

October 30, 2015

VIA ELECTRONIC MAIL

Ms. Frances Spivy-Weber  
Hearing Officer  
State Water Resources Control Board  
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Sacramento, CA 95812-2000  
[Frances.Spivy-Weber@waterboards.ca.gov](mailto:Frances.Spivy-Weber@waterboards.ca.gov)  
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Re: The West Side Irrigation District CDO Hearing

In response to the email request of Ernest Mona dated October 27, 2015, counsel for The West Side Irrigation District has conferred with the Prosecution Team regarding the parties' recommended deadlines for: (1) receipt and service of proposed Case-in-Chief, including testimony, exhibits, lists of exhibits, qualifications, and statements of service and (2) receipt and service of Rebuttal testimony, exhibits, list of exhibits, qualifications and statement of service.

Unfortunately, we cannot agree to the dates proposed by the Prosecution Team. As of this date WSID does not know when it will (1) receive a complete response to its two **July 2015** public records act requests, or (2) be allowed to complete the depositions it has requested. Until WSID knows the date by which it will have all the evidence required to prepare its defense, we cannot propose dates for submitting our case in chief or rebuttal. We would be willing to propose the following timeline:

- Case-in-Chief – 20 business days after (1) completion of all requested depositions and (2) full production of public records act requests.
- Rebuttal – 20 business days after submittal of cases-in-chief.

Asking WSID to prepare its case in chief and proceed with a hearing when it has not had an opportunity to review the case against it, party as a result of the State Board's failure to produce documents required by law in response to a Public Records Act request, and part as a result of the Prosecution Team's delay in scheduling deposition dates,

imposes severe prejudice and is a prima facie violation of its due process rights. The only reason for the rush to hearing is the Hearing Team's unexplained desire for the WSID hearing to precede the BBID hearing. WSID will be filing a motion for a continuance to protect its rights. Another option we would propose is to use the currently scheduled BBID hearing dates for the WSID hearing, and reschedule the BBID matter for April or May; we have consulted with counsel for BBID and they have no objection to that proposal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeanne Zolezzi". The signature is written in a cursive, flowing style.

JEANNE M. ZOLEZZI  
Attorney-at-Law

cc: Service List