State Water Resources Control Board

August 19, 2016

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST OF PARTICIPANTS

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: Nancy K. Donovan and Stephen J. Peters – Administrative Civil Liability Complaint and Cease and Desist Order Hearing

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-referenced hearing is enclosed. Copies of the NOIs are attached. The NOIs and other documents related to this hearing are posted on the Division of Water Rights dedicated project website: http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/donovan/index.shtml

Participants

The Division of Water Rights Prosecution Team has indicated its intent to call witnesses to testify at the hearing. Nancy K. Donovan and California Department of Fish and Wildlife indicated their intent to present a policy statement only.

Nancy K. Donovan submitted an NOI indicating intent to provide a policy statement only, which suggests that Ms. Donovan does not want to offer any direct testimony or dispute any factual allegations in the above-referenced matter. This could render an adjudicatory hearing unnecessary and subject to cancellation.

In order to determine whether a hearing is necessary, Nancy K. Donovan must provide additional clarification regarding the extent of her participation, by Noon, August 24, 2016. Ms. Donovan must clarify, via submittal of a revised NOI, whether she also intended to participate by offering direct testimony at the hearing or participate by conducting cross-examination and/or rebuttal only. If so, the submitted NOI should be revised to indicate one of the following boxes:

1) “I/we plan to call the following witnesses to testify at the hearing” or
2) “I/we intend to participate by cross-examination or rebuttal only.”

If Ms. Donovan plans to call witnesses (including herself), she must identify each witness on the NOI by providing his or her: name, subject of proposed testimony, estimated length of direct testimony, and any status as an expert witness.

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1 NOIs were submitted pursuant to instructions provided in State Water Resources Control Board’s (State Water Board) March 13, 2015 Notice of Public Hearing, July 21, 2016 Notice of Rescheduled Public Hearing and August 11, 2016 Hearing Team Letter.
Reminder of Submittal Deadlines and Time Limits

As specified in the Notice of Rescheduled Hearing, the deadline for receipt and service of witnesses’ proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service is **12:00 Noon, Wednesday, September 14, 2016**. An Exhibit Identification Index form is attached. This is required for all parties that wish to call witnesses to testify at the hearing. Additional information regarding this submittal and the time limits is available in the [March 13, 2015 Notice of Public Hearing](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/donovan/notice_donovan_peters.pdf) enclosure entitled “Information Concerning Appearance at Water Right Hearings which is available at the following web page:

While the hearing team understands that not all parties are familiar with the State Water Board’s administrative procedures, and may not be represented by an attorney, it is very important for parties to read, understand, and adhere to the procedural requirements specified in the Hearing Notices and enclosures. Compliance with specific forms and deadlines are necessary for the efficient administration of the hearing. Parties are encouraged to contact hearing staff with any procedural questions before submittals are due.

Ex Parte Communications

I would like to remind the parties that *ex parte* communications concerning substantive or controversial procedural issues relevant to this hearing are prohibited. Please be sure to copy the service list on any correspondence to me, the other Board Members, and the hearing team related to this matter.

Thank you for your continued cooperation. Questions regarding non-controversial procedural matters should be directed to Senior Staff Counsel Samantha Olson at (916) 327-8235, or by email to samantha.olson@waterboards.ca.gov; or Staff Engineer Ernest Mona at (916) 341-5359, or by email to ernie.mona@waterboards.ca.gov. (Gov. Code, § 11430.20, subd. (b).)

Sincerely,

Ernest Mona
Hearings Unit

Enclosures: Service List, Notices of Intent to Appear, Exhibit Identification Index form
SERVICE LIST OF PARTICIPANTS
Nancy K. Donovan and Stephen J. Peters
Administrative Civil Liability Complaint and Cease and Desist Order
(August 19, 2016)

<table>
<thead>
<tr>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE FOLLOWING PARTICIPANTS HAVE INDICATED THEIR INTENT TO PRESENT WITNESSES TO TESTIFY AT THE HEARING</td>
</tr>
<tr>
<td>THE FOLLOWING MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)</td>
</tr>
<tr>
<td>DIVISION OF WATER RIGHTS PROSECUTION TEAM</td>
</tr>
<tr>
<td>Kenneth P. Petruzelli, Attorney III</td>
</tr>
<tr>
<td>State Water Resources Control Board</td>
</tr>
<tr>
<td>Office of Enforcement</td>
</tr>
<tr>
<td>1001 I Street, 16th Floor</td>
</tr>
<tr>
<td>Sacramento, CA 95814</td>
</tr>
<tr>
<td><a href="mailto:kenneth.petruzelli@waterboards.ca.gov">kenneth.petruzelli@waterboards.ca.gov</a></td>
</tr>
<tr>
<td><a href="mailto:John.Prager@Waterboards.ca.gov">John.Prager@Waterboards.ca.gov</a></td>
</tr>
<tr>
<td>CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, Northern Region</td>
</tr>
<tr>
<td>Jane Arnold</td>
</tr>
<tr>
<td>619 Second Street, Eureka, CA 95501</td>
</tr>
<tr>
<td><a href="mailto:Jane.Arnold@wildlife.ca.gov">Jane.Arnold@wildlife.ca.gov</a></td>
</tr>
<tr>
<td>NANCY K. DONOVAN</td>
</tr>
<tr>
<td>21451 Hwy 128</td>
</tr>
<tr>
<td>Yorkville, CA 95494.</td>
</tr>
<tr>
<td><a href="mailto:n.donovan@LIVE.COM">n.donovan@LIVE.COM</a></td>
</tr>
</tbody>
</table>
NOTICE OF INTENT TO APPEAR
(revised August 18, 2016)

The 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
Nancy K. Donovan and Stephen J. Peters

Rescheduled to commence
Wednesday, October 12, 2016 at 9:00 a.m.

1) 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.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SUBJECT OF PROPOSED TESTIMONY</th>
<th>ESTIMATED LENGTH OF DIRECT TESTIMONY</th>
<th>EXPERT WITNESS (YES/NO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kyle Wooldridge, P.E., Senior</td>
<td>Key Issues 1 and 2</td>
<td>20</td>
<td>Yes</td>
</tr>
<tr>
<td>Water Resource Control Engineer</td>
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<tr>
<td>Matthew McCarthy, Senior</td>
<td>Key Issues 1 and 2</td>
<td>20</td>
<td>Yes</td>
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<tr>
<td>Environmental Scientist (Supervisory)</td>
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<tr>
<td>Jane Arnold, Senior</td>
<td>Key Issues 1 and 2</td>
<td>20</td>
<td>Yes</td>
</tr>
<tr>
<td>Environmental Scientist (Specialist)</td>
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<tr>
<td>Department of Fish &amp; Wildlife</td>
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<tr>
<td>Shay Richardson, Environmental</td>
<td>Key Issues 1 and 2, available for cross-</td>
<td></td>
<td>Yes</td>
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<tr>
<td>Scientist</td>
<td>examination only</td>
<td></td>
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<tr>
<td>Arron Miller, P.E., Senior</td>
<td>Key Issues 1 and 2, available for cross-</td>
<td></td>
<td>Yes</td>
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<tr>
<td>Engineer, Water Resources</td>
<td>examination only</td>
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<tr>
<td>Department of Water Resources</td>
<td></td>
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<tr>
<td>Jeff Wetzel, Senior Water</td>
<td>Key Issues 1 and 2, available for cross-</td>
<td></td>
<td>Yes</td>
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<tr>
<td>Resource Control Engineer</td>
<td>examination only</td>
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<tr>
<td>NAME</td>
<td>SUBJECT OF PROPOSED TESTIMONY</td>
<td>ESTIMATED LENGTH OF DIRECT TESTIMONY</td>
<td>EXPERT WITNESS (YES/NO)</td>
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<tr>
<td>Rebuttal Witnesses TBD</td>
<td>The Prosecution Team will call rebuttal witnesses as necessary</td>
<td></td>
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</table>

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

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

Signature:  
Dated: August 18, 2016

Name (Print): Kenneth Petruzzelli, Attorney III, Office of Enforcement

Mailing Address: State Water Resources Control Board  
1001 I St., 16th Floor, Sacramento, 95814

Phone Number: 916-319-8577  
Fax Number: 916-341-5896

E-mail: Kenneth.petruzzelli@waterboards.ca.gov
NOTICE OF INTENT TO APPEAR

Nancy K. Donovan plans to participate in the water right hearing regarding
(Name of party or participant)

Draft Cease and Desist Order
and Administrative Civil Liability
against
Nancy K. Donovan and Stephen J. Peters

Rescheduled to commence
Wednesday, October 12, 2016 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. (Fill in the Following Table)

<table>
<thead>
<tr>
<th>Name</th>
<th>Subject of Proposed Testimony</th>
<th>Estimated Length of Direct Testimony</th>
<th>Expert Witness (Yes/No)</th>
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</table>

(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): Nancy K. Donovan

Mailing Address: 21451 HIGHWAY 128
Yorkville, CA 95494

Phone Number: (91) 291-2262 Fax Number: ( )

E-mail: n.donovan@live.com

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

Signature: Nancy K. Donovan Date: 8/18/2016
NOTICE OF INTENT TO APPEAR

Jane Arnold_________________________________ plans to participate in the water right hearing regarding

(Draft Cease and Desist Order and Administrative Civil Liability against Nancy K. Donovan and Stephen J. Peters)

Rescheduled to commence

Wednesday, October 12, 2016 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. (Fill in the Following Table)

<table>
<thead>
<tr>
<th>Name</th>
<th>Subject of Proposed Testimony</th>
<th>Estimated Length of Direct Testimony</th>
<th>Expert Witness (Yes/No)</th>
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</thead>
<tbody>
<tr>
<td>Jane Arnold</td>
<td>Dept. of Fish and Wildlife Policy Statement</td>
<td>5 minutes</td>
<td>Yes</td>
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(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): Jane Arnold

Mailing Address: Department of Fish and Wildlife

149 Second Street, California 95801

Phone Number: (916) 445-6571  Fax Number: (916) 445-2021

E-mail: Jane.Arnold@wildlife.ca.gov

Option(s):
   □ I/we decline electronic service of hearing-related materials.

Signature: Jane Arnold Date: 7/29/16
Exhibit Identification Index

Draft Cease and Desist Order
and Administrative Civil Liability
against
Nancy K. Donovan and Stephen J. Peters

Rescheduled to commence
Wednesday, October 12, 2016
at 9:00 a.m.

PARTICIPANT: ________________________________________________

<table>
<thead>
<tr>
<th>Exhibit Identification Number</th>
<th>Exhibit Description</th>
<th>Status of Evidence (for Hearing Team use Only)</th>
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<tr>
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