
State Water Resources Control Board

VIA ELECTRONIC MAIL

January 5, 2022

Diane G. Kindermann
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SWRCB Office of Enforcement
Prosecution Team
Kenneth P. Petruzzelli
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Bart Barringer
Law Offices of Mayol & Barringer
P.O. Box 3049
Modesto, CA 95353
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Dear Ms. Kindermann and Messrs. Hansen, Barringer, and Petruzzelli:

DRAFT ORDER DENYING PETITION FOR RECONSIDERATION – G. SCOTT FAHEY AND SUGAR PINE SPRING WATER, LP – DEADWOOD SPRING AND THREE UNNAMED SPRINGS TRIBUTARY TO TUOLUMNE RIVER, TUOLUMNE COUNTY

Enclosed is a draft order in which the State Water Resources Control Board (State Water Board or Board) proposes to deny the October 7, 2019 petition for reconsideration from G. Scott Fahey and Sugar Pine Spring Water, LP (collectively, Fahey). In the draft order, the Board finds Fahey's petition to be procedurally deficient and that the arguments presented lack merit. A copy of this letter, the draft order, and any written comments received regarding the draft order will be posted on the website dedicated to the Fahey hearing:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/fahey/

The State Water Board will consider adopting the draft order at its Board meeting tentatively scheduled for **Tuesday, March 1, 2022, which will be held remotely via the Zoom platform**. The Board will issue a public notice of this meeting at least ten days in advance.

All interested persons and parties to the proceeding will have the opportunity to comment on the draft order at the State Water Board meeting. Comments should be limited to the issues addressed in the draft order and may relate to the general

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

acceptability of the draft order or possible technical corrections. Parties may not introduce evidence at the Board meeting.

Interested persons and parties are encouraged to submit their comments in writing.

Written comments concerning the draft order must be received by the State Water Board by noon on Monday, February 7, 2022.

Written comments are to be addressed and submitted to:

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

You may also submit your comments to Ms. Townsend by fax at (916) 341-5620 or by email at commentletters@waterboards.ca.gov.

Please include the subject line, "**COMMENT LETTER – 3/1/22 BOARD MEETING: FAHEY PETITION FOR RECONSIDERATION.**" Any faxed or emailed items must be followed by a mailed hard copy with an original signature.

During the pendency of this proceeding, there shall be no *ex parte* communications regarding substantive or controversial procedural matters within the scope of the proceeding between State Water Board members or hearing team members and any of the other participants, including members of the prosecution team. (Gov. Code, §§ 11430.10-11430.80.) If you have any non-controversial procedural questions, please contact Mara Irby, Staff Environmental Scientist, at (916) 322-6794 or by email at Mara.Irby@waterboards.ca.gov, or Amanda Pearson, Staff Counsel, at (916) 324-0145 or by email at Amanda.Pearson@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY

Mara Irby, Staff Environmental Scientist
Hearings Unit, Division of Water Rights

Enclosures: Draft Order

cc: Service List