

**From:** Mizell, James@DWR  
**To:** [CWFhearing](mailto:CWFhearing@waterboards.ca.gov); [abl@bkslawfirm.com](mailto:abl@bkslawfirm.com); [aferguson@somachlaw.com](mailto:aferguson@somachlaw.com); [ahitchings@somachlaw.com](mailto:ahitchings@somachlaw.com); [ajr@bkslawfirm.com](mailto:ajr@bkslawfirm.com); [akrieg@volkerlaw.com](mailto:akrieg@volkerlaw.com); [amy.aufdemberge@sol.doi.gov](mailto:amy.aufdemberge@sol.doi.gov); [apeltzer@prlawcorp.com](mailto:apeltzer@prlawcorp.com); [barbara@restorethedelta.org](mailto:barbara@restorethedelta.org); [barbarav@aqualliance.net](mailto:barbarav@aqualliance.net); [barry@solagra.com](mailto:barry@solagra.com); [bdalymns@citlink.net](mailto:bdalymns@citlink.net); [bjohnson@tu.org](mailto:bjohnson@tu.org); [blancapaloma@msn.com](mailto:blancapaloma@msn.com); [bobker@bay.org](mailto:bobker@bay.org); [bpoulsen@eid.org](mailto:bpoulsen@eid.org); [bradpappa@gmail.com](mailto:bradpappa@gmail.com); [brettgbaker@gmail.com](mailto:brettgbaker@gmail.com); [burkew@saccounty.net](mailto:burkew@saccounty.net); [bwright@friendsoftheriver.org](mailto:bwright@friendsoftheriver.org); [caroleekrieger7@gmail.com](mailto:caroleekrieger7@gmail.com); [colin@ejcw.org](mailto:colin@ejcw.org); [connere@gmail.com](mailto:connere@gmail.com); [CWFhearing](mailto:CWFhearing); [daladjem@downeybrand.com](mailto:daladjem@downeybrand.com); [daniel@kaydix.com](mailto:daniel@kaydix.com); [dcooper@minasianlaw.com](mailto:dcooper@minasianlaw.com); [dcoty@bpmnj.com](mailto:dcoty@bpmnj.com); [ddj@cah2research.com](mailto:ddj@cah2research.com); [dean@hprlaw.net](mailto:dean@hprlaw.net); [deltakeep@me.com](mailto:deltakeep@me.com); [dkelly@pcwa.net](mailto:dkelly@pcwa.net); [dmwolk@solanocounty.com](mailto:dmwolk@solanocounty.com); [dobegi@nrdc.org](mailto:dobegi@nrdc.org); [dohanlon@kmtg.com](mailto:dohanlon@kmtg.com); [dorth@davidorthconsulting.com](mailto:dorth@davidorthconsulting.com); [empappa@gmail.com](mailto:empappa@gmail.com); [evielma@cafecoop.org](mailto:evielma@cafecoop.org); [eweher@gwdwater.org](mailto:eweher@gwdwater.org); [elamoe@minasianlaw.com](mailto:elamoe@minasianlaw.com); [fetherid@ebmud.com](mailto:fetherid@ebmud.com); [fmorrissey@orangecoveid.org](mailto:fmorrissey@orangecoveid.org); [gadams@fclaw.com](mailto:gadams@fclaw.com); [hwalter@kmtg.com](mailto:hwalter@kmtg.com); [info@californiadelta.org](mailto:info@californiadelta.org); [jailin@awattorneys.com](mailto:jailin@awattorneys.com); [jtb@bkslawfirm.com](mailto:jtb@bkslawfirm.com); [jconway@rd800.org](mailto:jconway@rd800.org); [jfox@awattorneys.com](mailto:jfox@awattorneys.com); [jennifer@spalettalaw.com](mailto:jennifer@spalettalaw.com); [jherrlaw@aol.com](mailto:jherrlaw@aol.com); [jminasian@minasianlaw.com](mailto:jminasian@minasianlaw.com); [jminton@pcl.org](mailto:jminton@pcl.org); [john.luebberke@stocktonca.gov](mailto:john.luebberke@stocktonca.gov); [jph@tulareid.org](mailto:jph@tulareid.org); [jrubin@westlandswater.org](mailto:jrubin@westlandswater.org); [jsagwomack@gmail.com](mailto:jsagwomack@gmail.com); [jsalmon@ebmud.com](mailto:jsalmon@ebmud.com); [jvolker@volkerlaw.com](mailto:jvolker@volkerlaw.com); [kcoby@somachlaw.com](mailto:kcoby@somachlaw.com); [kelweg1@aol.com](mailto:kelweg1@aol.com); [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [kobrien@downeybrand.com](mailto:kobrien@downeybrand.com); [kpoole@nrdc.org](mailto:kpoole@nrdc.org); [ktaber@somachlaw.com](mailto:ktaber@somachlaw.com); [kurtis.keller@cc.cccounty.us](mailto:kurtis.keller@cc.cccounty.us); [kyle.jones@sierraclub.org](mailto:kyle.jones@sierraclub.org); [lcaster@fclaw.com](mailto:lcaster@fclaw.com); [mae@semlawyers.com](mailto:mae@semlawyers.com); [matlas@downeybrand.com](mailto:matlas@downeybrand.com); [matthew@mlelaw.com](mailto:matthew@mlelaw.com); [melissa.poole@wonderful.com](mailto:melissa.poole@wonderful.com); [mghafar@earthjustice.org](mailto:mghafar@earthjustice.org); [mhagman@lindmoreid.com](mailto:mhagman@lindmoreid.com); [michael@brodskylaw.net](mailto:michael@brodskylaw.net); [mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net); [mkropf@countyofcolusa.com](mailto:mkropf@countyofcolusa.com); [mlarsen@kdwcd.com](mailto:mlarsen@kdwcd.com); [mnikkel@downeybrand.com](mailto:mnikkel@downeybrand.com); [msturm@nrdc.org](mailto:msturm@nrdc.org); [mvanzandt@hansonbridgett.com](mailto:mvanzandt@hansonbridgett.com); [mvooss@cityofsacramento.org](mailto:mvooss@cityofsacramento.org); [myoung@awattorneys.com](mailto:myoung@awattorneys.com); [nick@semlawyers.com](mailto:nick@semlawyers.com); [nrobertson@earthjustice.org](mailto:nrobertson@earthjustice.org); [office@ecosacramento.net](mailto:office@ecosacramento.net); [osha@semlawyers.com](mailto:osha@semlawyers.com); [philip.pogledich@volocounty.org](mailto:philip.pogledich@volocounty.org); [pkf@bkslawfirm.com](mailto:pkf@bkslawfirm.com); [pminasian@minasianlaw.com](mailto:pminasian@minasianlaw.com); [pp@planetarysolutionaries.org](mailto:pp@planetarysolutionaries.org); [psimmons@somachlaw.com](mailto:psimmons@somachlaw.com); [pwilliams@westlandswater.org](mailto:pwilliams@westlandswater.org); [rharms@kmtg.com](mailto:rharms@kmtg.com); [rebecca.akroyd@slidmwa.org](mailto:rebecca.akroyd@slidmwa.org); [rbernal@ci.antioch.ca.us](mailto:rbernal@ci.antioch.ca.us); [rmaddow@bpmnj.com](mailto:rmaddow@bpmnj.com); [rdenton06@comcast.net](mailto:rdenton06@comcast.net); [rmburness@comcast.net](mailto:rmburness@comcast.net); [roland@ssjmd.org](mailto:roland@ssjmd.org); [rsb@bkslawfirm.com](mailto:rsb@bkslawfirm.com); [rsmith@downeybrand.com](mailto:rsmith@downeybrand.com); [russell@spalettalaw.com](mailto:russell@spalettalaw.com); [ryan.hernandez@dcd.cccounty.us](mailto:ryan.hernandez@dcd.cccounty.us); [rwillingner@defenders.org](mailto:rwillingner@defenders.org); [saef16@lsid.org](mailto:saef16@lsid.org); [schaffin@awattorneys.com](mailto:schaffin@awattorneys.com); [sclarke@volkerlaw.com](mailto:sclarke@volkerlaw.com); [sdalke@kern-tulare.com](mailto:sdalke@kern-tulare.com); [sgeivet@ocsn.net](mailto:sgeivet@ocsn.net); [smorris@swc.org](mailto:smorris@swc.org); [sonstot@awattorneys.com](mailto:sonstot@awattorneys.com); [srother@americanrivers.org](mailto:srother@americanrivers.org); [ssaxton@downeybrand.com](mailto:ssaxton@downeybrand.com); [ssdwaterfix@somachlaw.com](mailto:ssdwaterfix@somachlaw.com); [stephen.siptrith@cc.cccounty.us](mailto:stephen.siptrith@cc.cccounty.us); [sunshine@snugharbor.net](mailto:sunshine@snugharbor.net); [svolker@volkerlaw.com](mailto:svolker@volkerlaw.com); [sgrady@eslawfirm.com](mailto:sgrady@eslawfirm.com); [red@eslawfirm.com](mailto:red@eslawfirm.com); [tara.mazzanti@stocktonca.gov](mailto:tara.mazzanti@stocktonca.gov); [tgohring@waterforum.org](mailto:tgohring@waterforum.org); [tgstoked@gmail.com](mailto:tgstoked@gmail.com); [tim@restorethedelta.org](mailto:tim@restorethedelta.org); [tkeeling@freemanfirm.com](mailto:tkeeling@freemanfirm.com); [trobanch@freemanfirm.com](mailto:trobanch@freemanfirm.com); [towater@olaughlinparis.com](mailto:towater@olaughlinparis.com); [ykincaid@olaughlinparis.com](mailto:ykincaid@olaughlinparis.com); [wes.miliband@aalrr.com](mailto:wes.miliband@aalrr.com); [wfemlen@solanocounty.com](mailto:wfemlen@solanocounty.com); [wirthsoscranes@yahoo.com](mailto:wirthsoscranes@yahoo.com)  
**Subject:** DWR Objection to Requests to Change Order of Presentation - Part 2 Sur-Rebuttal  
**Date:** Tuesday, September 25, 2018 7:57:56 PM

---

DWR objects to the last minute changes requested and to the delay in presenting its witnesses.

Requests by CCLP's "special advisor" are burdensome and prejudicial. CCLP has been aware of the deadlines for submission of DWR testimony since the Hearing Officer's ruling, at CCLP's request, to present written testimony. Furthermore, DWR witnesses have been scheduled for tomorrow and travel plans and expenses have been incurred. The Hearing Officers have accommodated CCLP numerous times within Part 2 and a simple review of the testimony would illustrate that there is no new information being presented in response to CCLP's concerns. All the information is contained within documents CCLP has had access to for months, if not years. DWR's witnesses, by order of the Hearing Officers, have simply compiled the available information in response to the specific question of what analysis has been conducted for potential impacts at CCLP's diversion point.

Additionally, last minute changes in the order of sur-rebuttal impose significant hardship on DWR's preparation for objections and cross examination.

DWR will have its witnesses ready and available tomorrow morning as originally scheduled.

Regards,  
Tripp Mizell  
Sr. Attorney, DWR

---

**From:** CWFhearing <[CWFhearing@waterboards.ca.gov](mailto:CWFhearing@waterboards.ca.gov)>

**Sent:** Tuesday, September 25, 2018 6:55 PM

**To:** [abl@bkslawfirm.com](mailto:abl@bkslawfirm.com); [aferguson@somachlaw.com](mailto:aferguson@somachlaw.com); [ahitchings@somachlaw.com](mailto:ahitchings@somachlaw.com); [ajr@bkslawfirm.com](mailto:ajr@bkslawfirm.com); [akrieg@volkerlaw.com](mailto:akrieg@volkerlaw.com); [amy.aufdemberge@sol.doi.gov](mailto:amy.aufdemberge@sol.doi.gov); [apeltzer@prlawcorp.com](mailto:apeltzer@prlawcorp.com); [barbara@restorethedelta.org](mailto:barbara@restorethedelta.org); [barbarav@aqualliance.net](mailto:barbarav@aqualliance.net); [barry@solagra.com](mailto:barry@solagra.com); [bdalymns@citlink.net](mailto:bdalymns@citlink.net); [bjohnson@tu.org](mailto:bjohnson@tu.org); [blancapaloma@msn.com](mailto:blancapaloma@msn.com); [bobker@bay.org](mailto:bobker@bay.org); [bpoulsen@eid.org](mailto:bpoulsen@eid.org); [bradpappa@gmail.com](mailto:bradpappa@gmail.com); [brettgbaker@gmail.com](mailto:brettgbaker@gmail.com); [burkew@saccounty.net](mailto:burkew@saccounty.net); [bwright@friendsoftheriver.org](mailto:bwright@friendsoftheriver.org); [caroleekrieger7@gmail.com](mailto:caroleekrieger7@gmail.com); [colin@ejcw.org](mailto:colin@ejcw.org); [connere@gmail.com](mailto:connere@gmail.com); [CWFhearing](mailto:CWFhearing); [daladjem@downeybrand.com](mailto:daladjem@downeybrand.com); [daniel@kaydix.com](mailto:daniel@kaydix.com); [dcooper@minasianlaw.com](mailto:dcooper@minasianlaw.com); [dcoty@bpmnj.com](mailto:dcoty@bpmnj.com); [ddj@cah2research.com](mailto:ddj@cah2research.com); [dean@hprlaw.net](mailto:dean@hprlaw.net); [deltakeep@me.com](mailto:deltakeep@me.com); [dkelly@pcwa.net](mailto:dkelly@pcwa.net); [dmwolk@solanocounty.com](mailto:dmwolk@solanocounty.com); [dobegi@nrdc.org](mailto:dobegi@nrdc.org); [dohanlon@kmtg.com](mailto:dohanlon@kmtg.com); [dorth@davidorthconsulting.com](mailto:dorth@davidorthconsulting.com); [empappa@gmail.com](mailto:empappa@gmail.com); [evielma@cafecoop.org](mailto:evielma@cafecoop.org); [eweher@gwdwater.org](mailto:eweher@gwdwater.org); [elamoe@minasianlaw.com](mailto:elamoe@minasianlaw.com); [fetherid@ebmud.com](mailto:fetherid@ebmud.com); [fmorrissey@orangecoveid.org](mailto:fmorrissey@orangecoveid.org); [gadams@fclaw.com](mailto:gadams@fclaw.com); [hwalter@kmtg.com](mailto:hwalter@kmtg.com); [info@californiadelta.org](mailto:info@californiadelta.org); [Mizell, James@DWR](mailto:Mizell, James@DWR); [jailin@awattorneys.com](mailto:jailin@awattorneys.com); [jtb@bkslawfirm.com](mailto:jtb@bkslawfirm.com); [jconway@rd800.org](mailto:jconway@rd800.org); [jfox@awattorneys.com](mailto:jfox@awattorneys.com); [jennifer@spalettalaw.com](mailto:jennifer@spalettalaw.com); [jherrlaw@aol.com](mailto:jherrlaw@aol.com); [jminasian@minasianlaw.com](mailto:jminasian@minasianlaw.com); [jminton@pcl.org](mailto:jminton@pcl.org); [john.luebberke@stocktonca.gov](mailto:john.luebberke@stocktonca.gov); [jph@tulareid.org](mailto:jph@tulareid.org); [jrubin@westlandswater.org](mailto:jrubin@westlandswater.org); [jsagwomack@gmail.com](mailto:jsagwomack@gmail.com); [jsalmon@ebmud.com](mailto:jsalmon@ebmud.com); [jvolker@volkerlaw.com](mailto:jvolker@volkerlaw.com); [kcoby@somachlaw.com](mailto:kcoby@somachlaw.com); [kelweg1@aol.com](mailto:kelweg1@aol.com); [kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com); [kobrien@downeybrand.com](mailto:kobrien@downeybrand.com); [kpoole@nrdc.org](mailto:kpoole@nrdc.org); [ktaber@somachlaw.com](mailto:ktaber@somachlaw.com); [kurtis.keller@cc.cccounty.us](mailto:kurtis.keller@cc.cccounty.us); [kyle.jones@sierraclub.org](mailto:kyle.jones@sierraclub.org); [lcaster@fclaw.com](mailto:lcaster@fclaw.com); [mae@semlawyers.com](mailto:mae@semlawyers.com); [matlas@downeybrand.com](mailto:matlas@downeybrand.com); [matthew@mlelaw.com](mailto:matthew@mlelaw.com); [melissa.poole@wonderful.com](mailto:melissa.poole@wonderful.com); [mghafar@earthjustice.org](mailto:mghafar@earthjustice.org); [mhagman@lindmoreid.com](mailto:mhagman@lindmoreid.com); [michael@brodskylaw.net](mailto:michael@brodskylaw.net); [mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net); [mkropf@countyofcolusa.com](mailto:mkropf@countyofcolusa.com); [mlarsen@kdwcd.com](mailto:mlarsen@kdwcd.com); [mnikkel@downeybrand.com](mailto:mnikkel@downeybrand.com);

msturm@nrdc.org; mvanzandt@hansonbridgett.com; mvoss@cityofsacramento.org; myoung@awattorneys.com; nick@semlawyers.com; nrobertson@earthjustice.org; office@ecosacramento.net; osha@semlawyers.com; philip.pogledich@yolocounty.org; pkf@bkslawfirm.com; pminasian@minasianlaw.com; pp@planetarysolutionaries.org; psimmons@somachlaw.com; pwilliams@westlandswater.org; rharms@kmtg.com; rebecca.akroyd@sldmwa.org; rbernal@ci.antioch.ca.us; rmaddow@bpmnj.com; rdenton06@comcast.net; rmburness@comcast.net; roland@ssjmud.org; rsb@bkslawfirm.com; rsmith@downeybrand.com; russell@spalettalaw.com; ryan.hernandez@dcd.cccounty.us; rzwillinger@defenders.org; sae16@lsid.org; schaffin@awattorneys.com; sclarke@volkerlaw.com; sdalke@kern-tulare.com; sgeivet@ocsnet.net; smorris@swc.org; sonstot@awattorneys.com; srothert@americanrivers.org; ssaxton@downeybrand.com; ssdwaterfix@somachlaw.com; stephen.siptroth@cc.cccounty.us; sunshine@snugharbor.net; svolker@volkerlaw.com; sgrady@eslawfirm.com; red@eslawfirm.com; tara.mazzanti@stocktonca.gov; tgohring@waterforum.org; tgstoked@gmail.com; tim@restorethedelta.org; tkeeling@freemanfirm.com; trobancho@freemanfirm.com; towater@olaughlinparis.com; vkincaid@olaughlinparis.com; wes.miliband@aalrr.com; wfemlen@solanocounty.com; wirthsoscraes@yahoo.com

**Subject:** Requests to Change Order of Presentation - Part 2 Sur-Rebuttal

Service List,

The hearing officers have received multiple parties’ objections to the Department of Water Resources’ witnesses testifying first in the order of presentation for Part 2 sur-rebuttal. The hearing officers will allow the remaining parties to present first in the order of presentation, and the witnesses for the Department of Water Resources to present later, provided the following parties are prepared to present their witnesses tomorrow, September 26, 2018, and the hearing can proceed without interruption:

- Groups 24&31 - County of San Joaquin, et al. and California Sportfishing Protection Alliance, California Water Impact Network, and AquAlliance
- Group 19 - Local Agencies of the North Delta, et al.
- Group 25 - Contra Costa County and Contra Costa County Water Agency and County of Solano

If you have any questions, please contact the WaterFix hearing team staff.

Sincerely,

CA WaterFix Hearing Team

=====

Phone: 916-319-0960

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/water\\_right\\_petition.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/water_right_petition.shtml)

Sincerely,

Jean McCue, P.E.  
Senior Water Resource Control Engineer  
Bay-Delta and Special Projects Unit  
State Water Resources Control Board, Division of Water Rights  
1001 I Street, 14<sup>th</sup> Floor  
Sacramento, CA 95812

Phone: (916) 341-5351

Email: [jean.mccue@waterboards.ca.gov](mailto:jean.mccue@waterboards.ca.gov)