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## State Water Resources Control Board

November 8, 2017

*Via Electronic Mail*

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

**RE: Marble Mountain Ranch Water Right Hearing Witness Scheduling Requests**

Dear Vice Chair Moore:

On October 31, 2017, you issued a procedural ruling on various pre-hearing motions, including requests for scheduling testimony from witnesses. The Prosecution Team, the Douglas and Heidi Cole and Marble Mountain Ranch (“the Diverters”), Old Man River Trust, and Klamath Riverkeeper have discussed the matter and propose the following order of presentation for November 13-14, 2017.

Monday, November 13, 2017 –

Morning –

- Prosecution Team - opening statement and oral direct testimony, Joey Howard cross-examination (continuing to afternoon if necessary)

Afternoon –

- Diverters – opening statement, Steve Cramer oral direct testimony and cross-examination
- Old Man River Trust – opening statement if time permits and Phil Alpers oral direct testimony and cross-examination

Tuesday, November 14, 2017

Morning

- Klamath Riverkeeper – opening statement and oral direct testimony
- Prosecution Team – cross-examination of remaining Prosecution Team witnesses (continuing to afternoon if necessary)

The proposed order of presentation is a good-faith attempt to address scheduling constraints raised thus far by the Prosecution Team, Diverters, Klamath Riverkeeper, and Old Man River Trust. It is not intended to constrain or limit opportunities for cross-examination and

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FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

acknowledges that the hearing may fall behind the proposed timeline due to objections, unplanned breaks, or other occurrences. Neither is the following proposal intended to preclude the opportunity for parties to present additional argument or testimony on November 13 and 14, 2017 if additional time is available.

If you have any questions or if you would like to discuss this further, you may contact me at [kenneth.petruzzelli@waterboards.ca.gov](mailto:kenneth.petruzzelli@waterboards.ca.gov) or (916) 319-8577.

Sincerely,

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

Kenneth Petruzzelli  
Attorney III  
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 November 13, 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><b>DIVISION OF WATER RIGHTS</b> Prosecution Team Ken Petruzzelli, Attorney III State Water Resources Control Board Office of Enforcement 801 K Street, 23<sup>rd</sup> Floor Sacramento CA 95814 <a href="mailto:kenneth.petruzzelli@waterboards.ca.gov">kenneth.petruzzelli@waterboards.ca.gov</a> <a href="mailto:heather.mapes@waterboards.ca.gov">heather.mapes@waterboards.ca.gov</a></p>	<p><b>DOUGLAS AND HEIDI COLE, MARBLE MOUNTAIN RANCH</b> Barbara A. Brenner 1414 K Street, 3<sup>rd</sup> Floor Sacramento, CA 95814 <a href="mailto:barbara@churchwellwhite.com">barbara@churchwellwhite.com</a> <a href="mailto:kerry@churchwellwhite.com">kerry@churchwellwhite.com</a></p>
<p><b>CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE</b> Stephen Puccini, Staff Counsel Nathan Voegeli, Staff Counsel 1416 Ninth St. Sacramento, CA 95814 <a href="mailto:stephen.puccini@wildlife.ca.gov">stephen.puccini@wildlife.ca.gov</a> <a href="mailto:nathan.voegeli@wildlife.ca.gov">nathan.voegeli@wildlife.ca.gov</a></p>	<p><b>CALIFORNIA SPORTFISHING PROTECTION ALLIANCE</b> Chris Shutes 1608 Francisco St. Berkeley, CA 94703 <a href="mailto:blancapaloma@msn.com">blancapaloma@msn.com</a></p> <p>Michael Jackson P.O. Box 207 75 Court Street Quincy, CA 95971 <a href="mailto:mjatty@sbcglobal.net">mjatty@sbcglobal.net</a></p>
<p><b>KLAMATH RIVERKEEPER</b> Paul Kibel 2140 Shattuck Ave., Suite 801 Berkeley, CA 94704-1229 <a href="mailto:pskibel@waterpowerlaw.com">pskibel@waterpowerlaw.com</a></p>	<p><b>KARUK TRIBE</b> Fatima Abbas, General Counsel 64236 Second Ave. Happy Camp, CA 96039 <a href="mailto:fabbas@karuk.us">fabbas@karuk.us</a></p> <p>Drevet Hunt 1004 O'Reilly Ave. San Francisco, CA 94129 <a href="mailto:drev@lawyersforcleanwater.com">drev@lawyersforcleanwater.com</a></p> <p>updated 11/3</p>

Douglas and Heidi Cole  
Marble Mountain Ranch  
Waste and Unreasonable Use  
Hearing

List created July 12, 2017  
Updated November 3, 2017

**SERVICE LIST OF PARTICIPANTS**  
**Douglas and Heidi Cole and Marble Mountain Ranch**  
**Waste and Unreasonable Use Hearing**  
**Scheduled for November 13, 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><b>NATIONAL MARINE FISHERIES SERVICE</b> Christopher Keifer, Attorney NOAA Office of General Counsel, 501 W. Ocean Blvd., Suite 4480 Long Beach, CA 90802 <a href="mailto:christopher.keifer@noaa.gov">christopher.keifer@noaa.gov</a> <a href="mailto:margaret.tauzer@noaa.gov">margaret.tauzer@noaa.gov</a> <a href="mailto:justin.ly@noaa.gov">justin.ly@noaa.gov</a></p>	<p><b>OLD MAN RIVER TRUST</b> Konrad Fisher 100 Tomorrow Rd. Somes Bar, CA 95568 <a href="mailto:k@omrl.org">k@omrl.org</a></p>
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