

Farwell Jensen, Jane

From: Tauriainen, Andrew@Waterboards
Sent: Tuesday, January 12, 2016 4:21 PM
To: Farwell Jensen, Jane; Jennifer Spaletta
Cc: dkelly@somachlaw.com; jzolezzi@herumcrabtree.com; jonathan.knapp@sfgov.org; red@eslawfirm.com; ngmplcs@pacbell.net; dantejr@pacbell.net; McGinnis, Robin C. @DWR; rjmorat@gmail.com; vkincaid@olaughlinparis.com; lwood@olaughlinparis.com; Herrick, John @aol.com; dean@hprlaw.net; smorris@swc.org; towater@olaughlinparis.com; kharrigfeld@herumcrabtree.com; jkrattiger@herumcrabtree.com; dohanlon@kmtg.com; Akroyd, Rebecca@KMTG; pwilliams@westlandswater.org; Riddle, Diane@Waterboards; Kuenzi, Nicole@Waterboards; Buckman, Michael@Waterboards; McCue, Jean@Waterboards; Mona, Ernie@Waterboards
Subject: RE: Byron-Bethany Irrigation District and The West Side Irrigation District Hearing - January 19, 2016 submittals - follow up

BBID Hearing Officer Doduc's October 30 ruling allows BBID to file a motion for summary judgment, a motion to dismiss, or a combined motion. The same ruling allows the Prosecution Team to file a motion for summary judgment. All parties may respond to such motions. WSID Hearing Officer Spivy-Weber has previously allowed for "pre-hearing motions" without specifying the nature of such motions. The January 8 Notice of Revised Schedule provides for motions to dismiss and motions for summary judgment on January 25, and for motions in limine on February 29.

The Prosecution Team requests clarification as to the following questions:

1. Does the October 30 ruling still stand such that only BBID and the Prosecution Team may submit motions for summary judgment and/or motions to dismiss in the BBID matter? If no, please explain how this ruling has been modified.
2. May all parties submit motions for summary judgment and/or motions to dismiss in the WSID matter? If yes, please specify page limits.
3. If yes to both 1 and 2, the Prosecution Team requests clarification that only BBID and the Prosecution Team may submit such motions relating to the BBID issues in Phase I or BBID Phase II, and that other party motions should be limited to WSID issues in Phase I or to WSID Phase II.
4. What are the page limits for motions in limine and responses?

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From: Farwell Jensen, Jane
Sent: Tuesday, January 12, 2016 3:15 PM
To: Jennifer Spaletta
Cc: Tauriainen, Andrew@Waterboards; dkelly@somachlaw.com; jzolezzi@herumcrabtree.com; jonathan.knapp@sfgov.org; red@eslawfirm.com; ngmplcs@pacbell.net; dantejr@pacbell.net; McGinnis, Robin C.@DWR; rjmorat@gmail.com; vkincaid@olaughlinparis.com; lwood@olaughlinparis.com; Herrick, John @aol.com; dean@hprlaw.net; smorris@swc.org; towater@olaughlinparis.com; kharrigfeld@herumcrabtree.com; jkrattiger@herumcrabtree.com; dohanlon@kmtg.com; Akroyd, Rebecca@KMTG; pwilliams@westlandswater.org; Riddle, Diane@Waterboards; Kuenzi, Nicole@Waterboards; Buckman, Michael@Waterboards; McCue, Jean@Waterboards; Mona, Ernie@Waterboards
Subject: RE: Byron-Bethany Irrigation District and The West Side Irrigation District Hearing - January 19, 2016 submittals - follow up

Ms. Spaletta,

1. Yes, you may cite to previously submitted testimony and exhibits for the evidentiary support in the motions to avoid duplicative submittals.
2. Yes, you may submit voluminous excel database files electronically and then include a place holder reference page in the exhibit binders in lieu of trying to print out the entire excel workbooks.

Jane

From: Jennifer Spaletta [<mailto:jennifer@spalettalaw.com>]
Sent: Tuesday, January 12, 2016 2:19 PM
To: Farwell Jensen, Jane
Subject: RE: Byron-Bethany Irrigation District and The West Side Irrigation District Hearing - January 19, 2016 submittals

Thank you. I have two follow-up questions regarding logistics:

1. For motions for summary judgment, the normal course would require submittal of declarations from witnesses and documents to support facts cited in the motion. However, here, we are submitting written testimony and exhibits a week prior to the motions. May we simply cite to previously submitted testimony and exhibits for the evidentiary support in the motions to avoid duplicative submittals?
2. The SWRCB excel database files are so voluminous that it is not practical to print them out and create paper exhibits. May we simply submit these excel database files electronically and then include a place holder reference page in the exhibit binders in lieu of trying to print out the entire excel workbooks?

Thank you,

JENNIFER L. SPALETTA
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From: Farwell Jensen, Jane [<mailto:Jane.Farwell-Jensen@waterboards.ca.gov>]

Sent: Monday, January 11, 2016 3:21 PM

To: Tauriainen, Andrew@Waterboards; dkelly@somachlaw.com; jzolezzi@herumcrabtree.com; jonathan.knapp@sfgov.org; red@eslawfirm.com; Jennifer Spaletta; ngmplcs@pacbell.net; dantejr@pacbell.net; McGinnis, Robin C.@DWR; rjmorat@gmail.com; vkincaid@olaughlinparis.com; lwood@olaughlinparis.com; Herrick, John @aol.com; dean@hprlaw.net; smorris@swc.org; towater@olaughlinparis.com; kharrigfeld@herumcrabtree.com; jkrattiger@herumcrabtree.com; dohanlon@kmtg.com; Akroyd, Rebecca@KMTG; pwilliams@westlandswater.org

Cc: Riddle, Diane@Waterboards; Kuenzi, Nicole@Waterboards; Buckman, Michael@Waterboards; Mona, Ernie@Waterboards

Subject: Byron-Bethany Irrigation District and The West Side Irrigation District Hearing - January 19, 2016 submittals

Dear Byron-Bethany Irrigation District (BBID) and The West Side Irrigation District (WSID) Hearing Participants:

As a reminder regarding the noon, Tuesday, January 19, 2016 deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualification and statement of service, each party shall submit to the State Water Board three (3) paper copies and one electronic copy of each of its exhibits. Binders for the paper copies would be appreciated, but no particular format is necessary. In terms of indexing we asked for exhibits for both proceedings to be indexed consecutively with identification of the proceeding and phase for which it is intended. (See page 3 of [December 16 Ruling](#).)

Any documents submitted or served electronically must be in Adobe Portable Document Format (PDF), except for Exhibit Identification Indexes, which may be in a format supported by Microsoft Excel or Word. Electronic submittals to the State Water Board of documents less than 11 megabytes in total size (incoming mail server attachment limitation) may be sent via electronic mail to: wrhearing@waterboards.ca.gov with a subject of "**BBID_WSID Hearings**". Electronic submittals to the State Water Board of documents greater than 11 megabytes in total size should be submitted on a compact disc (CD or DVD) or thumb drive. Each electronically submitted exhibit must be saved as a separate PDF file, with the name in lower case lettering.

For more information regarding written testimony and other exhibits, please see pages 3 – 4 of the attachment to the BBID and WSID Hearing Notices, "Information Concerning Appearance at Water Right Hearings".

Sincerely,

Jane

Jane Farwell Jensen
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[State Water Resources Control Board](#)
[Division of Water Rights](#)
[Hearings and Special Programs Section](#)

