



State Water Resources Control Board

May 30, 2014

VIA ELECTRONIC AND REGULAR MAIL

Nathan Dawood
a/k/a A.N. Dawood
P.O. Box 393
East Irvine, CA 92650
ANDCEO@gmail.com

Younan and Sandra Dawood
P.O. Box 970
Smith River, CA 95567
sandrashawdawood@sbcglobal.net

Yvonne M. West
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
Yvonne.West@waterboards.ca.gov

Ladies and Gentlemen:

NOTICE OF INTENT TO APPEAR DEFICIENCIES, REQUEST TO POSTPONE DEADLINE TO SUBMIT EXHIBITS, AND SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION - YOUNAN A DAWOOD AND SANDRA C DAWOOD DRAFT CEASE AND DESIST ORDER AND ADMINISTRATIVE CIVIL LIABILITY HEARING - UNNAMED STREAM TRIBUTARY TO HOWELL CREEK (BELL CANYON CREEK) THENCE NAPA RIVER, NAPA COUNTY

In accordance with the State Water Resources Control Board's (State Water Board) Notice of Public Hearing, dated May 2, 2014 (Hearing Notice), regarding the above hearing, enclosed is a Service List of Participants who have submitted a Notice of Intent to Appear (NOI) and who have indicated intent to participate in the hearing. Copies of the NOIs are attached.

On May 28, 2014, I sent a letter stating that Younan A. Dawood and Sandra C. Dawood (collectively the Dawoods) had failed to timely submit a NOI to the State Water Board for the July 22, 2014 public hearing. Please disregard that letter, as it was sent in error; the Dawoods, along with A.N. Dawood, timely submitted NOIs to the State Water Board by facsimile.

Younan Dawood, Sandra Dawood, and A.N. Dawood each submitted an NOI and each of these NOIs contains an ambiguity or error. The Hearing Officer directs the Dawoods and A.N. Dawood to respond as follows:

1. The Dawoods must designate a primary contact and immediately inform me who they designate as their primary contact.
2. Younan Dawood and Sandra Dawood submitted separate NOIs and must immediately inform me whether they intend to present separate defenses or a joint defense.
3. Each NOI indicates that Younan Dawood will testify for one hour and that Sandra Dawood will testify for one hour. Section 9(b) of the attachment to the Hearing Notice entitled "Information Concerning Appearance at Water Right Hearings" states that oral testimony will be limited to 20 minutes per witness to summarize or emphasize written testimony and up to one hour per party to present all of its direct testimony. The Dawoods must immediately submit amended NOIs, or an amended joint NOI, conforming with this requirement. In the alternative, the Dawoods may

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

request that the Hearing Officer grant additional time, but must demonstrate good cause for doing so. A.N. Dawood must also submit an NOI conforming with this requirement or requesting that the Hearing Officer grant additional time for good cause shown.

4. A.N. Dawood has submitted an NOI indicating that he intends to participate as a party. Section 3 of the attachment to the Hearing Notice entitled "Information Concerning Appearance at Water Right Hearings" states that the Hearing Officer may impose limitations on a party's participation. A.N. Dawood must immediately inform me of his personal interest in this hearing and of what evidence he intends to present that is distinct from the evidence the Dawoods will present, so that the Hearing Officer may determine what, if any, limitations should be imposed upon his participation. (Gov. Code, § 11440.50, subd. (c).)
5. In each NOI, the box "I/we intend to present a policy statement only" is checked. As stated in the Hearing Notice, a policy statement is a non-evidentiary statement that may only be submitted by interested persons who do not participate in the hearing as parties. (Cal. Code Regs., tit. 23, § 648.1, subd. (d).) When submitting amended NOIs as set forth above, the Dawoods may not indicate that they intend to present a policy statement. If A.N. Dawood desires to participate as a party, his amended NOI may not indicate that he intends to present a policy statement.

The Dawoods and A.N. Dawood must submit the above information and amended NOIs immediately and no later than June 6, 2014. The NOIs and other documents related to this hearing will be posted on the Division of Water Rights [project website](#):

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/dawood/index.shtml

On May 28, 2014, I received a notice of settlement and a request for extension of the deadline for receipt and service of testimony, exhibits, lists of exhibits, qualifications, and statement of service (exhibit deadline). The Hearing Officer has granted the request for an extension of the exhibit deadline; the new exhibit deadline is **June 19, 2014**. For further information regarding submittals and hearing requirements please refer to the [Hearing Notice](#), available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/dawood/notice_dawood.pdf

Please note that the Hearing Officer may not entertain further alterations to the hearing schedule. If you have any questions regarding this letter, please contact me at (916) 341-5448 or by email at Michael.Buckman@waterboards.ca.gov or Jean McCue at (916) 341-5351 or by email at Jean.McCue@waterboards.ca.gov.

Sincerely,



Michael Buckman, Chief
Hearings Unit

Enclosures: Service List, NOIs

Continues on next page:

ec: State Water Resources Control Board:

John O'Hagan, Assistant Deputy Director
Permitting and Enforcement Section
Division of Water Rights
John.O'Hagan@waterboards.ca.gov

Carlos Mejia, Staff Counsel
Office of Chief Counsel
Carlos.Mejia@waterboards.ca.gov

**YOUNAN A DAWOOD & SANDRA C DAWOOD
DRAFT CEASE AND DESIST ORDER AND
ADMINISTRATIVE CIVIL LIABILITY HEARING
UNNAMED STREAM TRIBUTARY TO HOWELL CREEK
(BELL CANYON CREEK) THENCE NAPA RIVER, NAPA COUNTY**

SCHEDULED TO COMMENCE ON JULY 22, 2014

**SERVICE LIST OF PARTICIPANTS
(May 30, 2014)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

YOUNAN A DAWOOD & SANDRA C DAWOOD
c/o A.N. Dawood
P.O. Box 393
East Irvine, CA 92650
ANDCEO@gmail.com

DIVISION OF WATER RIGHTS
PROSECUTION TEAM
c/o Yvonne M. West
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
Yvonne.West@waterboards.ca.gov

NOTICE OF INTENT TO APPEAR

Division of Water Rights Prosecution Team plans to participate in the water right hearing regarding

Draft Cease and Desist Order WR 2012-00XX-DWR
and Administrative Civil Liability
against
Younan A Dawood & Sandra C Dawood

**scheduled to commence
Tuesday, July 22, 2014
at 9:00 a.m.**

STATE WATER RESOURCES CONTROL BOARD
2014 MAY 22 PM 10:09
DIV OF WATER RIGHTS
SACRAMENTO

Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Aaron Miller, Senior Water Resource Control Engineer	The Division of Water Rights unauthorized reservoir enforcement efforts, inspection of site, determination of ACL amount, key issues 1, 2, and 3.	20	Yes
Jeff Wetzel, Senior Water Resource Control Engineer	Initial investigation, key issues 1, 2 and 3.	10	Yes
Paul Wells, Water Resource Control Engineer	Investigation, inspection of site, key issues 1, 2, and 3.	20	Yes
Charles Dunn	Past use, size and maintenance of reservoir, current state of reservoir property.	10	No

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature:  Dated: 5/22/2014

Name (Print): Yvonne M. West, Senior Staff Counsel Office of Enforcement

Mailing

Address: State Water Resources Control Board

1001 I street, 16th Floor Sacramento, CA 95814

Phone Number: (916) 322-3626 Fax Number: (916) 341-5896

E-mail: Yvonne.West@waterboards.ca.gov

NOTICE OF INTENT TO APPEAR

Sandra Dawood plans to participate in the water right hearing regarding
(name of party or participant)

Draft Cease and Desist Order WR 2012-00XX-DWR
and Administrative Civil Liability
against
Younan A Dawood & Sandra C Dawood

scheduled to commence
Tuesday, July 22, 2014
at 9:00 a.m.

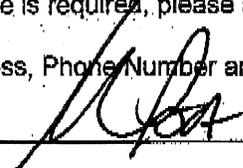
Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
YOUNAN DAWOOD	LAND OWNER'S CONDUCT	1 Hr.	NO
A. N. DAWOOD	LAND OWNER'S CONDUCT	1 Hr.	NO

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature:  Dated: 5/22/14

Name (Print): Sandra Dawood

Mailing Address: P. O. Box 970

Angwin, CA 95567

Phone Number: () (707) 965-2673 Fax Number: ()

E-mail: _____

NOTICE OF INTENT TO APPEAR

Younan Dawood plans to participate in the water right hearing regarding
(name of party or participant)

Draft Cease and Desist Order WR 2012-00XX-DWR
and Administrative Civil Liability
against
Younan A Dawood & Sandra C Dawood

scheduled to commence
Tuesday, July 22, 2014
at 9:00 a.m.

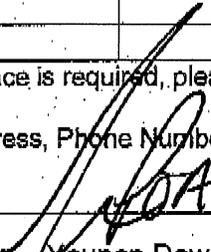
Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
SANDRA DAWOOD	LAND OWNER'S CONDUCT	1 hr.	NO
A.N. DAWOOD	LAND OWNERS CONDUCT	1 hr	NO

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature:  Dated: 5/22/14

Name (Print): Younan Dawood

Mailing Address: P. O. Box 970
Angwin, CA 95567

Phone Number: () (707) 965-2673 Fax Number: ()

E-mail: _____

NOTICE OF INTENT TO APPEAR

A. N. DAWOOD plans to participate in the water right hearing regarding
(name of party or participant)

Draft Cease and Desist Order WR 2012-00XX-DWR
and Administrative Civil Liability
against
Younan A Dawood & Sandra C Dawood

**scheduled to commence
Tuesday, July 22, 2014
at 9:00 a.m.**

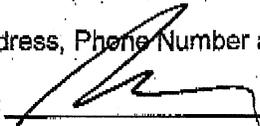
Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
YOUNAN DAWOOD	LAND OWNER'S CONDUCT	1 hr	No
SANDRA DAWOOD	LAND OWNER'S CONDUCT	1 hr	NO

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature:  Dated: 5/22/14

Name (Print): A.N. Dawood

Mailing Address: P.O. Box 393

East Irvine, CA 92650

Phone Number: () 949 354 1475 Fax Number: () 866 792 8469

E-mail: ANDCEO@gmail.com