, IID and SDCWA filed an amendment to the petition, which reduces the amount of water proposed to be transferred to SDCWA by 100,000 afa, and instead seeks approval of a long-term transfer of 100,000 afa to CVWD and MWD. If the petition is approved, the authorized place of use would be expanded to include the service areas of CVWD, Improvement District Number 1, and MWD. If the water is transferred to CVWD, the authorized point of diversion, Imperial Dam, would remain the same and the purpose of use would not change. If the water is transferred to MWD, the point of diversion would be at Lake Havasu (MWD's point of diversion), and the purpose of use would be changed to primarily municipal use. A map depicting the proposed new point of diversion and places of use is attached. The transfer is for a term of 45 years with an optional 30-year renewal period, for a total of 75 years.

The petition also requests that the SWRCB make certain findings regarding IID's water rights and proposed water conservation program that are not required in order to approve the proposed long-term transfer.

This notice waives any requirement that persons objecting to the amended petition for change file a protest in order to participate as a party in this proceeding regarding the petition for change. Parties who did not protest the petition, but who object to the amended petition, will be allowed to participate in the hearing provided they comply with instructions described below under "HEARING PARTICIPATION." Any person wishing to address the question of whether the amended petition should be approved, including existing protestants, must participate in this hearing in accordance with this notice. Participation may involve, as the participant deems appropriate, the presentation of a policy statement by a non-party or the presentation of legal arguments and/or evidence by a party.

PRE-HEARING CONFERENCE

The hearing officer will conduct a pre-hearing status conference to discuss the scope of the hearing, the status of protests to the petition, and any other appropriate procedural issues on Wednesday, January 23, 2002 at 9:00 am. The goal of the pre-hearing conference is to ensure that the hearing proceeds in an orderly and expeditious manner. The Board will not discuss the merits of the specific issues raised in the amended joint petition. Following the pre-hearing conference, the SWRCB may in its discretion modify this notice in whole or in part. All parties to the hearing are encouraged to attend the pre-hearing conference.

BACKGROUND

The "Law of the River," a complex body of statutes, decrees, and court decisions, allocates the waters of the Colorado River among the seven Colorado River basin states. California's basic allocation from the Colorado River is 4,400,000 acre-feet per year. California's Colorado River water users have developed a priority system for apportioning California's allocation of Colorado River water. This priority system, referred to as the "Seven Party Agreement," has subsequently been incorporated into water right permits issued by the SWRCB to some of the parties, including IID's Permit No. 7643. Under this priority system, California's baseline apportionment of 4,400,000 acre feet of Colorado River water annually supplies only the first four priorities. When the Secretary of the Department of the Interior declares there is surplus water available, diversions in excess of 4,400,000 acre feet are allocated to the remaining priorities in accordance with the priority system and other agreements.

Under the terms of the Seven Party Agreement, California's baseline apportionment of 4,400,000 acre feet per year is divided between four California agricultural water districts (Palo Verde Irrigation District, Yuma Project, IID, and CVWD) and one municipal water supplier, MWD. 3,850,000 afa of California's baseline apportionment is allocated to the four agricultural water districts, and the remaining 550,000 afa is allocated to MWD. The Seven Party Agreement contains the following apportionments and priorities:

Priority	Description	Acre-feet per year
1	Palo Verde Irrigation District gross area of 104,500 acres	3,850,000
2	Yuma Project not exceeding a gross area of 25,000 acres	
3(a)	IID and lands in Imperial and Coachella Valleys to be served by the All-American Canal	
3(b)	Palo Verde Irrigation District 16,000 acres of mesa lands	
4	MWD and/or the City of Los Angeles and/or others on the coastal plain	550,000
5(a)	MWD and/or the City of Los Angeles and/or others on the coastal plain	550,000
5(b)	City and/or County of San Diego	112,000
6(a)	IID and lands in Imperial and Coachella Valleys	300,000
6(b)	Palo Verde Irrigation District 16,000 of mesa lands	
7	Agricultural Use	All remaining water

The Seven Party Agreement does not specify the relative proportion of the 3,850,000 acre foot baseline allocation to which each of the four agricultural water districts is entitled. California's Colorado River water users have been working to reach agreement on the quantification of the agricultural entitlements. Negotiations are ongoing.

Currently, California diverts approximately 5,200,000 acre feet per year, approximately 800,000 acre feet per year more than the basic apportionment. In response to concerns of the other Colorado River basin states and the Federal government, California's Colorado River water users, working through the Colorado River Board of California, have been developing a plan to reduce California's diversions to the baseline allocation. The transfer of conserved water from IID to the Authority is an important part of that plan.

The IID, the Authority, CVWD and MWD have indicated their intent to enter into an agreement, referred to as the "Quantification Settlement Agreement," (Agreement) which among other things settles disputes among the parties as to the priority, use and transfer of Colorado River water and establishes terms for the transfer of water for up to 75 years. The draft agreement can be found at: http://www.cvwd.org/Public_Docs/Quantification_Settlement_Agreement.pdf.

The SWRCB provided notice of the petition on October 15, 1998. The petition was protested and protests by CVWD, MWD, Coastal Municipal Water District, Central Basin Municipal Water District and West Basin Municipal Water District, Municipal Water District of Orange County, the City of Los Angeles, the Colorado River Indian Tribes, County of Imperial, Riverside County Farm Bureau, William DuBois, and Larry Gilbert remain unresolved.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY CONTROL ACT (CEQA)

IID is the lead agency for this project under the CEQA. The SWRCB has been informed that IID and the U.S. Bureau of Reclamation (USBR), as lead agency under the National Environmental Policy Act, will issue a joint draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on January 11, 2002 to address the environmental effects of the proposed transfer. If IID and the USBR issue the draft EIS/EIR substantially later than January 11, 2002, the SWRCB will postpone the hearing pending the release of the draft EIS/EIR. Should that occur, all parties who have filed a notice of intent to appear at this hearing will be notified of any changed requirements regarding participation in this hearing, including any revised submittal dates. The SWRCB will hold the hearing record open for the submittal of the final EIS/EIR for this project and will provide parties with an opportunity to object to the final EIS/EIR being accepted into the record. If necessary, the SWRCB will set future additional hearing dates to allow for testimony and cross-examination by parties regarding the final EIS/EIR.

RELEVANT STATUTORY PROVISIONS

Pursuant to Water Code section 1011, subdivision (b), water, or the right to the use of water, the use of which has ceased or been reduced due to conservation, may be transferred pursuant to any provision of law relating to transfers. Long-term transfers may be made pursuant to Water Code sections 1735 et seq.

PREVIOUS SWRCB DECISIONS REGARDING IID'S WATER USE

Previously, the SWRCB held a hearing on the alleged waste and unreasonable use of water by IID. The SWRCB adopted Decision 1600 on June 21, 1984 directing IID to take certain actions to increase water conservation and avoid misuse of water in violation of article X, section 2 of the California Constitution. Subsequently, the SWRCB held hearings in 1997 and 1998 regarding various aspects of IID's conservation efforts. The hearings resulted in the SWRCB's adoption of Order WR 88-20. This order directed IID to submit a plan for implementing conservation measures to conserve at least 100,000 afa, and take other actions relating to this conservation effort. In accordance with these requirements, in 1988 IID entered into a conservation agreement with MWD, whereby, in exchange for funding to

support IID's conservation efforts, MWD would acquire approximately 100,000 afa of conserved water.

KEY ISSUES

1. Is the amount of water that is proposed to be transferred water that will be conserved in accordance with Water Code section 1011?

2. Would the proposed transfer result in substantial injury to any legal user of water? (Wat. Code, § 1736.) The petitioners initially are responsible for showing that there will not be substantial injury to any legal user of water. If the petitioners make such a showing, however, and a party objects to the petitioned changes based on injury to existing water rights, the party claiming injury must present evidence demonstrating the specific injury to the existing water right that would result from approval of the transfer. In addition, the party claiming injury must present evidence that describes the basis of the allegedly injured party's claim of water right, the date the water use began, the quantity of water use during each relevant period of the year, the purpose of use, and the specific place of use.

3. Would the petitioned changes unreasonably affect fish, wildlife, or other instream beneficial uses of water? (Wat. Code, § 1736.) The petitioners initially are responsible for showing that there will be no unreasonable effect on fish, wildlife, or other instream beneficial uses of water. If the petitioners make such a showing, however, and a party objects to the transfer based on the claim that the transfer will unreasonably affect fish, wildlife, or other instream beneficial uses, the party must present evidence supporting the claim.

4. Should the SWRCB make any additional findings concerning the transfer, IID's water rights, or IID's water conservation program, as requested by petitioners? Specifically, should the SWRCB make any of the following findings?

   a. California law, including Water Code sections 1011, 1012 and 1013, applies to and governs IID's transfer of conserved water to SDCWA, and IID's water rights are unaffected by IID's transfer of conserved water;

   b. The conserved water transferred by IID to SDCWA under the agreement between IID and SDCWA (hereafter Agreement) retains the same priority as if the water had been diverted by and used within IID;

   c. The transfer of conserved water by IID to SDCWA under the Agreement is in furtherance of SWRCB Decision 1600; SWRCB Order WR 88-20; article X, section 2 of the California Constitution; and Water Code sections 100 and 109;

   d. The transfer of conserved water by IID to SDCWA under the Agreement further establishes the reasonable and beneficial use of water by IID;

   e. The quantity of conserved water transferred in each year of the Agreement will be verified by the SWRCB confirming that: (1) IID is enforcing the contractual duties and obligations of the contracting landowners within IID to undertake water

conservation efforts; (2) IID has undertaken water conservation efforts, if applicable; and (3) IID's diversions at Imperial Dam (less return flows) have been reduced in an amount at least equal to the quantity of conserved water transferred for each year of the Agreement;

f. IID's reduced diversions at Imperial Dam (less return flows) during the term of the Agreement will be measured by subtracting from 3,100,000 afa the sum of [actual diversions (less return flows) of IID during the applicable year of the Agreement under IID's third priority water right plus the amount of water transferred to MWD under the 1988 agreement between IID and MWD] and disregarding the actual diversions (less return flows) of IID during the applicable year of the Agreement, if any, under IID's sixth or seventh priority water rights; or

g. To assist the U.S. Bureau of Reclamation in the administration of diversions on the Colorado River and to insulate junior right holders from any possible negative impacts during the term of the Agreement, IID will forbear under its third priority water right from diverting (less return flows) in excess of 90 percent of the water available under its sixth and seventh priority water rights.

As indicated above, the SWRCB may in its discretion modify the scope or content of these key hearing issues following the pre-hearing conference.

HEARING PARTICIPATION

IF YOU WANT TO TAKE PART IN THIS HEARING you should carefully read the enclosure entitled "Information Concerning Appearance at Water Right Hearing." As stated in that enclosure, parties intending to present evidence at the hearing must submit a Notice of Intent to Appear, which must be received by the SWRCB on or before **February 25, 2002**.

To facilitate exchange of testimony, exhibits and witness qualifications, on or about **March 1, 2002**, the SWRCB will mail out a list of those parties who have indicated an intent to participate in the hearing.

Copies of witnesses' proposed testimony, exhibits, list of exhibits, and qualifications must be served upon and received by the SWRCB and each of the parties who have indicated their intent to appear no later than **March 25, 2002**.

PARKING AND ACCESSIBILITY

The enclosed maps show the location of the Joe Serna Jr./Cal EPA Building and public parking sites in Sacramento. The Joe Serna Jr./Cal EPA Building Sierra Room is accessible to persons with disabilities.

IF YOU HAVE ANY QUESTIONS

SWRCB Chairman Arthur G. Baggett, Jr. will be the hearing officer presiding over this proceeding. SWRCB hearing team members will be Dana Differding, Staff Counsel, Tom Peltier, Senior Engineering Geologist, and Andy Fecko, Environmental Scientist. During the pendency of this proceeding, commencing no later than the issuance of this notice, there will

be no *ex parte* communications between SWRCB members or SWRCB staff and any of the participants regarding substantive issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding noncontroversial procedural matters are permissible, and may be directed to either the hearing officer or staff counsel. (Gov. Code, § 11430.20, subd. (b).) Communications regarding routine, noncontroversial procedural matters should be directed to staff counsel. Ms. Differding may be reached at (916) 341-5188.

ORIGINAL SIGNED BY:

Maureen Marché
Clerk to the Board

Enclosure

Date: December 20, 2001

TP:llv 12/19/01
u:\herdrv\tp\IID Notice

Enclosure 1

INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS

The following procedural requirements will apply and will be strictly enforced for purposes of the above-mentioned hearing.

1. **HEARING PROCEDURES GENERALLY**: The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-649.6 and 760, as they currently exist or may be amended. A copy of the current regulations, and the underlying statutes, governing adjudicative proceedings before the State Water Resources Control Board (SWRCB) is available upon request or may be viewed at the SWRCB's web site: http://www.swrcb.ca.gov/water_laws/.

   Each party has the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross examination. The hearing officer may extend these rights to a non-party participant or may limit the participation of a non-party participant.

   Any requests for exceptions to the procedural requirements specified in this notice shall be filed in writing. To provide time for other participants to respond, the hearing officer will rule on procedural requests filed in writing no sooner than fifteen days after receiving the request, unless an earlier ruling is necessary to avoid disrupting the hearing.

2. **PARTIES**: The parties are the petitioners and persons or entities who have filed unresolved protests or objections, and any other persons or entities authorized by the hearing officer to participate in the hearing as parties. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence. A person or entity who appears and presents only a policy statement will not be allowed to participate in other parts of the hearing. The rules for policy statements are discussed below.

3. **NOTICE OF INTENT TO APPEAR**: Participants in this hearing must file a Notice of Intent to Appear and twelve copies thereof which must be received by the SWRCB no later than **4:00 p.m. on February 25, 2002.** Failure to submit a Notice of Intent to Appear and exhibits in a timely manner may be interpreted by the SWRCB as intent not to appear.

   The Notice of Intent to Appear must state the name and address of the participant; the name of each witness who will testify on the participant's behalf; a brief description of the proposed testimony; and an estimate of the time, not to exceed 20 minutes, that the witness will take to present a brief oral summary of the witness's testimony. The witness's testimony must be submitted in writing as described in section 4 below. Participants who do not intend to present a case in chief but who may wish to cross

examine witnesses or present rebuttal should so indicate on the Notice of Intent to Appear. Participants who decide not to present a case in chief after having submitted a Notice of Intent to Appear should notify the SWRCB and the other participants as soon as possible.

Following receipt of the Notices of Intent to Appear, the SWRCB will mail to each participant who has submitted a notice a service list of participants. No later than **March 8, 2002**, each participant shall serve a copy of its Notice of Intent to Appear on each of the participants identified on the service list along with a statement of service that indicates the manner of service. If there is any change in the hearing schedule, only those persons or entities who have filed a Notice of Intent to Appear will be informed of the change.

4. **WRITTEN TESTIMONY AND OTHER EXHIBITS**: Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each participant proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.[1] Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A participant who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

   Each participant shall submit **twelve** copies of each of its exhibits to the SWRCB and serve a copy of each exhibit and index on every participant on the service list. With its exhibits, each participant must submit to the SWRCB and serve on the other participants a completed Exhibit Identification Index. A statement of service with manner of service indicated shall be filed with each participant's exhibits. The exhibits and indexes for this hearing, and a statement of service, must be **received** by the SWRCB by **4:00 p.m. on March 25, 2002** and served on the other participants on or before that date.

   If possible, each participant should submit to the SWRCB and serve on the other participants an electronic copy, as well as a hard copy, of the Exhibit Identification Index. The electronic copy should be submitted on a disk or as an attachment to electronic mail sent to WrHearing@waterrights.swrcb.ca.gov, with the subject heading of "IID/SDCWA PETITION." The electronic copy must be in a version supported by Microsoft Excel 97 (preferred) or Word 97. The SWRCB will post a list of all exhibits submitted for the hearing on its website at http://www.waterrights.ca.gov/hearings.

   The following requirements apply to exhibits:
   a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.
   b. The hearing officer has discretion to receive in evidence by reference relevant, otherwise admissible, public records of the SWRCB and documents or other evidence that have been prepared and published by a public agency, provided

[1] The hearing officer may make an exception to this rule if the witness is adverse to the participant presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officer may allow presentation of the oral direct testimony without requiring written testimony.

that the original or a copy was in the possession of the SWRCB before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A participant offering an exhibit by reference shall advise the other participants and the SWRCB of the titles of the documents, the particular portions, including page and paragraph numbers, on which the participant relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the SWRCB's files where the document may be found.

c. A participant seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other participants prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a participant waives the opportunity to obtain a copy of the exhibit, the participant sponsoring the exhibit will not be required to provide a copy to the waiving participant. Additionally, such exhibits may be submitted to the SWRCB in electronic form, using a file format readable by Microsoft Office 97 software.

d. Exhibits that rely on unpublished technical documents will be excluded unless the unpublished technical documents are admitted as exhibits.

5. **ORDER OF PROCEEDING**: The SWRCB member serving as hearing officer will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events.

a. **Policy Statements**: Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (d), the SWRCB will provide an opportunity for presentation of nonevidentiary policy statements or comments by interested persons who are not participating in the hearing. Policy statements will be heard at 10:00 a.m., on April 23, 2002. Policy statements are subject to the following provisions in addition to the regulation:

i. Policy statements are not subject to the prehearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.

ii. The SWRCB requests that policy statements be provided in writing before they are presented. Oral summaries of the policy statements will be limited to five minutes or such other time as established by the hearing officer.

b. **Presentation Of Cases In Chief**: Each participant may present a case in chief addressing the key issues identified in the hearing notice. The case in chief will consist of any opening statement provided by the participant, oral testimony, introduction of exhibits, and cross examination of the participant's witnesses. The hearing officer may allow redirect examination and recross examination. The hearing officer will decide whether to accept the participant's exhibits in evidence upon a motion of the participant after the case in chief has been completed.

i. **Opening Statements**: At the beginning of a case in chief, the participant or the participant's attorney may make an opening statement briefly and concisely stating the objectives of the case in chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues. Oral opening statements will be limited to 20

minutes per participant. A participant may submit a written opening statement. Any policy-oriented statements by a participant should be included in the participant's opening statement.

ii. **Oral Testimony**: All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses will be allowed up to 20 minutes to summarize or emphasize their written testimony on direct examination.[2] Each participant will be allowed up to two hours total to present all of its direct testimony.[3]

iii. **Cross Examination**: Cross examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, the hearing officer will decide whether the participant's witnesses will be cross examined as a panel. Cross examiners initially will be limited to one hour per witness or panel of witnesses. The hearing officer has discretion to allow additional time for cross examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross examination permitted by the hearing officer will be limited to the scope of the cross examination and the redirect examination, respectively. Witnesses may be cross examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (a).) Ordinarily, only a participant or the participant's representative will be permitted to examine a witness, but the hearing officer may allow a participant to designate a person technically qualified in the subject being considered to examine a witness. SWRCB members and the SWRCB's counsel may ask questions at any time, and the SWRCB members and staff may cross examine any witness.

c. **Rebuttal**: After all participants have presented their cases in chief and their witnesses have been cross-examined, the hearing officer will allow participants to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented in another participants case in chief. Rebuttal testimony and exhibits need not be submitted prior to the hearing. Rebuttal evidence is limited to evidence that is responsive to evidence presented in a case in chief, and it does not include evidence that should have been presented during the presenter's case in chief. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.

d. **Closing Statements and Legal Arguments**: At the close of the hearing or at other times if appropriate, the hearing officer may allow oral arguments or set a schedule for filing briefs or closing statements. If the hearing officer authorizes the participants to file briefs, twelve copies of each brief shall be submitted to the SWRCB, and one copy shall be served on each of the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the

[2] The hearing officer may allow additional time for the oral direct testimony of the witness if the witness is adverse to the participant presenting the testimony and the hearing officer is satisfied that the participant could not produce written direct testimony for the witness.

[3] The hearing officer may, for good cause, approve a party's request to use more than two hours total to present direct testimony during the party's case in chief.

subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.

e. **Large Format Exhibits**: Participants submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, participants may supply, for the hearing record, a reduced copy of a large format original if it is readable.

6. **RULES OF EVIDENCE:** Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

7. **SUBMITTALS TO THE SWRCB:** Notices of Intent to Appear, written testimony and other exhibits submitted to the SWRCB should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000
Attn: Tom Peltier
Phone: (916) 341-5353
Fax: (916) 341-5400
Email: WrHearing@waterrights.swrcb.ca.gov
With Subject of "IID/SDCWA Petition"

Exhibit Identification Index

Participant__SWRCB Staff Exhibits_____

Exhibit No.	Description	Status as Evidence	
		Introduced	Accepted
SWRCB 1	SWRCB Files for Application No. 7482 including but not limited to:		
SWRCB 1a	Permit No. 7643		
SWRCB 1b	Joint Petition of IID and SDCWA for Change In Point of Diversion and Place of Use		
SWRCB 1c	First Amendment to the Joint Petition of IID and SDCWA		
SWRCB 1d	Second Amendment to the Joint Petition of IID and SDCWA		
SWRCB 2	SWRCB Decision 1600		
SWRCB 2a	SWRCB Order 84-12		
SWRCB 2b	SWRCB Order WR 88-20		
SWRCB 2c	IID Water Conservation Progress Reports submitted between June 20, 1989 and December 19, 2001		
SWRCB 2d	IID Water Conservation Plan, dated 1985		
SWRCB 2e	Rules and Regulations Governing the Distribution and Use of Water, Imperial Irrigation District, dated September 8, 1987 [The items listed under SWRCB Staff Exhibit 2, et seq. are contained in the SWRCB Complaint File: 262.0/13-02 Salton Sea – Imperial Irrigation District]		
SWRCB 3	Record of Decision on Colorado River Interim Surplus Guidelines Final Environmental Impact Statement and Supporting FEIS Documents, January 2001		
SWRCB 4	Quantification Settlement Agreement (Draft, December 12, 2000)		
SWRCB 5	Seven-Party Water Agreement of August 18, 1931		
SWRCB 6	California's Colorado River Water Use Plan (Draft - May 11, 2000)		
SWRCB 7	The Status of Rare, Threatened, and Endangered Animals and Plants of California, Annual Report for 2000. CDFG Publication.		

Exhibit Identification Index

Participant_____

Exhibit No.	**Description**	**Status as Evidence**	
		Introduced	Accepted

NOTICE OF INTENT TO APPEAR

_____plans to participate in the water right hearing
(name of party or participant)

regarding:

Joint Petition of IID and SDCWA for the
Transfer of Conserved Water under Permit No. 7643

Scheduled for
April 23, 2002 and, if necessary
April 24, 29, 30, and May 1

I/we plan to call the following witnesses to testify at the hearing:

NAME	**SUBJECT OF PROPOSED TESTIMONY**	**ESTIMATED LENGTH OF DIRECT TESTIMONY**	**EXPERT WITNESS YES/NO**

(If more space is required, please add additional pages or use reverse side.)

Dated:_____

_____
Signature

_____
Mailing Address

_____
Phone Number

_____
Fax Number

_____
E-mail Address