

State Water Resources Control Board

July 7, 2014

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: WATER RIGHT HEARING REGARDING DRAFT CEASE AND DESIST ORDER AND ADMINISTRATIVE CIVIL LIABILITY - STORNETTA FAMILY TRUST AND NEWTON DAL POGGETTO (TRUSTEE), NAPA COUNTY – SCHEDULED TO COMMENCE ON SEPTEMBER 2, 2014

In accordance with the State Water Resources Control Board's (State Water Board) [Notice of Public Hearing \(Notice\)](#), dated **May 22, 2014** 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. For this hearing, all participants have agreed to accept electronic service of hearing-related materials.

PLEASE NOTE

As instructed in Section 6 of the May 22, 2014 Notice's attachment entitled, "Information Concerning Appearance at Water Right Hearings," each participant shall submit to the State Water Board **three (3) paper copies** and **one electronic copy** of each of its exhibits. With its exhibits, each participant must submit a completed Exhibit Identification Index. Please submit the Exhibit Identification Index to the State Water Board in either Microsoft Word or Excel format. Please see Section 7 of the Notice's attachment for details regarding electronic submissions. Each participant shall also serve a copy of each exhibit and the exhibit index on every participant identified on the service list as a participant to be served. A statement of service with manner of service indicated shall be filed with each participant'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 12 noon, Thursday, July 10, 2014**. 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.

July 7, 2014

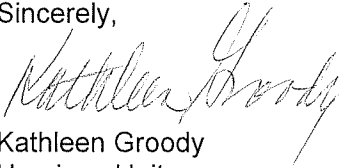
All written testimony and other exhibits submitted to the State Water Board should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
Attention: Kathleen Groody

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

If you have any noncontroversial procedural questions, please contact me at (916) 341-5354 or by email at kathleen.groody@waterboards.ca.gov or Carlos Mejia at (916) 341-5184 or by email at carlos.mejia@waterboards.ca.gov.

Sincerely,



Kathleen Groody
Hearings Unit

Enclosures: Service List, NOIs

**DRAFT CEASE AND DESIST ORDER AND
AND ADMINISTRATIVE CIVIL LIABILITY HEARING –
STORNETTA FAMILY TRUST AND
NEWTON DAL POGGETTO (TRUSTEE)**

SCHEDULED TO COMMENCE ON SEPTEMBER 2, 2014

**SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION:
(JULY 7, 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.)

STORNETTA FAMILY TRUST AND
NEWTON DAL POGGETTO (TRUSTEE)
C. Scott Kirk
Spaulding McCullough & Tansil LLP
90 South E. Street, Suite 200
Santa Rosa, CA 95404
Kirk@smlaw.com

DIVISION OF WATER RIGHTS PROSECUTION
TEAM
Yvonne West, Senior Staff Counsel
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 and
Administrative Civil Liability
against
Stornetta Family Trust and Newton Dal Poggetto
(trustee)

**scheduled to commence
Tuesday, September 2, 2014 and
continuing, if necessary, on Wednesday,
September 3, 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)
Aaron Miller, Senior Water Resource Control Engineer	The Division of Water Rights unauthorized reservoir enforcement efforts, determination of ACL amount, investigation of property at issue, site visit, key issues 1, 2, and 3.	20	Yes
Kevin Porzio, Water Resource Control Engineer	Investigation, site visit, and key issues 1, 2 and 3.	20	Yes

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

Signature:  Dated: 6/26/2014

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)941-5896
E-Mail: Yvonne.West@waterboards.ca.gov

NOTICE OF INTENT TO APPEAR

Newton Dal Poggetto, Trustee plans to participate in the water right hearing regarding
(name of party or participant)

Draft Cease and Desist Order
and Administrative Civil Liability
against
Stornetta Family Trust and Newton Dal Poggetto (trustee)

scheduled to commence
**Tuesday, September 2, 2014 and continuing, if necessary,
on Wednesday, September 3, 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)
Gary Kiser	Construction of Pond	15 minutes	No
Newt Dal Poggetto	Use of land, property, history of pond.	30 minutes	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: 6/26/14

Name (Print): C. Scott Kirk

Mailing

Address: 90 South E Street, Suite 200, Santa Rosa, CA 95404

Phone Number: (707) 524-1900 Fax Number: (707) 524-1906

E-mail: kirk@smlaw.com