September 15, 2015

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

REVISED SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: WATER RIGHT HEARING REGARDING DRAFT CEASE AND DESIST ORDER AND ADMINISTRATIVE CIVIL LIABILITY– MARK HODGETTS – SCHEDULED TO COMMENCE ON OCTOBER 5, 2015

In accordance with the State Water Resources Control Board's (State Water Board) **August 19, 2015** Notice of Public Hearing (Notice) and **September 3, 2015** Revised Notice of Public Hearing regarding the above subject 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 above subject hearing. Copies of the NOIs are enclosed.

PLEASE NOTE

As stated in the August 18, 2015 Notice, the exhibits and indexes for this hearing, and a statement of service, must be **received by the State Water Board and served on the other parties no later than 12:00 p.m. on Thursday, September 24, 2015**. Participants may serve those participants who agree to electronic service with an electronic copy of exhibits. For this hearing, all participants have agreed to accept electronic service of hearing-related materials.

All written testimony and other exhibits submitted to the State Water Board should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
Attention: Paul Murphey

By Mail:	P.O. Box 2000, Sacramento, CA 95812-2000
By Hand Delivery:	Joe Serna, Jr.-CalEPA Building 1001 I Street, 2nd Floor, Sacramento, CA 95814
By Fax:	(916) 341-5400
By Email:	wrhearing@waterboards.ca.gov With Subject of **"Hodgetts Draft CDO/ACL Hearing"**

If you have any non-controversial procedural questions, please contact me at (916) 341-5435 or by email at paul.murphey@waterboards.ca.gov or Samantha Olsen at (916) 327-8235 or by email at samantha.olsen@waterboards.ca.gov.

Sincerely,

Paul Murphey
Engineering Geologist
Hearings Unit

Enclosures: Service List, NOIs

DRAFT CEASE AND DESIST ORDER AND ADMINISTRATIVE CIVIL LIABILITY

MARK HODGETTS

SCHEDULED TO COMMENCE ON OCTOBER 5, 2015

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: (September 15, 2015)

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.)

Peter C. Harman Minasian, Meith, Soares, Sexton & Cooper, LLP Savings Bank Building, Suite 304 1681 Bird Street P.O. Box 1679 Oroville, CA 95965-1679 pharman@minasianlaw.com	Yvonne West, Senior Staff Counsel State Water Resources Control Board Division of Water Rights Prosecution Team 1001 I Street, 16th Floor Sacramento, CA Yvonne.West@waterboards.ca.gov

THE FOLLOWING INTERESTED PARTY WILL PARTICIPATE BY POLICY STATEMENT ONLY. IT IS NOT NECESSARY TO SERVE THEM WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.

Rick Rogers NOAA National Marine Fisheries Service 777 Sonoma Ave, Suite 32 Santa Rosa, CA 95404 rick.rogers@noaa.gov

MINASIAN, MEITH, SOARES, SEXTON & COOPER, LLP
ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 BIRD STREET
P.O. BOX 1679
OROVILLE, CALIFORNIA 95965-1679

Writer's email: pharman@minasianlaw.com

PAUL R. MINASIAN, INC.
JEFFREY A. MEITH
M. ANTHONY SOARES
DUSTIN C. COOPER
EMILY E. LaMOE
PETER C. HARMAN
ANDREW J. McCLURE

WILLIAM H. SPRUANCE, Retired

MICHAEL V. SEXTON, Retired

TELEPHONE: (530) 533-2885

FACSIMILE: (530) 533-0197

September 10, 2015
CERTIFIED MAIL – RETURN RECEIPT REQUESTED
Certified No. 7003 1010 0000 3095 4632

John O'Hagan, Assistant Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: REQUEST FOR HEARING CONCERNING ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AGAINST MARK HODGETTS; NOTICE OF INTENT

TO WHOM IT MAY CONCERN:

Notice is hereby given under subdivision (b) of Water Code section 1055 that Mark Hodgetts requests a hearing in the above-referenced matter. Although this constitutes Mr. Hodgetts's formal request for hearing in the ACL matter, it is acknowledged that the hearing for the ACL matter has already been consolidated with the hearing for the related draft Cease and Desist Order issued against Mr. Hodgetts, and thus the hearing date for the ACL matter has already been set. (See Revised Notice of Public Hearing, Sept. 3, 2015.)

Mr. Hodgetts intends to appear at the hearing if these matters are not otherwise resolved prior to the hearing date. To that end, Mr. Hodgetts will continue to rely on the information already submitted in the Notice of Intent to Appear dated August 27, 2015.

Very truly yours,

MINASIAN, MEITH, SOARES, SEXTON & COOPER, LLP

By: _____
PETER C. HARMAN

PCH:aw

NOTICE OF INTENT TO APPEAR

Mark Hodgetts plans to participate in the water right hearing regarding:

July 16, 2015 Draft Cease and Desist Order
Against
Mark Hodgetts
The Public Hearing will commence on
Monday, October 5, 2015, and continue, if necessary,
on Tuesday, October 6, 2015
at 9:00 a.m.

1) Check only one (1) of the following:

☐ ~~I/we intend to present a policy statement only.~~
☐ ~~I/we intend to participate by cross-examination or rebuttal only.~~
✓ 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)
Mark Hodgetts	All topics identified in draft CDO and notice of public hearing	20 minutes ±	No
Craig Hair	Legal basis for District's sale of water to customers for commercial/industrial uses	10 minutes ±	No
John Parsons	SWRCB's inspection of Hodgetts property	10 minutes ±	No
Skyler Anderson	SWRCB's inspection of Hodgetts property	20 minutes ±	No
Sam Cole	SWRCB's inspection of Hodgetts property	20 minutes ±	No
SWRCB employee responsible for receipt of reports/complaints identified in draft CDO	Reports/complaints received regarding Hodgetts	10 minutes ± * Total time not to exceed limit set in Notice of Public Hearing or as may be revised	No

2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name: Peter C. Harman, Attorney for Mark Hodgetts
Mailing Address: 1681 Bird Street, Oroville, CA 95965
Phone Number: (530)533-2885 . Fax Number: (530)533-0197
E-mail: pharman@minasianlaw.com
Optional: ☐ I/we decline electronic service of hearing-related materials.

Signature: Peter Harman

Dated: 8/27/2015

NOTICE OF INTENT TO APPEAR

State Water Board Prosecution Team plans to participate in the water right hearing regarding
(name of party or participant)

July 16, 2015 Draft Cease and Desist Order
[and Administrative Civil Liability Complaint]
Against
Mark Hodgetts

The Public Hearing will commence on Monday,
October 5, 2015, and continue, if necessary, on
Tuesday, October 6, 2015
at 9:00 a.m.

1) Check only one (1) of the following:

☐ I/we intend to present a policy statement only.

☐ I/we intend to participate by cross-examination or rebuttal only.

X I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Taro Murano, Senior Environmental Scientist	The Division of Water Rights bulk water hauling enforcement efforts, site inspection, investigation, determination of ACL amount.	10	Yes
Skyler Anderson, Environmental Scientist	Site inspections, investigation, surveillance, billing records, economic benefit, key issues 1 -3.	15	Yes
Samuel Cole, Water Resources Control Engineer	Site inspections, investigation, surveillance, billing records, key issues 1 -3.	15	Yes
Suzanne Turek, Senior Environmental Scientist with Department of Fish & Wildlife	Stating agency mission and the importance of Hayfork Creek	10	yes
Kate Grossman, Environmental Scientist with the Department of Fish and Wildlife	Stating agency mission and the importance of Hayfork Creek	10	yes

Paul Cardoza, Department of Fish & Wildlife Warden	Potential harm to fisheries resources and habitat resulting from unauthorized diversions, local demand for bulk water hauling, Trinity Pines and Summit Creek community background and descriptions, investigation	10	Yes
Craig Heir General Manager Trinity County Water District	District place of use, district metering and billing practices, authorization of bulk water hauling, local demand/uses for bulk water. Key issue 2	10	No
	The Prosecution Team reserves the right to call rebuttal witnesses to address legal argument or testimony by the other parties.		

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

2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): Yvonne West

Mailing Address: 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

Optional:

☐ I/we decline electronic service of hearing-related materials.

Signature: Andrew Sawyers for Yvonne West Dated: August 28, 2015

MB

NOTICE OF INTENT TO APPEAR

NOAA's National Marine Fisheries Service plans to participate in the water right hearing regarding
(name of party or participant)

July 16, 2015 Draft Cease and Desist Order
Against
Mark Hodgetts

The Public Hearing will commence on
Monday, October 5, 2015, and continue, if necessary,
on Tuesday, October 6, 2015
at 9:00 a.m.

2015 SEP 11 AM 7:50
DIV OF WATER RIGHTS
SACRAMENTO
STATE WATER RESOURCES CONTROL BOARD

1) Check only one (1) of the following:

☒ I/we intend to present a policy statement only. (Presenter to be determined later)
☐ I/we intend to participate by cross-examination or rebuttal only.
☐ I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

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

2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): NOAA's National Marine Fisheries Service

Mailing Address: 777 Sonoma Avenue, Suite 325

Phone Number: (707) 387-0737 Fax Number: (707) 578-3435

E-mail: rick.rogers@noaa.gov

Optional:

☐ I/we decline electronic service of hearing-related materials.

Signature: [signature] Dated: 9/10/15