

Farwell Jensen, Jane

From: Tauriainen, Andrew@Waterboards
Sent: Tuesday, April 21, 2015 2:36 PM
To: Mona, Ernie@Waterboards; John A. Holdredge; Molly Meroney; Mrowka, Kathy@Waterboards
Cc: Buckman, Michael@Waterboards; Olson, Samantha@Waterboards; Farwell Jensen, Jane; Riddle, Diane@Waterboards; Grober, Les@Waterboards; Evoy, Barbara@Waterboards
Subject: RE: Flocchini Draft CDO and ACL Hearing: Request to Extend Exhibits/Testimony Submittal Deadline

The Prosecution Team notes that Flocchini Estate now has two weeks to review the Prosecution Team's submittals and tailor its testimony and exhibits accordingly. The Prosecution Team hereby requests that, rather than submitting additional testimony and exhibits along with Flocchini on May 4, it be allowed to submit rebuttal testimony and exhibits no later than Monday, May 11, 2015, at noon. Although relatively unusual in water rights enforcement hearings, staggered submittal deadlines are common in regional board and court proceedings. Allowing the Prosecution Team rebuttal here would not prejudice Flocchini Estate, and would counter any prejudice against the Prosecution Team created by allowing Flocchini to prepare its testimony and exhibits in response to the Prosecution Team's April 20 submittals.

The Prosecution Team also requests that Flocchini Estates be limited to the witnesses listed in the April 20 revised Notice of Intent. The Notice of Intent was due April 6.

Andrew Tauriainen, Senior Staff Counsel
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 341-5445
fax: (916) 341-5896
andrew.tauriainen@waterboards.ca.gov

***CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Mona, Ernie@Waterboards
Sent: Tuesday, April 21, 2015 10:53 AM
To: John A. Holdredge; Molly Meroney; Tauriainen, Andrew@Waterboards; Mrowka, Kathy@Waterboards
Cc: Buckman, Michael@Waterboards; Olson, Samantha@Waterboards; Farwell Jensen, Jane; Riddle, Diane@Waterboards; Grober, Les@Waterboards; Evoy, Barbara@Waterboards
Subject: Flocchini Draft CDO and ACL Hearing: Request to Extend Exhibits/Testimony Submittal Deadline

Ladies and Gentlemen:

Hearing Staff have advised the Hearing Officers (Spivy-Weber and Moore) of the details of Flocchini Estate's April 20, 2015 request to extend the April 20, 2015 [noticed](#) deadline for submittal of testimony and exhibits. Flocchini Estate's

new counsel, Mr. John A. Holdredge, requested **14 extra days** to prepare and submit any necessary amendments to the list of witnesses and exhibits that were timely filed by the April 20th deadline.

The Hearing Officers have granted Flocchini Estate's request more time, with the understanding that the Prosecution Team will also be afforded the additional time to supplement, if it chooses to do so, its timely submittal of exhibits and testimony. Therefore, the new deadline for submittal of testimony and exhibits is **Monday, May 4, 2015, at noon**. The documents submitted on April 20th can now be viewed at the [Project Website](#).

I would like to remind the parties of the time limits set forth for the presentation of each party's case-in-chief, under Section 9 (ORDER OF PROCEEDING) of the Attachment (INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS) to the [April 20th hearing notice](#). The specified times limits will be imposed to ensure that the hearing is conducted as efficiently as possible. Please adjust your proposed testimony, accordingly, to adhere to those specified time limits.

If you have any questions, please contact me....Thanks

Ernest Mona

[State Water Resources Control Board](#)
[Division of Water Rights](#)
[Hearings and Special Programs Section](#)
(916) 341-5359

