



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

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## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights)



**Arnold Schwarzenegger**  
Governor

## NOTICE OF PUBLIC HEARINGS

The State Water Resources Control Board will hold four separate Public Hearings to determine whether to adopt **Cease and Desist Orders** against

**Nelly Mussi and Rudy M. Mussi Investment LP**  
**Whiskey Slough in San Joaquin County**

**Juan Navarro**  
**Middle River in San Joaquin County**

**George Speckman Testamentary Trust**  
**Whiskey Slough in San Joaquin County**

**Woods Irrigation Company**  
**Middle River in San Joaquin County**

**Public Hearings**  
will commence on

**Monday, June 7, 2010**  
**at 9:00 a.m.**

in the  
Coastal Hearing Room  
Joe Serna, Jr./Cal-EPA Headquarters Building  
1001 I Street, Second Floor  
Sacramento, CA

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### **PURPOSE OF HEARINGS**

The purpose of each hearing is for the State Water Resources Control Board (State Water Board or Board) to receive evidence relevant to determining whether to adopt, with or without revision, a draft cease and desist order (CDO) against: (1) Nelly Mussi and Rudy M. Mussi Investment LP; (2) Juan Navarro; (3) George Speckman Testamentary Trust; and (4) Woods Irrigation Company.

### **ORDER OF PROCEEDINGS**

The public hearings will be held in the following order: (1<sup>st</sup>) Woods Irrigation Company; (2<sup>nd</sup>) Nelly Mussi and Rudy M. Mussi Investment LP; (3<sup>rd</sup>) Juan Navarro; and (4<sup>th</sup>) George Speckman Testamentary Trust.

***California Environmental Protection Agency***

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## **BACKGROUND**

The State Water Board may issue a CDO in response to a violation or threatened violation of: (1) the prohibition against the unauthorized diversion or use of water; (2) a term or condition of a water right permit, license, certification, or registration; or (3) a State Water Board order or decision issued pursuant to specified provisions of the Water Code. (Wat. Code, § 1831, subds. (a) & (d)(1-3).)

The State Water Board may issue such a CDO only after notice and an opportunity for hearing. Unless the State Water Board receives a timely written request for a hearing, the State Water Board may adopt a CDO without a hearing. This notice and other material related to each of the four CDO hearings will be posted at the Hearings Program Internet website. To access information for each hearing go to [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/currentprojects.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/currentprojects.shtml), and then open the link for the hearing. Put in exact names (for example, "Mussi" is in two current hearings).

### Nelly Mussi and Rudy M. Mussi Investment LP (Mussi Investment)

On December 28, 2009, the Assistant Deputy Director for Water Rights issued a [draft CDO](#) against Mussi Investment for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires Mussi Investment to immediately cease and desist from diverting water to Assessors Parcel Nos. 131-070-02, 131-070-12 and 131-070-13 in San Joaquin County until certain actions are taken. By letter dated January 14, 2010, Mussi Investment requested a hearing on the draft CDO.

### Juan Navarro (Navarro)

On January 13, 2010, the Assistant Deputy Director for Water Rights issued a [draft CDO](#) against Navarro for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires Navarro to immediately cease and desist from diverting water to Parcel No. 191-030-02 in San Joaquin County until certain actions are taken. By letter dated January 19, 2010, Navarro requested a hearing on the draft CDO.

### George Speckman Testamentary Trust (Speckman)

On January 13, 2010, the Assistant Deputy Director for Water Rights issued a [draft CDO](#) against Speckman for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires Speckman to immediately cease and desist from diverting water to Parcel No. 131-190-03 in San Joaquin County until certain actions are taken. By letter dated February 1, 2010, Speckman requested a hearing on the draft CDO.

### Woods Irrigation Company (Woods)

On December 28, 2009, the Assistant Deputy Director for Water Rights issued a [draft CDO](#) against Woods for the alleged violation and threatened violation of the prohibition against the unauthorized diversion or use of water. The draft CDO requires Woods to immediately cease and desist from diverting water in excess of 77.7 cubic feet per second (cfs) at any time until certain actions are taken. By letter dated January 11, 2010, Woods requested a hearing on the draft CDO.

## **KEY ISSUES**

Each public hearing presents the following key issues:

1) Should the State Water Board adopt the draft CDO? 2) If the draft CDO is adopted, should any modifications be made to the measures in the draft order, and what is the basis for any such modifications?

## **HEARING OFFICER AND HEARING TEAM**

State Water Board Vice Chair Frances Spivy-Weber and Member Walter Pettit will preside as co-hearing officers over these proceedings. State Water Board staff hearing team members will include Marianna Aue, Staff Counsel; Jane Farwell, Environmental Scientist; and Ernest Mona, Water Resource Control Engineer. The hearing team will assist the hearing officer and other members of the State Water Board throughout these proceedings.

## **SEPARATION OF FUNCTIONS**

A staff prosecutorial team will be a party in these hearings. State Water Board prosecutorial team members will include David Rose, Staff Counsel; Chuck Rich and Mark Stretars, Senior Water Resource Control Engineers, as well as Elliot Matchett and Matthew Quint, Water Resource Control Engineers.

The prosecution team is separated from the hearing team and is prohibited from having *ex parte* communications with the hearing officers, other members of the State Water Board, and members of the hearing team regarding substantive issues and controversial procedural issues within the scope of these proceedings. This separation of functions also applies to the supervisors of each team.

## **HEARING PARTICIPATION**

IF YOU WANT TO TAKE PART IN ANY OF THE EVIDENTIARY HEARINGS, you should carefully read the enclosure entitled "Information Concerning Appearance at Water Right Hearings at Board Meetings." Please note that this information has been recently updated.

As stated in that enclosure, everyone wishing to present evidence at any of the hearings must submit a Notice of Intent to Appear (NOI), which must be **received** by the State Water Board no later than the deadline listed below. Any party intending to appear at more than one of the four hearings must submit a separate NOI for each hearing. **If Nelly Mussi and Rudy M. Mussi Investment LP; Juan Navarro; George Speckman Testamentary Trust and/or Woods Irrigation Company fail to submit a Notice of Intent to Appear by the deadline specified in this notice, the State Water Board will deem that party's request for a hearing regarding the draft CDO to be withdrawn and the draft CDO may be adopted without further notice.**

Within one week after the deadline for Notices of Intent to Appear, the State Water Board will mail out a list of those who have indicated a desire to participate in each hearing and a copy of all Notices of Intent to Appear that were timely received by the State Water Board. The list is provided in order to facilitate exchange of written testimony, exhibits and witness qualifications in advance of the hearing. Only parties will be allowed to present evidence. Copies of witnesses' proposed **testimony, exhibits, lists of exhibits, qualifications, and a statement of service** must be **received** by the State Water Board and served on each of the parties who have indicated their intent to appear, no later than the deadline listed below.

**12 Noon, Tuesday, April 20, 2010**

Deadline for receipt of Notice of Intent to Appear.

**12 Noon, Monday, May 17, 2010**

Deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service.

### **SUBMITTALS TO THE WATER BOARD**

Notices of Intent to Appear, 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: Jane Farwell  
P.O. Box 2000, Sacramento, CA 95812-2000 (by mail)  
1001 I Street, 2<sup>nd</sup> Floor, Sacramento, CA 95814 (by hand delivery)

Phone: (916) 341-5349

Fax: (916) 341-5400

Email: [wrhearing@waterboards.ca.gov](mailto:wrhearing@waterboards.ca.gov)

With Subject of "**Nelly Mussi and Rudy M. Mussi Investment LP CDO Hearing;**" "**Juan Navarro CDO Hearing;**" "**Speckman Testamentary Trust CDO Hearing;**" or "**Woods Irrigation Company CDO Hearing.**"

### **IF YOU HAVE ANY QUESTIONS**


During the pendency of these proceedings, and commencing no later than the issuance of this notice, there shall be no *ex parte* communications between State Water Board members or State Water Board hearing team staff and any of the other participants, including members of the prosecution team regarding substantive or controversial procedural matters within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters (Gov. Code, § 11430.20, subd. (b)) should be directed to either Environmental Scientist Jane Farwell at (916) 341-5349 (email [jfarwell@waterboards.ca.gov](mailto:jfarwell@waterboards.ca.gov)) or to Staff Counsel Marianna Aue at (916) 327-4440 (email [maue@waterboards.ca.gov](mailto:maue@waterboards.ca.gov)).

**PARKING, ACCESSIBILITY AND SECURITY**

A map to the Joe Serna Jr. /Cal-EPA Headquarters Building and parking information are available at <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process.

The Joe Serna Jr./Cal-EPA Headquarters Building is accessible to people with disabilities. Individuals who require special accommodations at the Joe Serna Jr./Cal-EPA Building are requested to contact Catherine Foreman, Office of Employee Assistance, at (916) 341-5881.

\_\_\_\_\_  
April 7, 2010  
Date

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

Enclosures

## INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS

The following procedural requirements will apply and will be strictly enforced:

1. **HEARING PROCEDURES GENERALLY:** The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-648.8, 649.6 and 760, as they currently exist or may be amended. A copy of the current regulations and the underlying statutes governing adjudicative proceedings before the State Water Board is available upon request or may be viewed at the State Water Board's web site: [http://www.waterboards.ca.gov/laws\\_regulations](http://www.waterboards.ca.gov/laws_regulations).

Unless otherwise determined by the hearing officers, each party may make an opening statement, call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross-examination. At the discretion of the hearing officers, parties may also be afforded the opportunity to present closing statements or submit briefs. The State Water Board encourages (but does not require) parties with common interests to work together to make the hearing process more efficient. The hearing officers reserve the right to issue further rulings clarifying or limiting the rights of any party where authorized under applicable statutes and regulations.

Any requests for exceptions to procedural requirements shall be filed in writing with the State Water Board and served on the parties. To provide time for parties to respond, the hearing officers will rule on procedural requests filed in writing no sooner than fifteen days after receiving the request, unless an earlier ruling is necessary to avoid disrupting the hearing.

2. **PARTIES:** The parties in the Mussi Investment CDO hearing are **Nelly Mussi and Rudy M. Mussi Investment LP and the State Water Board Prosecution Team**. The parties in the Navarro CDO hearing are **Juan Navarro and the State Water Board Prosecution Team**. The parties in the Speckman CDO hearing are **George Speckman and the State Water Board Prosecution Team**. The parties in the Woods CDO hearing are **Woods Irrigation Company and the State Water Board Prosecution Team**. For all these noticed hearings, additional parties may be designated in accordance with the procedures described in this notice. Except as may be decided by specific rulings of the hearing officers, any person or entity who timely files a Notice of Intent to Appear indicating the desire to participate beyond presenting a policy statement shall be designated as a party. Persons or entities who do not timely Notice of Intent to Appear may be designated as parties only at the discretion of the hearing officers, for good cause shown, and subject to appropriate conditions as determined by the hearing officers. Except as specifically provided in this notice or by ruling of the hearing officers, only parties will be allowed to present evidence.

A person or entity that appears and presents only a policy statement is not a party and will not be allowed to make objections, offer evidence, conduct cross-examination, make legal argument or otherwise participate in the evidentiary hearing. The rules for policy statements are discussed below.

The State Water Board Prosecution Team and a party subject of a proposed enforcement action may engage in settlement discussions, and may include or exclude other parties at their discretion. Settlement does not require the consent of parties other than the State Water Board Prosecution Team and a party against whom enforcement action is being taken. If, however, the State Water Board Prosecution Team and a party subject to a proposed enforcement action submit a proposed settlement to the State Water Board, or the Executive Director under [State Water Board Resolution No. 2002-104](#), all parties will be given the opportunity to comment on the proposed settlement.

- 3. NOTICE OF INTENT TO APPEAR:** Persons and entities who seek to participate as parties in this hearing must file either an electronic copy or a paper copy of a Notice of Intent to Appear, which must be **received** by the State Water Board no later than **the deadline prescribed in the Hearing Notice**. Failure to submit a Notice of Intent to Appear and exhibits in a timely manner may be interpreted by the State Water Board as intent not to appear. Any faxed or emailed Notices of Intent to Appear must be followed by a mailed or delivered hard copy with an original signature.

Interested persons who will not be participating as parties, but instead will present only non-evidentiary policy statements, as discussed in section 6, below, should also file a Notice of Intent to Appear.

The Notice of Intent to Appear must state the name and address of the participant. Except for interested persons who will not be participating as parties, the Notice of Intent to Appear must also include: (1) the name of each witness who will testify on the party's behalf; (2) a brief description of each witness's proposed testimony; and (3) an estimate of the time (not to exceed 20 minutes) that the witness will need to present a brief oral summary of his or her testimony. The witness's testimony must be submitted in writing as described in section 4 below. Parties who do not intend to present a case-in-chief but wish to cross-examine witnesses or present rebuttal should so indicate on the Notice of Intent to Appear.<sup>1</sup> Parties who decide not to present a case-in-chief after having submitted a Notice of Intent to Appear should notify the State Water Board and the other parties as soon as possible.

In order to expedite the exchange of information and lower the cost of participating in the hearing, the State Water Board encourages participants to submit hearing documents to the State Water Board in electronic form. In addition, participants may exchange the documents in electronic form. Hearing participants are not required to submit these documents in electronic form or accept electronic service. Those who choose to submit these documents electronically must comply with the requirements described in section 5, below. If you are willing to accept electronic media service in lieu of receiving hard copies of items, please check the appropriate box on the Notice of Intent to Appear.

The State Water Board will mail a service list of parties to exchange information to each person who has submitted a Notice of Intent to Appear. The service list will indicate which parties agreed to accept electronic service. If there is any change in the hearing schedule, only those parties on the service list, and interested persons that have filed a Notice of Intent to Appear expressing their intent to present a policy statement will receive notice of the change.

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<sup>1</sup> A party is not required to present evidence as part of a case-in-chief. Parties not presenting evidence as part of a case-in-chief will be allowed to participate through opening statements, cross-examination, and rebuttal, and may also present closing statements or briefs, if the hearing officers allow these in the hearing.

4. **WRITTEN TESTIMONY AND OTHER EXHIBITS:** Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each party proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.<sup>2</sup> Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A party who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

Each party shall submit to the State Water Board either: seven paper copies of each of its exhibits; or five paper copies and one electronic copy of each of its exhibits. **All electronic and paper copies must be received by the State Water Board no later than the deadline stated in the hearing notice.** Each party shall also serve a copy of each exhibit on every party on the service list, with electronic service permitted for those parties who agree to electronic service. Interested persons who intend to make only policy statements are not required to exchange information and will not receive copies of written testimony or exhibits from the parties. All testimony, exhibits, and policy statements that are timely received will be posted on the hearings program webpage identified in the hearing notice.

With its exhibits, each party must submit to the State Water Board and serve on the other parties a completed Exhibit Identification Index. If possible, each party should submit to the State Water Board and serve on the other parties an electronic copy, as well as a paper copy of the Exhibit Identification Index. Please see section 5 for details regarding electronic submissions. A statement of service with manner of service indicated shall be filed with each party's exhibits. 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 the deadline prescribed in the Hearing Notice.**

The following requirements apply to exhibits:

- a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.
- b. The hearing officers have discretion to receive in evidence by reference relevant, otherwise admissible, public records of the State Water Board and documents or other evidence that have been prepared and published by a public agency, provided that the original or a copy was in the possession of the State Water Board before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A party offering an exhibit by reference shall advise the other parties and the State Water Board of the titles of the documents, the particular portions, including page and paragraph numbers, on which the party relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the State Water Board's files where the document may be found.

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<sup>2</sup> The hearing officers may make an exception to this rule if the witness is adverse to the party presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officers may allow presentation of the oral direct testimony without requiring written testimony.



- c. A party seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other parties prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a party waives the opportunity to obtain a copy of the exhibit, the party sponsoring the exhibit will not be required to provide a copy to the waiving party. Additionally, with the permission of the hearing officers, such exhibits may be submitted to the State Water Board in electronic form, using a file format readable by Microsoft Office 2003 software.
  - d. Exhibits that rely on unpublished technical documents will be excluded unless the unpublished technical documents are admitted as exhibits.
  - e. Parties submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, parties may supply, for the hearing record, a reduced copy of a large format original if it is readable.
5. **ELECTRONIC SUBMISSIONS:** Participants are encouraged to submit hearing documents to the State Water Board in electronic form. In addition, documents may be served electronically on those parties who have agreed to accept electronic service. Paper copies of all other documents must be submitted to the State Water Board and served on the other parties, unless the hearing officers specifies otherwise.

Any documents submitted or served electronically must be in Adobe Portable Document Format (PDF), except for Exhibit Identification Indexes, which may be in a version supported by Microsoft Excel or Word. Electronic submittals to the State Water Board of documents less than 11 megabytes in total size (incoming mail server attachment limitation) may be sent via electronic mail to: [wrhearing@waterboards.ca.gov](mailto:wrhearing@waterboards.ca.gov) with a subject of “**Nelly Mussi and Rudy M. Mussi Investment LP CDO hearing;**” “**Juan Navarro CDO Hearing;**” “**George Speckman Testamentary Trust CDO Hearing;**” or “**Woods Irrigation Company CDO Hearing.**” Electronic submittals to the State Water Board of documents greater than 11 megabytes in total size should be sent by regular mail in PDF format on compact disk (CD) media. **Each electronically submitted exhibit must be saved as a separate PDF file, with the name in lower case lettering.**

Electronic service on parties shall be in the same format as submittals to the State Water Board, and should be submitted to the parties to the e-mail addresses provided on the Notices of Intent to Appear. Parties who agree to electronic service may request that specific documents be provided to them in paper copy, or by mail on CD. Requests should be made to the participant who submitted the document, not to the State Water Board. Participants who receive such a request shall provide a paper copy of the requested document within five days of the date the request is received.

6. **ORDER OF PROCEEDING:** The State Water Board members serving as co-hearing officers will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events. The time limits specified below may be changed by the hearing officers, at their discretion, as a result of the pre-hearing conference.

- a. **Policy Statements Within the Evidentiary Hearing:** Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (d), the State Water Board will provide an opportunity for presentation of non-evidentiary policy statements or comments by interested persons who are not designated as parties. Policy statements will be heard at the start of the hearing, before the presentation of cases-in-chief. Policy statements are subject to the following provisions in addition to the regulation:
  - i. Policy statements are not subject to the pre-hearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.
  - ii. The State Water Board requests that policy statements be provided in writing before they are presented. Please see section 5, above, for details regarding electronic submittal of policy statements. Oral summaries of the policy statements will be limited to **five minutes** or such other time as established by the hearing officers.
  
- b. **Presentation of Cases-In-Chief:** Each party may present a case-in-chief addressing the key issues identified in the hearing notice. The case-in-chief will consist of any opening statement provided by the party, oral testimony, introduction of exhibits, and cross-examination of the party's witnesses. The hearing officers may allow redirect examination and recross examination. The hearing officers will decide whether to accept the party's exhibits into evidence upon a motion of the party after the case-in-chief has been completed. Each party will be allowed up to **one hour** total to present its opening statement and all of its direct testimony.<sup>3</sup>
  - i. **Opening Statements:** At the beginning of a case-in-chief, the party or the party's attorney may make an opening statement briefly and concisely stating the objectives of the case-in-chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues. A party may submit a written opening statement. Please see section 5, above, for details regarding electronic submittal of written opening statements. Any policy-oriented statements by a party should be included in the participant's opening statement.
  - ii. **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.
  - iii. **Cross-Examination:** Cross-examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, the hearing officers will decide whether the participant's witnesses will be cross-examined as a panel. Cross-examiners initially will be limited to **one hour** per witness or panel of witnesses. The hearing officers have discretion to allow additional time for cross-examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross-examination

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<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 of 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.

permitted by the hearing officers will be limited to the scope of the cross-examination and the redirect examination, respectively. Witnesses may be cross-examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) Ordinarily, only a party or the party's representative will be permitted to examine a witness, but the hearing officers may allow a party to designate a person technically qualified in the subject being considered to examine a witness. State Water Board members and the State Water Board's counsel may ask questions at any time, and the State Water Board members and staff may cross-examine any witness.

- c. **Rebuttal:** After all parties have presented their cases-in-chief and their witnesses have been cross-examined, the hearing officers will allow parties to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented by another party. Rebuttal testimony and exhibits need not be submitted prior to the hearing. Rebuttal evidence does not include evidence that should have been presented during the case-in-chief of the party submitting rebuttal evidence. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.
  - d. **Closing Statements and Legal Arguments:** At the close of the hearing or at other times if appropriate, the hearing officers may allow oral closing statements or legal arguments or set a schedule for filing legal briefs or written closing statements. If the hearing officers authorize the parties to file briefs, five copies of each brief shall be submitted to the State Water Board, and one copy shall be served on each of the other participants on the service list. A party shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the subject of an offer of the document in evidence. Every party filing a brief shall file a statement of service with the brief, indicating the manner of service.
7. **EX PARTE CONTACTS:** During the pendency of this proceeding, commencing no later than the issuance of the Notice of Hearing, there shall be no *ex parte* communications between either State Water Board members or State Water Board hearing team staff and supervisors, and any of the other participants regarding substantive or controversial procedural issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding non-controversial procedural matters are permissible and should be directed to staff on the hearing team, not State Water Board members. (Gov. Code, § 11430.20, subd. (b).) A document regarding *ex parte* communications entitled "*Ex Parte* Questions and Answers" is available upon request or from the Board website at: [http://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf).
  8. **RULES OF EVIDENCE:** Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

**NOTICE OF INTENT TO APPEAR**

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

**Proposed Cease and Desist Order Hearings**

Check only one of the following (submit a separate notice for each hearing):

- \_\_\_\_\_ **Nelly Mussi and Rudy M. Mussi Investment LP**
- \_\_\_\_\_ **Juan Navarro**
- \_\_\_\_\_ **George Speckman Testamentary Trust**
- \_\_\_\_\_ **Woods Irrigation Company**

**scheduled to commence  
Monday, June 7, 2010**

**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 agree to accept 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)

(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: \_\_\_\_\_

Name (Print): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ . Fax Number: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_



**June 7, 2010 Delta CDO Hearings  
Combined Hearings Notice  
Mailing List**

**CERTIFIED MAIL # 7004 2510 0003  
9148 6460**  
NELLY MUSSI AND RUDY M. MUSSI  
INVESTMENT LP  
GEORGE SPECKKMAN  
TESTAMENTARY TRUST  
c/o Dante John Nomellini  
Nomellini, Grilli & McDaniel  
P.O. Box 1461  
Stockton, CA 95201-1461  
[ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net)

**CERTIFIED MAIL # 7004 2510 0003  
9148 6477**  
JUAN NAVARRO  
c/o John Herrick  
4255 Pacific Avenue, Suite 2  
Stockton, CA 95207  
[jherrlaw@aol.com](mailto:jherrlaw@aol.com)

**CERTIFIED MAIL # 7004 2510 0003  
6484**  
WOODS IRRIGATION COMPANY  
c/o Dennis Donald Geiger  
Geiger & Keen, LLP  
311 East Main Street, Suite 400  
Stockton, CA 95202  
[dgeiger@bgrn.com](mailto:dgeiger@bgrn.com)

Division of Water Rights Prosecution  
Team  
c/o David Rose  
1001 I Street, 22<sup>nd</sup> Floor  
Sacramento, CA 95814  
[drose@waterboards.ca.gov](mailto:drose@waterboards.ca.gov)

MODESTO IRRIGATION DISTRICT  
c/o Tim O'Laughlin  
O'Laughlin & Paris LLP  
117 Meyers St., Suite 110  
P.O. Box 9259  
Chico, CA 95927-9259  
[towater@olaughlinparis.com](mailto:towater@olaughlinparis.com)

SAN LUIS & DELTA-MENDOTA  
WATER  
AUTHORITY  
c/o Jon D. Rubin  
Diepenbrock Harrison  
400 Capitol Mall, Suite 1800,  
Sacramento, California 95814  
[jrubin@diepenbrock.com](mailto:jrubin@diepenbrock.com)

STATE WATER CONTRACTORS  
c/o Stanley C. Powell  
Kronick, Moskovitz, Tiedemann & Girard  
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