

Farwell Jensen, Jane@Waterboards

From: Tauriainen, Andrew@Waterboards
Sent: Monday, January 25, 2016 11:13 AM
To: Yolanda De La Cruz; Unit, Wr_Hearing@Waterboards
Cc: Michael Vergara; Dan Kelly; Herrick, John @aol.com; Jennifer L. Spaletta; Valerie Kincaid; Jeanne Zolezzi; Tim O'Laughlin; kharrigfeld@herumcrabtree.com; Jonathan Knapp; Richard Morat; McGinnis, Robin C.@DWR; Stefanie Morris; Rick Gilmore; Unit, Wr_Hearing@Waterboards; Janelle Krattiger; Daniel O'Hanlon; Akroyd, Rebecca@KMTG; Phillip Williams; ngmplcs@pacbell.net; Dante Nomellini Jr.; Michelle Bracha; Uoxina Santos-Aguirre
Subject: RE: BBID/WSID Hearings

1. The Prosecution Team requests clarification regarding BBID's method of service. The Hearing Notices in the BBID and WSID matters do not appear to contemplate service via online document storage. If appropriate, the Prosecution Team requests guidance on how all parties may utilize this method of service.
2. Hearing Officer Doduc's October 30, 2015, ruling provides that "BBID may file a motion to dismiss or motion for summary judgment (or a combined motion)... The motions, including supporting memoranda of points and authorities, and briefs filed in support or opposition may not exceed ten pages in length." This ruling has not been changed, and the page limit was reiterated in the Hearing Team's email dated January 14, 2016. BBID appears to seek to file five (5) separate motions to dismiss, each at or near ten pages of briefing. The Prosecution Team objects to this attempted submittal and requests that the Hearing Team strike all but the first ten pages of BBID's total motion briefing. The Prosecution Team will rescind this request if BBID replaces the five separate motions with one combined motion, not exceeding ten pages in length, before today's noon deadline.

Andrew Tauriainen, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 341-5445
fax: (916)341-5896
atauriainen@waterboards.ca.gov

***CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Yolanda De La Cruz [mailto:ydelacruz@somachlaw.com]
Sent: Monday, January 25, 2016 10:37 AM
To: Unit, Wr_Hearing@Waterboards
Cc: Michael Vergara; Dan Kelly; Herrick, John @aol.com; Jennifer L. Spaletta; Valerie Kincaid; Jeanne Zolezzi; Tim O'Laughlin; kharrigfeld@herumcrabtree.com; Tauriainen, Andrew@Waterboards; Jonathan Knapp; Richard Morat; McGinnis, Robin C.@DWR; Stefanie Morris; Rick Gilmore; Unit, Wr_Hearing@Waterboards; Janelle Krattiger; Daniel O'Hanlon; Akroyd, Rebecca@KMTG; Phillip Williams; ngmplcs@pacbell.net; Dante Nomellini Jr.; Michelle Bracha; Uoxina

Santos-Aguirre

Subject: BBID/WSID Hearings

SWRCB Hearing and Parties:

Please be advised that we are sending you the following Motions and Declarations along with exhibits by HIGHTAIL.

1. NOTICE OF POSITION REGARDING THE STATE WATER RESOURCES CONTROL BOARD AUTHORITY TO ISSUE CURTAILMENTS
2. DECLARATION OF LAUREN D. BERNADETT IN SUPPORT OF BYRON-BETHANY IRRIGATION NOTICE OF POSITION REGARDING THE STATE WATER RESOURCES CONTROL BOARD AUTHORITY TO ISSUE CURTAILMENTS
3. MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY PROCEEDING IN ENF01951 FOR LACK OF STATUTORY AUTHORITY UNDER WATER CODE SECTION 1052
4. DECLARATION OF LAUREN D. BERNADETT IN SUPPORT OF MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY PROCEEDING IN ENF01951 FOR LACK OF STATUTORY AUTHORITY UNDER WATER CODE SECTION 1052
5. MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY COMPLAINT IN ENF01951 FOR LACK OF DELEGATION AUTHORITY
6. DECLARATION OF LAUREN D. BERNADETT IN SUPPORT OF MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY COMPLAINT IN ENF01951 FOR LACK OF DELEGATION AUTHORITY
7. MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY COMPLAINT IN ENF01951 FOR VIOLATION OF DUE PROCESS
8. DECLARATION OF LAUREN D. BERNADETT IN SUPPORT OF MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY COMPLAINT IN ENF01951 FOR VIOLATION OF DUE PROCESS
9. MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY PROCEEDING IN ENF01951 STATE WATER RESOURCES CONTROL BOARD'S METHOD OF DETERMINING WATER AVAILABILITY IS AN UNLAWFUL UNDERGROUND REGULATION
10. DECLARATION OF LAUREN D. BERNADETT IN SUPPORT OF MOTION TO DISMISS ADMINISTRATIVE CIVIL LIABILITY PROCEEDING IN ENF01951 SWRCB'S METHOD OF DETERMINING WATER AVAILABILITY IS AN UNLAWFUL UNDERGROUND REGULATION
11. MOTION TO DISQUALIFY HEARING OFFICER
12. DECLARATION OF LAUREN D. BERNADETT IN SUPPORT OF MOTION TO DISQUALIFY HEARING OFFICER



Yolanda De La Cruz | *Legal Secretary*
to Daniel Kelly and Aaron A. Ferguson

500 Capitol Mall, Suite 1000 | Sacramento, CA 95814

Office 916.446.7979 | **Direct** 916.469-3815 | **Fax** 916.446.8199 | ydelacruz@somachlaw.com

<http://www.somachlaw.com>

The information contained in this electronic mail transmission is confidential and intended to be sent only to the stated recipient of the transmission. It may therefore be protected from unauthorized use or dissemination by the attorney client and/or attorney work-product privileges. If you are not the intended recipient or the intended recipient's agent, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. You are also asked to notify us immediately by telephone at (916) 446-7979 or reply by e-mail and delete or discard the message. Thank you.