

NOTICE OF INTENT TO APPEAR

APR 14 11:11 AM
COUNTY CLERK
MONTEREY COUNTY

California American Water plans to participate in the water right hearing regarding
(name of party or participant)

**Cease and Desist Order Hearing for
California American Water
Carmel River in Monterey County**

scheduled for
**Thursday, June 19, 2008, and continuing,
if necessary, on Friday, June 20, 2008**

- 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)
B. Kent Turner	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy. If CDO Issues	20 minutes	Yes
Thomas Bunosky	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy. If CDO Issues	20 minutes	Yes
David Berger	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy. If CDO Issues	20 minutes	Yes
F. Mark Schubert	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy. If CDO Issues	20 minutes	Yes
David Stephenson	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy. If CDO Issues	20 minutes	Yes
Lenard Weiss	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy. If CDO Issues	20 minutes	Yes
Tom Taylor	Actions by Cal-Am to Comply With Order 95-10; Remedy, If CDO Issues	20 minutes	Yes

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

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

Signature:  Dated: March 14, 2008

Name (Print): Jon D. Rubin

Diepenbrock Harrison

Mailing Address: 400 Capitol Mall, 18th Floor

Sacramento, CA 95814

Phone Number: (916) 492-5000 Fax Number: (916) 446-4535

E-mail Address: jrubin@diepenbrock.com

Attachment to
NOTICE OF INTENT TO APPEAR
of
California American Water
for
Cease and Desist Order Hearing for
California American Water
Carmel River in Monterey County

STATE WATER RESOURCES CONTROL BOARD
MARCH 14 AM 11:00
MARCH 14 AM 11:00

Scheduled for
Thursday, June 19, 2008, and continuing,
if necessary, on Friday, June 20, 2008

Continued List of Witnesses:

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Joe DiMaggio	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy, If CDO Issues	20 minutes	Yes
Paul Townsley	Background on Cal-Am; Actions by Cal-Am to Comply With Order 95-10; Remedy, If CDO Issues	20 minutes	Yes
Jeff Froke	Actions by Cal-Am to Comply With Order 95-10; Remedy, If CDO Issues	20 minutes	Yes
Gretchen Lebednek	Remedy, If CDO Issues	20 minutes	Yes
Paul Wisheropp	Remedy, If CDO Issues	20 minutes	Yes
Barry Hecht	Remedy, If CDO Issues	20 minutes	Yes
Bob Musseter	Remedy, If CDO Issues	20 minutes	Yes
Jim Kassel*	Order 95-10; Actions by Cal-Am to Comply With Order 95-10; Draft Cease And Desist Order	20 minutes	Yes

On March 5, 2008, the State Water Resources Control Board issued a notice (Notice) that it will hold a pre-hearing conference, a meeting to receive public policy statements, and a public hearing to determine whether to adopt a draft cease and desist order against California American Water (draft CDO). The Notice identifies the key issue as:

Should the State Water Board adopt the draft CDO? If the draft CDO should be adopted, should any modifications be made to the measures in the draft order? What is the basis for each modification?

Mr. James W. Kassel, Assistant Deputy Director for Water Rights, transmitted the draft CDO to Mr. B. Kent Turner, President of California American Water, on March 5, 2008. In his cover letter and in the draft CDO, Mr. Kassel made plain that he believed the draft CDO should issue because "in the twelve years since 95-10 was adopted, Cal-Am has not complied with Condition 2 of that Order."

As a result of the State Water Board's characterization of the key issue and statements made by Mr. Kassel, California American Water understands that the specific scope of the hearing is two-

* California American Water intends to move the State Water Board for permission to subpoena Mr. Kassel, if the prosecution team does not include him on its list of witnesses.

fold: (1) "Has California American Water complied with Condition 2 of Order 95-10?"; and (2) "If California American Water violated Condition 2 of Order 95-10, what is the appropriate remedy?"

In the Notice, the State Water Board reserves its right to modify the hearing procedures or issues set forth in the notice, in whole or in part. Similarly, California American Water reserves its right to supplement or amend the list of witnesses and/or subject of proposed testimony following the pre-hearing conference, particularly if the State Water Board indicates that the scope of the hearing is different than California American Water's current understanding.