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7
8 **BEFORE THE**
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

10 **HEARING IN THE MATTER OF CALIFORNIA**
11 **DEPARTMENT OF WATER RESOURCES**
12 **AND UNITED STATES BUREAU OF**
13 **RECLAMATION REQUEST FOR A CHANGE**
14 **IN POINT OF DIVERSION FOR CALIFORNIA**
15 **WATER FIX**

OPPOSITION TO NRDC ET AL.
MOTION FOR SECOND EXTENSION
OF TIME TO FILE WITNESS
TESTIMONY

16
17 The California Department of Water Resources (DWR) opposes the motion for second
18 extension of time to file witness testimony of NRDC et al., requesting until February 23,
19 2018 at 12:00 noon. This request will prejudice Petitioners and all parties. As noted by
20 NRDC, the Hearing Officers already approved a request for Dr. Rosenfield's testimony
21 to be submitted on December 29, 2017, and have agreed to consider accepting the
22 testimony of other parties who have requested short extensions of time. Further
23 extending NRDC's witness Dr. Rosenfield's deadline to February 23, 2018 is well
24 beyond the short extensions previously granted or anticipated from prior requests.

25
26 Importantly, receiving the testimony after the hearing begins will significantly reduce the
27 time Petitioners, and other Parties, have to prepare for cross examination of Dr.
28 Rosenfield. Petitioners are already reviewing testimony and preparing for cross

1 examination and possible rebuttal testimony. This late submission significantly impacts
2 Petitioners ability to adequately prepare.

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4 Furthermore, this additional request also allows Dr. Rosenfield the opportunity to review
5 testimony of other witnesses for over two months, and view the recordings of the
6 Petitioners case-in-chief and portions of cross-examination before he submits his
7 testimony.

8
9 REQUEST

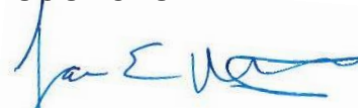
10 For the reasons above, DWR requests that the Hearing Officers deny this motion or in
11 the alternative require that 1) Dr. Rosenfield submit a sworn declaration stating that he
12 will not review testimony or view the hearing recordings or transcripts until after his
13 testimony has been submitted, 2) require that Petitioners and other parties have at least
14 six weeks from the time testimony is submitted before Dr. Rosenfield testifies and is
15 cross examined, and 3) accept the NRDC offer to have Dr. Rosenfield testify after other
16 witnesses. DWR makes this request for any additional amount of time granted by the
17 Hearing Officers beyond the current December 29, 2017 deadline for Dr. Rosenfield.

18
19 CONCLUSION

20 The Hearing Officers should deny the motion given the prejudice to Petitioners and all
21 parties. If the Hearing Officers grant any additional time beyond the current December
22 29th deadline, the above requirements should be included to mitigate for the prejudice
23 caused by NRDC's motion.

24
25 Dated: December 18, 2017

CALIFORNIA DEPARTMENT OF WATER
RESOURCES



James "Tripp" Mizell
Office of the Chief Counsel