
State Water Resources Control Board

October 17, 2017

(Via email only)

Steven Moore
Vice Chair
State Water Resources Control Board
1001 I Street, 2nd Floor
Sacramento, CA 95814
wrhearing@waterboards.ca.gov

**RE: DIVERTER RESPONSE TO KLAMATH RIVERKEEPER OCTOBER 13, 2017,
INQUIRY REGARDING SCHEDULING**

Dear Board Member Moore:

The Prosecution Team has reviewed the letter submitted by legal counsel for Douglas and Heidi Cole and Marble Mountain Ranch (the “Diverters”).

As an initial matter, the Diverters incorrectly indicate that the Prosecution Team plans to provide up to 55 minutes of oral direct testimony. The Prosecution Team submitted a revised Notice of Intent to Appear (Revised NOI) on October 6, 2017.¹ In the Revised NOI, the Prosecution Team states it anticipates providing up to 60 minutes of oral direct testimony.

The hearing will require much more than a single day. Even if the total time for oral direct testimony is approximately 8 hours, this does not include time for cross-examination, redirect, re-cross, and rebuttal. It will likely require all five days.

Many witnesses are traveling for this hearing; not just the Coles. It would be fair to all parties to attempt to coordinate scheduling for this hearing in order to ease the burden on those who must arrange for travel and accommodation. Joey Howard, a witness for the Prosecution Team, is traveling from Ashland, Oregon. Stormer Feiler, another witness for the Prosecution Team, must arrange for child care. The Prosecution Team requests that these witnesses can provide their direct oral testimony and respond to cross-examination questions on Monday, November 13, 2017.

¹ Available at

https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/marblemountain/docs/mmr_coleptamndnoi.pdf (accessed Oct. 17, 2017)

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Petruzzelli".

Kenneth Petruzzelli
Senior Staff Counsel
State Water Resources Control Board
Office of Enforcement

cc: Service List

SERVICE LIST OF PARTICIPANTS
Douglas and Heidi Cole and Marble Mountain Ranch
Waste and Unreasonable Use Hearing
Scheduled for August 22, 2017

PARTIES

THE FOLLOWING **MUST BE SERVED** WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)

<p>DIVISION OF WATER RIGHTS Prosecution Team Ken Petruzzelli, Attorney III State Water Resources Control Board Office of Enforcement 801 K Street, 23rd Floor Sacramento CA 95814 kenneth.petruzzelli@waterboards.ca.gov heather.mapes@waterboards.ca.gov</p>	<p>DOUGLAS AND HEIDI COLE, MARBLE MOUNTAIN RANCH Barbara A. Brenner 1414 K Street, 3rd Floor Sacramento, CA 95814 barbara@churchwellwhite.com kerry@churchwellwhite.com</p>
<p>CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE Stephen Puccini, Staff Counsel Nathan Voegeli, Staff Counsel 1416 Ninth St. Sacramento, CA 95814 stephen.puccini@wildlife.ca.gov nathan.voegeli@wildlife.ca.gov</p>	<p>CALIFORNIA SPORTFISHING PROTECTION ALLIANCE Chris Shutes 1608 Francisco St. Berkeley, CA 94703 blancapaloma@msn.com</p> <p>Michael Jackson P.O. Box 207 75 Court Street Quincy, CA 95971 mjatty@sbcglobal.net</p>
<p>KLAMATH RIVERKEEPER Paul Kibel 2140 Shattuck Ave., Suite 801 Berkeley, CA 94704-1229 pskibel@waterpowerlaw.com</p>	<p>KARUK TRIBE Fatima Abbas, General Counsel 64236 Second Ave. Happy Camp, CA 96039 fabbas@karuk.us</p>

SERVICE LIST OF PARTICIPANTS
Douglas and Heidi Cole and Marble Mountain Ranch
Waste and Unreasonable Use Hearing
Scheduled for August 22, 2017

PARTIES, CONT'D

THE FOLLOWING **MUST BE SERVED** WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)

<p>NATIONAL MARINE FISHERIES SERVICE Christopher Keifer, Attorney NOAA Office of General Counsel, 501 W. Ocean Blvd., Suite 4480 Long Beach, CA 90802 christopher.keifer@noaa.gov margaret.tauzer@noaa.gov justin.ly@noaa.gov</p>	<p>OLD MAN RIVER TRUST Konrad Fisher 100 Tomorrow Rd. Somes Bar, CA 95568 k@omrl.org</p>
<p>PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS AND INSTITUTE FOR FISHERIES RESOURCES Noah Oppenheim Regina Chichizola P.O. Box 29196 San Francisco, CA 94129-8196 regina@ifrfish.org</p>	