1 CARTER MOMSEN PC BRIAN S. MOMSEN, ESQ. SBN 154235 2 ALEXANDER C. RICH, ESQ. SBN 294745 305 North Main Street 3 P.O. Box 1709 Ukiah, California 95482 Telephone: (707) 462-6694 4 Facsimile: (707) 462-7839 5 6 Attorneys for Nancy K. Donovan and Stephen J. Peters 7 8 BEFORE THE STATE WATER BOARD RESOURCES CONTROL BOARD 9 10 In the matter of Administrative Civil Liability Complaint and 11 DECLARATION OF NANCY K. DONOVAN Draft Order Issued Against) 12 Nancy K. Donovan and IN SUPPORT OF PETITION FOR) Stephen J. Peters RECONSIDERATION) 13 14 15 I, Nancy K. Donovan, declare as follows: 16 1. I am over the age of 18 and competent to testify as a witness. I base this declaration on personal observations, 17 unless stated that such facts are based on information and 18 belief. If called to testify as a witness, I could and would 19 20 competently state as follows: I am suffering from breast cancer and have underwent a 21 2. mastectomy surgery. I have undergone chemotherapy and take 22 medications daily. This dispute regarding our ponds and dealings 23 with the Water Board in general have been very stressful for me. 24 My husband, Stephen J. Peters, I am informed and believe is 25 cognizant of the stress I am under and consequently, did not want 26 me to go through the rigors of attending the hearing in 27 Sacramento on October 12, 2016. 28

3. Mr. Peters and I reside in Yorkville, California which is approximately a 3 ½ to 4 hour drive to Sacramento. We had requested the hearing time later in the day but were refused in regard to the October 12 hearing. On that day, I woke up early, such that I would have time to drive to Sacramento for the hearing and noticed that my husband, Mr. Peters was gone and had left the house. Thereafter, I could not find my car keys after searching the house for several hours. Finally, later that morning, and after a time I could have driven to Sacramento in time for the 9:00 a.m. October 12, hearing, I received a telephone call from my husband who informed me that he had left already for the hearing and that he had hidden my car keys as he did not want me to go through the stress of the hearing.

4. Previously, in August 2016, I had filed a Notice of Intent to Appear at the Hearing and present testimony. I was prepared on October 12 to do just that and present my case. But for my husband being overprotective and hiding my car keys, I would have attended the hearing on October 12. I appreciate his concern for my well-being, but I still want the hearing and want to put on my case before the Water Board.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed at Concord, California on December <u>6</u>, 2016.

Nancy K. Donovan

DECLARATION OF NANCY K. DONOVAN IN SUPPORT OF PETITION FOR RECONSIDERATION

L	PROOF OF SERVICE BY E-MAIL AND U.S. MAIL
2	I am employed in the County of Mendocino, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 305 N. Main Street, Ukiah, California. On December 7, 2016,I served the document entitled DECLARATION OF NANCY K. DONOVAN IN SUPPORT OF PETITION FOR RECONSIDERATION on the interested parties by electronic mail at the addresses listed below and by placing true and complete copies thereof, in sealed envelopes with first class postage thereon prepaid in full, in the U.S. mail at Ukiah, California, addressed as follows: Andrew Tauriainen, Esq. Kenneth Petruzzelli, Esq. John Prager, Esq. STATE WATER RESOURCES CONTROL BOARD 1001 I Street, 16 th Floor Sacramento, CA 95814 <u>kenneth.petruzzelli@waterboards.ca.gov</u> John.Prager@waterboards.ca.gov
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13	California Department of Fish and Wildlife, Northern Region Jane Arnold 619 Second Street Eureka, CA 95501 Jane.Arnold@wildlife.ca.gov
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15 16	
17	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on December 1, 2016, at Ukiah, California.
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	DECLARATION OF NANCY K. DONOVAN IN SUPPORT OF PETITION FOR RECONSIDERATION
	BECLARATION OF NANCY K. DONOVAN IN SUPPORT OF PETITION FOR RECONSIDERATION