

## Farwell Jensen, Jane

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**From:** Farwell Jensen, Jane  
**Sent:** Tuesday, May 12, 2015 12:12 PM  
**To:** 'JHoldredge@gearyl.com'; Tauriainen, Andrew@Waterboards;  
'AndrewFlocchini@gmail.com'  
**Cc:** Mrowka, Kathy@Waterboards; Buckman, Michael@Waterboards; Olson,  
Samantha@Waterboards; Mona, Ernie@Waterboards  
**Subject:** Flocchini Estate Hearing - Time limit on direct testimony

Gentlemen:

The Revised Notice of Intent to Appear submitted by Flocchini Estate, LLC on April 20, 2015, lists three witnesses, Andrew Flocchini, Paula Whealen, and Kurt Kelder with a total estimated length of direct testimony of two hours and 30 minutes. The attachment to the February 27, 2015 [Hearing Notice](#), Information Concerning Appearances at Water Right Hearings, Section 9, on page 5 states:

**Oral Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses will be allowed up to **(20) minutes** to summarize or emphasize their written testimony on direct examination. Each party will be allowed up to one (1) hour total to present all of its direct testimony.<sup>3</sup>

<sup>3</sup> The hearing officers may, for good cause, approve a party's request for additional time to present direct testimony during the party's case-in-chief. The hearing officers may allow additional time for the oral direct testimony of the witness if the witness is adverse to the party presenting the testimony and the hearing officers are satisfied that the party could not produce written direct testimony for the witness.

Therefore, according to the February 27, 2015 Hearing Notice, the Flocchini Estate, LLC is limited to one hour to present all of its direct testimony unless you request and can establish good cause for additional time to the satisfaction of the hearing officers.

Best regards,

Jane Farwell Jensen  
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Fax: (916) 341-5400

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

