

October 16, 2017

VIA U.S. MAIL & EMAIL

(wrhearing@waterboards.ca.gov)

Steven Moore
 Vice Chair
 State Water Resources Control Board
 1001 I Street, 2nd Floor
 Sacramento, CA 95814

Re: Klamath Riverkeepers October 13, 2017, Inquiry Regarding Scheduling

Dear Mr. Moore:

On October 13, 2017, Paul Kibel, on behalf of Klamath Riverkeepers, requested that Klamath Riverkeepers' direct oral testimony in the public hearing regarding Douglas and Heidi Cole (the "Coles") and Marble Mountain Ranch ("Ranch"), scheduled to commence on Monday, November 13, 2017, be scheduled for Tuesday, November 14, 2017, to accommodate Mr. Kibel's teaching schedule at Golden Gate University School of Law in San Francisco. The Coles oppose this request and respectfully request that it be denied.

Based on the testimony submitted by all parties, the public hearing is unlikely to exceed a single day. As the table below demonstrates, the direct oral testimony of all parties based on the written testimony submitted is a total of eight (8) hours, pending the parties seeking additional time for direct testimony provide good cause for additional time and the request is granted. This amount of testimony can be heard in a single day.

Party to Testify	Direct Testimony Time Based on Current Notice of Intent to Appear and Submitted Written Testimony
Division of Water Rights Prosecution Team	55 minutes
National Marine Fisheries Service	1 hour*
Karuk Tribe	1 hours, 30 minutes*
Old Man River Trust	40 minutes
California Department of Fish and Wildlife	55 minutes
Klamath Riverkeepers	1 hour*
The Coles and Marble Mountain Ranch	2 hours
Total Time for Direct Oral Testimony	8 hours

*Pending showing of good cause for the extension of the time allowed under the Notice of Public Hearing.


As discussed in the Coles requests to postpone the public hearing on July 11, 2017, and September 12, 2017, the public hearing is scheduled during the Coles' busy fly fishing season at the Ranch. In order to attend the hearing, the Coles have had to cancel pre-existing reservations for fly fishing excursions to instead attend the public hearing regarding their water rights in the Sacramento region. Consequently, they have to forego the revenue from those reservations, an additional financial burden to the Coles as a consequence of this public hearing.

This is an additional hardship in a year of hardships for the Coles. They have experienced a reduced tourist season throughout the summer because of fires in the National Forest surrounding the Ranch and the late end of the wet season this year significantly shortened the Coles' summer tourist season before the fires hit. Asking the Coles to remain in the Sacramento region for any additional time beyond that required to attend the public hearing is a request they cannot agree to if they are to continue to operate their business.

Therefore, the Coles respectfully request that Hearing Officer Moore deny Mr. Kibel's request to schedule Klamath Riverkeeper's testimony for Tuesday, November 14, 2017. Please contact me with any questions regarding this correspondence at barbara@churchwellwhite.com or (916) 468-0625.

Regards,

Churchwell White LLP



Barbara A. Brenner
KAF/crp

cc: (via email only)

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