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**Subject:** Request for Extension of the Deadline to File Objections Until September 21, 2016  
**Date:** Wednesday, September 07, 2016 2:30:47 PM

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Dear Hearing Officers Doduc and Marcus,

The Department of Water Resources requests that the deadline established in the Second Revised Notice of May 11, 2016 for receipt of any written procedural/evidentiary objections from parties to the hearing concerning Part 1B parties' cases in chief, currently set for September 15, 2016, be extended to September 21, 2016 for all parties.

On the morning of September 1, the initial September 1, 2016 deadline for receipt and service of cases in chief for all parties other than the Petitioners was extended to September 2, 2016, just prior to the Labor Day holiday weekend. The extension left unchanged the September 15, 2016 deadline for filing objections. It is the understanding of the Department that this deadline applies only to, "any motions to disqualify any... witnesses, or to exclude a witness' testimony, in whole or in part," which is a revision in the June 10, 2016 ruling.

This extension, practically speaking, reduced by a number of days the opportunity for substantive review of the incoming cases in chief. Rather than allow for sufficient time to download and catalog the materials prior to the holiday weekend, the extension to Friday at noon resulted in completion of the receipt of materials on Tuesday, September 6, 2016.

The materials made available on Friday suffered from the parties' failure to appropriately attribute/designate to whom, and to what extent, materials submitted jointly are attributable. This uncertainty regarding attribution arises because some comingled exhibits submitted during cross-examination are on behalf of groups not designated as parties, or are apparently submitted by one party on behalf of another party or group of parties. These joint materials, however, were not submitted as part of each individual party relying upon them. Thus, the

lack of clarity and cross-referencing by the parties in their materials simply adds to the task of discerning if parties have sufficient information to support the appearance of witnesses or testimony.

Furthermore, a brief sampling of the materials submitted reveals extensive material that strays well beyond the scope of the noticed hearing or the matters brought before the Hearing Officers during cross-examination, and thus will require significant effort to fully address.

Previously, in recognition of the significant task of reviewing and objecting to witnesses and testimony the Hearing Officers granted a 27-day extension for the deadline to file objections to the Petitioners' case-in-chief, which consisted of 133 pages and 8 witnesses (920MB). The materials made available late Friday were far lengthier (5.25GB) and consist of many more witnesses. In addition, for Part 1A the Hearing Officers felt a 14 day gap between receipt of objections and the hearing was sufficient to respond and rule as necessary. Here, the request for extension allows for 29 days between receipt of the objections and the start of the Part 1B hearing.

The Department, based upon these reasons, believes that the requested extension of the deadline to file objections until September 21 is both reasonably justified and non-prejudicial to the Hearing Officers, other parties, and public.

Thank you for considering this request.

This message is electronically served upon the parties indicated in the revised service list of September 2, 2016. A copy of the submission is being mailed to Clifton Court L.P.

Best regards,  
Tripp Mizell  
Sr. Attorney  
Department of Water Resources