

From: [Anne Branham](#)
To: [Glen Hansen](#); [Weaver, Lily@Waterboards](#); [commentletters](#); [Unit, Wr_Hearing@Waterboards](#)
Cc: [Petruzzelli, Kenneth@Waterboards](#); [Diane Kindermann Henderson](#); [bbarringer@mblaw.com](#); [Bill Paris](#); [Arthur Godwin](#); [Robert Donlan](#); [Milstein, Joshua \(CAT\)](#); [Linda Wood](#)
Subject: RE: COMMENT LETTER - 4/2/19 BOARD MEETING: FAHEY CDO & ACL HEARING
Date: Monday, April 1, 2019 9:52:46 AM

Good morning,

On behalf of Modesto Irrigation District, Turlock Irrigation District, and the City and County of San Francisco, we concur with Mr. Hansen's request to continue the hearing and conduct additional written briefing in light of the Change Sheet, revised Draft Order, and email correspondence from Saturday, March 30th.

Thank you,

ANNE E. BRANHAM | ATTORNEY
O'LAUGHLIN & PARIS LLP
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From: Glen Hansen <GHansen@aklandlaw.com>
Sent: Monday, April 1, 2019 9:01 AM
To: Weaver, Lily@Waterboards <Lily.Weaver@Waterboards.ca.gov>; Anne Branham <abranham@olaughlinparis.com>; commentletters <commentletters@waterboards.ca.gov>; Unit, Wr_Hearing@Waterboards <Wr_Hearing.Unit@waterboards.ca.gov>
Cc: Petruzzelli, Kenneth@Waterboards <Kenneth.Petruzzelli@Waterboards.ca.gov>; Diane Kindermann Henderson <DKindermann@aklandlaw.com>; bbarringer@mblaw.com; Bill Paris <bparis@olaughlinparis.com>; Arthur Godwin <afg@rbgmlaw.com>; Robert Donlan <red@eslawfirm.com>; Milstein, Joshua (CAT) <Joshua.D.Milstein@sfcityatty.org>; Linda Wood <lwood@olaughlinparis.com>
Subject: RE: COMMENT LETTER - 4/2/19 BOARD MEETING: FAHEY CDO & ACL HEARING

Dear Hearing Officers,

On behalf of G. Scott Fahey and Sugar Pine Spring Water, LP, we urge the Board to immediately continue the hearing that is set for April 2. The matters described in the email from Saturday, March 30, involve significant facts and require careful written briefing by the parties. Oral argument alone is clearly insufficient. To avoid yet another procedural due process violation in this matter, reasonable notice and opportunity to be heard on these substantial and last-minute issues is required.

Thank you for your prompt attention to this matter.

Glen C. Hansen
Senior Counsel

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From: Weaver, Lily@Waterboards <Lily.Weaver@Waterboards.ca.gov>
Sent: Saturday, March 30, 2019 2:10 PM
To: Anne Branham <abranham@olaughlinparis.com>; commentletters <commentletters@waterboards.ca.gov>; Unit, Wr_Hearing@Waterboards <Wr_Hearing.Unit@waterboards.ca.gov>
Cc: Petruzzelli, Kenneth@Waterboards <Kenneth.Petruzzelli@Waterboards.ca.gov>; Diane Kindermann Henderson <DKindermann@aklandlaw.com>; Glen Hansen <GHansen@aklandlaw.com>; bbarringer@mblaw.com; Bill Paris <bparis@olaughlinparis.com>; Arthur Godwin <afg@rbgmlaw.com>; Robert Donlan <red@eslawfirm.com>; Milstein, Joshua (CAT) <Joshua.D.Milstein@sfcityatty.org>; Linda Wood <lwood@olaughlinparis.com>
Subject: Re: COMMENT LETTER - 4/2/19 BOARD MEETING: FAHEY CDO & ACL HEARING

Ladies and Gentlemen,

On April 2, 2019, the State Water Board will consider adoption of a proposed order issuing a Cease and Desist Order and imposing Administrative Civil Liability against G. Scott Fahey and Sugar Pine Spring Water, LP, as previously scheduled. The Board requests that parties prepare to discuss the following in their oral comments:

1. Replacement water credits and other issues raised in the March 29, 2019 letter and redline strikeout submitted by Modesto Irrigation District, Turlock Irrigation District, and the City and County of San Francisco;

2. Any refinements to the March 28, 2019 revised draft order that may be sufficient to address those issues.

The Board will consider oral comments and determine an appropriate course of action.

Sincerely,
Lily Weaver
She/her/hers
Attorney, Office of Chief Counsel
State Water Resources Control Board

From: Weaver, Lily@Waterboards
Sent: Friday, March 29, 2019 5:50 PM
To: Anne Branham; commentletters; Unit, Wr_Hearing@Waterboards
Cc: Petruzzelli, Kenneth@Waterboards; dkindermann@aklandlaw.com; ghansen@aklandlaw.com; bbarringer@mblaw.com; Bill Paris; Arthur Godwin; Robert Donlan; Milstein, Joshua (CAT); Linda Wood
Subject: Re: COMMENT LETTER - 4/2/19 BOARD MEETING: FAHEY CDO & ACL HEARING

Ladies and Gentlemen,

This message confirms receipt of the request to postpone consideration of this matter filed by Modesto Irrigation District, Turlock Irrigation District, and the City and County of San Francisco at 4:09 PM on Friday, March 29, 2019. The request has been taken under submission. A ruling on the postponement request may issue in advance of the April 2, 2019 board meeting.

In the absence of a ruling, the item will be heard on April 2 as scheduled. Parties may wish to take such measures as may be necessary to prevent prejudice to themselves.

Sincerely,
Lily Weaver
She/her/hers
Attorney, Office of Chief Counsel
State Water Resources Control Board

From: Anne Branham <abranham@olaughlinparis.com>

Sent: Friday, March 29, 2019 4:08 PM

To: commentletters

Cc: Weaver, Lily@Waterboards; Petruzzelli, Kenneth@Waterboards; dkindermann@aklandlaw.com; ghansen@aklandlaw.com; bbarringer@mblaw.com; Bill Paris; Arthur Godwin; Robert Donlan; Milstein, Joshua (CAT); Linda Wood

Subject: COMMENT LETTER - 4/2/19 BOARD MEETING: FAHEY CDO & ACL HEARING

Ms. Townsend,

Please find attached two documents, sent on behalf of Modesto Irrigation District, Turlock Irrigation District, and the City and County of San Francisco: 1) a comment letter regarding the Revised Draft Order and Change Sheet #1 that were circulated this morning, and 2) the Districts' and CCSF's submission of proposed redlines of the Draft Order for Staff's consideration, as referenced in the comment letter.

Please do not hesitate to get in touch with our office directly if you have any questions.

Thank you,

ANNE E. BRANHAM | ATTORNEY

O'LAUGHLIN & PARIS LLP

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