



Hearing Staff Note: Received April 17, 2017

April 14, 2017

**Via email to:**

**CWFhearing@waterboards.ca.gov**

State Water Resources Control Board  
Division of Water Rights  
Attn: California WaterFix Hearing Staff  
P.O. Box 2000  
Sacramento, CA 95812-2000

**Re: Clarification of Proposal for Presentation of Petitioners' Rebuttal Witnesses and Request for Additional Presentation Time and Structure**

Dear Hearing Chair Doduc and Hearing Officer Marcus:

This letter responds to your April 13, 2017 Order that, in part, responded to the joint Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation) (jointly Petitioners) letter that responded to the Hearing Officers' prior April 7, 2017 order to describe "how the petitioners propose to organize their witness panels (including) the subject of each panel, which witnesses will compose each panel, and the proposed order of rebuttal witness panels." The April 13 Order stated that, "Petitioners must notify the hearing team and Service by noon, April 19, 2017, if they have any changes to the panels listed in Attachment B," and "each rebuttal witness will be allowed up to 15 minutes to summarize his or her written testimony, subject to extension for good cause."

Petitioners hereby request extensions of witness presentation time for good cause and confirm a panel schedule to assure other parties adequate notice as to witness order.

**Request for Extensions of Witness Presentation Time**

On March 23, Petitioners submitted comprehensive rebuttal to the broad range of material entered into evidence from 44 parties during Part 1B, thoroughly citing to the issues raised by parties. Petitioners believe that to best inform the Hearing Officers of the key issues of their written testimony, witnesses will need more than 15 minutes to orally summarize their evidence. The oral presentations prepared for rebuttal are summaries that focus only on the largest issues submitted in the written testimony. Petitioners' witnesses will be

efficient in presentation and avoid repetition. Therefore, Petitioners believe there is good cause to approve this request of additional time for presentations by the expert witnesses to accommodate the following:

John Bednarski – 1 hour and 30 minutes  
Gwen Buchholtz – 1 hour  
Ron Milligan – 30 minutes  
John Leahigh – 45 minutes  
Armin Munevar – 1 hour and 30 minutes  
Nancy Parker – 40 minutes  
Dr. Parviz Nader-Tehrani – 1 hour and 30 minutes  
Dr. Michael Bryan – 1 hour and 30 minutes  
Douglas Owen – 30 minutes  
Maureen Sergent – 20 minutes  
Joel Kimmelshue – 45 minutes  
Dr. Chris Thornberg – 45 minutes

### **Request for Confirmation of Panel Schedule**

Petitioners remain fully prepared to follow the Board's Order to proceed first and have witnesses available on April 25 as stated in the December 19, 2016 ruling. Petitioners also understand that "it is difficult for parties to prepare for cross-examination of witnesses without knowing the order of testimony in advance" and appreciate the Hearing Officers' reminder of this fact.

Petitioners' witnesses include experts who have roles of critical importance in running statewide infrastructure projects, are involved in responding to emergencies that can impact the health and safety of thousands, or are attempting to arrange for transportation from areas outside of this region. Petitioners request the Hearing Officers schedule dates for each Panel or witness that will mark the earliest date on which they may be called.

Petitioners propose the following dates for the witnesses based upon information in the April 13 Order that the cross-examination can take up to 1 hour per witness or panel per party, and that cross-examination will take place in the same sequence as Part 1. Thus, there is a presumption of a total of 23 hours (roughly 3 hearing days) per witness or panel not accounting for any requests to extend the 1 hour limit on cross-examination. Petitioners also anticipate that there will be requests for additional time for cross-examination. Therefore, consistent with the Board's rulings and hearing practice and allowing for the anticipated length of cross examination, Petitioners propose the following schedule of witness presentation to provide other parties the ability to adequately prepare for cross-examination.

- A. Panel 1 – Engineering and Groundwater to present no earlier than April 25
- B. Ron Milligan – CVP Operations to present no earlier than May 4
- C. Panel 2 – SWP Operations, Modeling, Water Quality and Water Rights & Contracts to present no earlier than May 9

D. Panel 3 – Ag Salinity and Ag Economics to present no earlier than May 19

The Petitioners appreciate your consideration of the above request for additional time and the proposal for presentation of our witnesses.

Sincerely,



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Office of the Chief Counsel  
CA Department of Water Resources



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cc: Board member Dorene D'Adamo  
CA WaterFix Hearing Service List