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7
8 **BEFORE THE STATE OF CALIFORNIA**
9 **STATE WATER RESOURCES CONTROL BOARD**

10
11 **IN THE MATTER OF**
12 **ADMINISTRATIVE CIVIL**
13 **LIABILITY COMPLAINT ISSUED**
AGAINST G. SCOTT FAHEY AND
SUGAR PINE SPRING WATER, LP

G. SCOTT FAHEY AND SUGAR PINE
SPRING WATER, LP'S OPPOSITION TO
THE PROSECUTION TEAM'S MOTIONS
FOR PROTECTIVE ORDERS / TO QUASH,
AND MOTION TO COMPEL DEPOSITIONS
AND DOCUMENT DISCLOSURES OF:

- 14 (1) **KATHERINE MROWKA;**
15 (2) **DAVID LaBRIE;**
16 (3) **THE PERSON MOST**
KNOWLEDGEABLE; AND
17 (4) **SAMUEL COLE**

1 **I. INTRODUCTION**

2 G. Scott Fahey and Sugar Pine Spring Water, LP (“Fahey”), respectfully requests that the
3 Hearing Officers (1) deny the Division of Water Rights Prosecution Team’s Motion for
4 Protective Order / Motion to Quash (“Motion”) all of Fahey’s discovery requests from December
5 9, 2015, through December 11, 2015; and instead (2) issue an order compelling Fahey’s
6 deposition notices of December 9, 10 and 11, 2015, and related document requests. Fahey is
7 entitled to these depositions, and related document discovery, because relevant correspondence
8 to/from State Water Resources Control Board (“Board”) staff involved in this matter apparently
9 was permanently deleted. Such staff deletions of relevant emails was ongoing even months after
10 the Administrative Civil Liability Complaint (“ACL”) was filed in this matter, and even after the
11 Board was demanding documents and information *from Fahey*.

12 Promptly after learning that the Board’s staff had engaged in this ongoing practice of
13 destroying potentially relevant documents (i.e., emails relating to the staff’s response, or lack of
14 good faith response, to Fahey’s timely explanations of his legal exceptions to the curtailment
15 orders), counsel for Fahey scheduled depositions with only key personnel and within the relevant
16 timelines required under the California Code of Civil Procedure. There are no other less
17 burdensome means of obtaining the information necessary to prepare Fahey’s defense.

18 **II. FAHEY’S ATTEMPTS TO OBTAIN DISCOVERY REGARDING THE WATER**
19 **BOARD LACK OF GOOD FAITH IN RESPONDING TO FAHEY’S VALID**
20 **EXCEPTION TO THE CURTAILMENT ORDERS.**

21 **A. Missing Prosecution Files**

22 On October 28, 2015, Fahey received the Prosecution Team’s disclosure of the non-
23 privileged portions of the Prosecution Team’s investigative file, and the water permit files.
24 (Declaration of Glen Hansen (“Hansen Decl.”) filed concurrently herewith, ¶ 2.) After reviewing
25 these disclosures, Fahey’s counsel informed the Prosecution Team on November 13, 2015, that
26 the Prosecution Team’s disclosures did not contain relevant documents from 2012 through
27 September 2015. (Hansen Decl., ¶2; Attachment 2 to Declaration of Andrew Tauriainen filed
28 concurrently with the Motion for Protective Order / Motion to Quash (“MPO/MTQ”) on

1 December 10, 2015 (“Tauriainen Decl.”).) It is unimaginable that there would be no non-
2 privileged internal communications among Board Staff regarding Fahey’s written and timely
3 responses to the 2014 or 2015 curtailment notices, which responses demonstrated a legally and
4 factually valid exemption from the Board’s curtailment orders. (Hansen Decl., ¶2.)
5 Accordingly, Fahey’s counsel requested assistance from the Prosecution Team in locating such
6 relevant documents that appeared to be missing from the Prosecution Team’s disclosures.
7 (Hansen Decl., ¶2; Tauriainen Decl., Attachment 2.)

8 On November 13, 2015, the Prosecution Team responded with additional documents
9 identified in the file, and stated that all records that they were aware of, other than privileged
10 documents, were provided. (Hansen Decl., ¶3; Tauriainen Decl., Attachment 2.) On November
11 20, 2015, Fahey’s counsel retrieved the electronic file from the Board’s Records Unit and
12 confirmed that there were insufficient relevant documents or correspondence included for the
13 2012 - September 2015 timeframe. (Hansen Decl., ¶4.)

14 In response to the absence of such documents in the Prosecution Team’s disclosures,
15 Fahey’s counsel sent a Demand for Production of Documents to the Prosecution Team on
16 December 1, 2015, for relevant documents related to: (1) the Board’s process for handling water
17 right holder responses to the 2014 and 2015 Curtailment Certification Forms; (2) violations of
18 required discharges from New Don Pedro Reservoir during the curtailment periods; and (3)
19 correspondence involving David LaBrie and Samuel Cole. (Hansen Decl., ¶5; Attachment 1 to
20 Declaration of Kenneth Petruzzelli filed concurrently with the MPO/MTQ on December 10,
21 2015 (“Petruzzelli Decl.”).)

22 **B. Destruction of Emails**

23 On December 2, 2015, the Prosecution Team spoke with Fahey’s counsel over the phone
24 regarding the request and indicated that emails of Board staff regarding this administrative
25 enforcement proceeding against Fahey were destroyed, and were continuing to be destroyed even
26 months after the Administrative Civil Liability Complaint (“ACL”) was filed in this matter.
27 (Hansen Decl., ¶6.) While the Prosecution Team’s counsel asserted that he believed the
28 requested documents were not relevant, he also stated that the Prosecution Team would provide

1 written responses to Fahey's discovery requests. (Hansen Decl., ¶6.) During that phone
2 conversation, Fahey's counsel did not engage in any argument about the Prosecution Team's
3 relevancy objection, but instead decided to wait for the promised written response from the
4 Prosecution Team and formally reply to that. (Hansen Decl., ¶6.)

5 However, later on December 2, 2015, Fahey's counsel sent a follow-up email to the
6 Prosecution Team asking for further clarification as to the past, and potentially ongoing,
7 destruction of relevant emails by Board staff. Fahey's counsel wrote:

8 As I reflect on our phone conversation this morning, I need to confirm something
9 that I believe you said. Is it true that all staff emails about the Fahey matter that
10 were sent and received before September 1, 2015, have been deleted by the
11 Board, and that such deletions took place during the time the Prosecution
12 Attorney became "involved in late July" (your words), and during the time that
13 the Board was preparing the "Order for Additional Information" that was
14 eventually served on Fahey on September 1, 2015?

15 Also, did destruction of staff emails regarding the Fahey matter continue during
16 and after the ACL was served, until today?

17 Did the Board immediately preserve all of the staff emails on the Fahey matter
18 (going back 90 days) at the time it began formal proceedings against Fahey on
19 September 1, 2015? If so, then you should have staff emails dating back to at
20 least June 1, 2015.

21 Also, please immediately provide us with a privilege log. Our experience is that
22 even emails between staff and attorneys that are themselves privileged or contain
23 work product often have attached to them earlier emails between staff that are not
24 privileged (and so the longer preservation rule for attorney emails has the effect of
25 preserving the earlier staff emails that would otherwise have been deleted). That
26 is why a privilege log is needed.

27 Please respond to these questions as soon as possible in order that we might
28 consider whether Fahey has a spoliation of evidence claim/defense against the
Board in its prosecution of this matter. We need to determine whether, at the same
time the Board was demanding relevant documents from Fahey (on September 1,
2015) it was permanently deleting its own internal staff emails on the same
adjudicative enforcement matter involving Fahey.

(Hansen Decl., ¶7, Exhibit 1.[which the Prosecution Team omitted from its motion papers].)

On December 3, 2015, the Prosecution Team sent an email to Fahey's counsel that
indicated that they were preparing a response to the Demand for Document Production and the
issues raised in Fahey's counsel's email from December 2, 2015. (Hansen Decl., ¶8.)

1 **C. Destruction of Emails Confirmed**

2 Having not yet received the promised written response from the Prosecution Team (and
3 with the deadline for discovery cutoff rapidly approaching), Fahey’s counsel sent a Public
4 Records Act Request to the Board on December 7, 2015, formally requesting the documents
5 described in the December 1, 2015, Demand for Production of Documents, including copies of
6 any correspondence between David LaBrie, Samuel Cole and any third party related to this
7 matter. (Hansen Decl., ¶9; Petruzzelli Decl., Attachment 2.)

8 On December 8, 2015, the Prosecution Team finally provided the written response that it
9 had promised in the phone call on December 2, 2015. (Hansen Decl., ¶10; Petruzzelli Decl.,
10 Attachment 7.) In that email, the Prosecution Team confirmed, for the first time, that emails of
11 non-management staff that was older than 90 days were deleted. (Hansen Decl., ¶10; Petruzzelli
12 Decl., Attachment 7.) In other words, staff emails relevant to this matter and sent or received
13 prior to September 1, 2015, could have been deleted on an ongoing basis for months after the
14 ACL was filed. (Hansen Decl., ¶10.) The Prosecution Team also stated that not until December
15 3, 2015 (after the December 2 email from Fahey’s counsel), was a “litigation hold” placed on all
16 related communications to avoid further deletion of relevant, non-privileged communications.
17 (Hansen Decl., ¶10; Petruzzelli Decl., Attachment 7.) Furthermore, the Prosecution Team denied
18 Fahey’s request for a privilege log, stating that “they are burdensome and oppressive.” (Hansen
19 Decl., ¶10; Petruzzelli Decl., Attachment 7.) In addition, the Prosecution Team’s written
20 response included additional responsive disclosures, including a June 18, 2015, email from
21 David LaBrie to Taro Murano and Laura Lavallee, which was sent during the timeframe in
22 which all emails were purported to have been destroyed. (Hansen Decl., ¶11, Exhibit 2.)

23 **D. Depositions Required To Ascertain Relevant Discussions Among Water**
24 **Board Staff**

25 Now facing looming deadlines and decisions regarding discovery in light of this new
26 information, Fahey served Notices of Deposition to Katherine Mrowka and David LaBrie on
27 December 9, 2015. (Hansen Decl., ¶12; Petruzzelli Decl., Attachment 5.) The Prosecution
28 Team’s counsel responded on December 10, 2015, suggesting the possibility that the deposition

1 of David LaBrie could be delayed to accommodate LaBrie’s vacation. (Hansen Decl., ¶13;
2 Petruzzelli Decl., Attachment 6.) Fahey’s counsel responded with concerns over the Prosecution
3 Team’s positions in previous adjudications to Move to Quash depositions that fail to meet the
4 procedural timelines under the Civil Discovery Act. (Hansen Decl., ¶13.) The Prosecution
5 Team’s counsel then foreclosed any opportunity to meet and confer to resolve Fahey’s counsel’s
6 concern, and instead responded by asserting that there was no need for the depositions and
7 demanding withdrawal of the notices or they would move to quash. (Hansen Decl., ¶13.) Fahey
8 subsequently served the final two Notices of Deposition for the Person Most Knowledgeable and
9 Samuel Cole on December 10 and December 11, 2015, respectively. (Hansen Decl., ¶14,
10 Exhibit 3.)

11 **E. The Prosecution Team’s Response**

12 The Prosecution Team filed its MPO/MTQ Fahey’s Notice of Deposition for Katherine
13 Mrowka and David LaBrie on December 10, 2015. (Hansen Decl., ¶15.) The Prosecution Team
14 requested an expansion of that motion to include the Notice of Deposition of Person Most
15 Knowledgeable on December 11, 2015. (Hansen Decl., ¶16.) The Prosecution Team then filed
16 its final augmented MPO/MTQ encompassing all current and future discovery requests by Fahey
17 on December 14, 2015, including the Notice of Deposition for Samuel Cole. (Hansen Decl.,
18 ¶17.)

19 **III. FAHEY’S DEPOSITION NOTICES ARE TIMELY, ESPECIALLY IN LIGHT OF**
20 **THE IMPENDING DISCOVERY CUTOFF DATE IN THIS MATTER.**

21 The Water Code incorporates elements of the Administrative Procedure Act and the Civil
22 Discovery Act (Title 4 [commencing with Section 2016.010] of Part 4 of the Code of Civil
23 Procedure). (*See, generally*, Water Code § 1100; Gov. Code § 11400 et seq.; 23 CCR §§ 648,
24 648.4.) The Board or any party to proceedings before the Board may take depositions of
25 witnesses in accordance with the Civil Discovery Act. (Water Code § 1100.) A party’s attorney
26 of record may issue a subpoena for attendance at a hearing or a subpoena *duces tecum* for the
27 production of documents. (Gov. Code §§11450.10, 11450.20; see also 23 CCR § 649.6.)

28 A party is entitled to discovery “regarding any matter, not privileged, that is relevant to

1 the subject matter involved in the pending action ..., if the matter either is itself admissible in
2 evidence or appears reasonably calculated to lead to the discovery of admissible evidence.”
3 (Code Civ. Proc. §2017.010.) Privileged material, including any work product or attorney-client,
4 is subject to disclosure when such material is relied on or considered by an expert witness when
5 forming her opinion. (*People v. Combs* (1974) 34 Cal.4th 821, 862; Evid. Code §721(b)(1).)

6 A Notice of Deposition must be served at least 10 days prior to the scheduled date of the
7 deposition. (Code Civ. Proc. §2025.270.) Absent a court order or written agreement to the
8 contrary, depositions of parties and percipient witnesses must be completed no later than 30 days
9 prior to the date set for the hearing. (Code Civ. Proc. §2024.020(a).) Deposition of expert
10 witnesses must be completed no more than 15 days prior to the date set for the hearing. (Code
11 Civ. Proc. §2024.030.)

12 Here, Fahey’s deposition notices were both within the discovery cutoff deadline and the
13 proper time to give adequate notice of the depositions. Furthermore, as discussed below, Fahey
14 only served the discovery notices when it became apparent that documents were missing for the
15 2012 – September 2015 time period, and when the Prosecution Team confirmed that Board staff
16 likely destroyed relevant emails, even months after the ACL was filed in this matter.

17 **IV. THE HEARING OFFICERS SHOULD DENY THE PROSECUTION TEAM’S**
18 **MOTIONS AND ISSUE AN ORDER COMPELLING THE DEPOSITIONS AND**
19 **DOCUMENTS DEMANDS REQUESTED BY FAHEY.**

20 Rather than seeking to impose reasonable terms and conditions on which the depositions
21 may proceed (Code Civ. Proc. §2025.420(b)), the Prosecution Team simply seeks to prohibit the
22 depositions and related document production from taking place entirely. In its Motion, the
23 Prosecution Team focuses entirely on the premise that the requested discovery is available
24 through “more convenient, less burdensome, and less expensive sources.” Despite the fact that
25 this line of reasoning flies in the face of Prosecution Team’s admissions that the requested
26 discovery has already been destroyed, it also fails to address or acknowledge the relevance of the
27 testimony sought from the requested deponents. Furthermore, the Prosecution Team’s claims of
28 “harassment” belie the truncated timelines that were precipitated by the December 8, 2015,
disclosure that months of potentially relevant communications among Board staff were

1 permanently deleted amidst an ongoing proceeding which could lead to substantial financial
2 penalties against Fahey.

3 **A. The Discovery is Relevant to Fahey’s Defense and to the Determination of**
4 **Penalties, Should They Be Imposed.**

5 Despite commencing surveillance in June 2015, and filing the Complaint for
6 Administrative Civil Liability (ACL) / Cease and Desist Order (CDO) on September 1, 2015, the
7 Prosecution Team did not set a “litigation hold” on the Board Staff’s deletion of emails until
8 December 3, 2015. As a consequence, relevant emails to and from Division of Water Rights
9 staff prior to September 3, 2015, were permanently deleted. Furthermore, the relevant portions
10 of the December 16, 2015, testimonies and exhibits provided by the Prosecution Team merely
11 describe the extemporaneous conversations the witnesses had with Fahey and nothing more.
12 Without this correspondence that was deleted by the Staff, Fahey has no other option to obtain
13 the discovery other than to depose Katherine Mrowka, the Person Most Knowledgeable
14 (“PMK”), David LaBrie and Samuel Cole.

15 Fahey is entitled to ascertain facts that are “calculated to lead to the discovery of
16 admissible evidence” that would support Fahey’s defense and factor into the calculation of
17 penalties in the event they are imposed, such as:

- 18 1. What is the Water Board’s official process for evaluating claims that a water right
19 holder is exempt from the Curtailment Notice and notifying the right holder of its
20 decision?
- 21 2. What steps did David LaBrie or Samuel Cole take, if any, to follow that process
22 or even evaluate Fahey’s claim that he could continue to lawfully divert?
- 23 3. Did Katherine Mrowka review and approve the July 14, 2010, “Application No.
24 A031491 Water Availability Analysis” (DOC) which states that water has been
25 purchased “*in advance* as a credit to future replacement water requirements”?
- 26 4. Why did David LaBrie fail to alert Fahey that the Board may not accept his claim
27 for exemption *after LaBrie indicated Fahey could be exempt if no other senior*
28 *right holders would be affected by his diversions (and Fahey knew that the Board*

1 *records establish there are no other such senior right holders)?*

2 5. Did Samuel Cole have any conversations with Katherine Mrowka or David
3 LaBrie regarding responding to Fahey’s exemption claim after the August 12,
4 2015, conversation, knowing they were intending to seek penalties against Fahey?

5 Answers to these, and related questions, are necessary for Fahey to identify appropriate rebuttal
6 witnesses and adequately prepare for cross-examination of the Prosecution Team’s witnesses.

7 Indeed, allowing this discovery in this case is consistent with similar circumstances
8 where discovery was found to be appropriate, even when otherwise disfavored under the
9 agency’s normal administrative procedures. (*Cf. Western States Pet. Assn. v. Super. Ct.*
10 (“WSPA”) (1995) 9 Cal.4th 559, 575 fn. 5; *Consolidated Irrigation Dist. v. City of Selma* (2012)
11 204 Cal.App.4th 187, 200 [Discovery, including depositions with production of documents, was
12 permitted in order to locate improperly excluded documents].)

13 The Prosecution Team seeks to avoid the consequences of possible evidence spoliation
14 as late as December 3, 2015, by citing the Board’s email retention policy, while at the same time
15 demanding document production from Fahey beginning on September 1, 2015. Staff should
16 have been directed to cease deletion of emails, at least as of the time of starting formal
17 proceedings on September 1, 2015, so as to preserve potentially relevant evidence of
18 communications during the 90 days prior to commencement of this action. That would have
19 included the June 2015 communications with LaBrie and Fahey regarding Fahey’s exception to
20 the curtailment orders. Fahey acted in good faith reliance on his curtailment exemption claim,
21 and in LaBrie’s failure to provide any information that would deny that exception; thus, Fahey is
22 entitled to seek relevant evidence that could lead to the discovery of material facts in support of
23 his defense.

24 **B. The Notices of Deposition Were Only Warranted After December 8, 2015.**

25 The Prosecution Team asserts that Fahey had “over a month to depose witnesses and has
26 had access to documents for even longer” to claim that Fahey’s Notices of Deposition were
27 drafted simply to “harass” Board staff (and presumably, the Prosecution Team). But, the
28 Prosecution Team did not confirm that relevant communications were permanently deleted until

1 December 8, 2015, thus eliminating all other less-intrusive means of obtaining this information
2 necessary to prepare Fahey's defense.

3 Furthermore, Board Hearing Officers have previously denied depositions in other
4 proceedings citing a party's failure to meet the timing requirements under the Code of Civil
5 Procedure. (See e.g., *Water Right Hearing Regarding Water Right Application 30166 of El Sur*
6 *Ranch* [Hearing Officer's ruling dated May 19, 2011, granting Department of Fish and Game's
7 Motion to Quash Applicant's Notices of Deposition].) This hearing is set for January 25, 2016.
8 Thus, depositions of percipient witnesses must be completed by December 26, 2015—a Saturday.
9 The notices must also be sent at least 10 days prior to the date for the deposition, which meant
10 that the earliest the depositions could be held is December 19, 2015. Fahey reacted promptly
11 after learning that the requested discovery was not available through other, less burdensome
12 means on December 8, 2015, and filed the first two of four Notices of Deposition on
13 December 9, 2015. The following two were sent on December 10 and December 11,
14 respectively, after internally deliberating as to which deponents were necessary and appropriate.

15 Fahey would have certainly preferred that the actual correspondence was disclosed when
16 requested in order to include any material evidence in his case-in-chief that was submitted on
17 December 16, 2015. Unfortunately, due to the late notice of the deleted correspondence, the
18 requested discovery is now limited to preparing for rebuttal of witness statements provided by
19 the Prosecution Team in its case-in-chief.

20 **C. Relevant Discovery Not Disclosed on December 16, 2015.**

21 In its Motion, the Prosecution Team relied heavily on its assertion that the depositions
22 were “unreasonably cumulative or duplicative, or is obtainable from some other source that is
23 more convenient, less burdensome, or less expensive,” because the requested discovery was
24 either already disclosed or would be on December 16, 2015. As anticipated, however, Fahey's
25 counsel reviewed the relevant portions of the testimonies and exhibits provided by the
26 Prosecution Team on December 16, 2015, and determined that they disclosed nothing more than
27 those witnesses' extemporaneous conversations with Fahey. Nothing in their statements or
28 disclosures enlightens Fahey to subsequent conversations, research, or actions those witnesses

1 took to evaluate Fahey's exemption claim either in 2014 or in 2015. Nor do the Prosecution
2 Team's testimonies and exhibits illuminate whether staff followed any Board procedures
3 designed to provide adequate notice to water rights holders that their curtailment exemption
4 claim has been rejected (even while the penalties are allegedly being incurred).

5 **D. Discovery of Privileged Documents.**

6 Fahey does not dispute that under most circumstances the Prosecution Team has no
7 obligation to disclose documents in which they properly assert attorney-client and/or work
8 product privilege. However, given that the Prosecution Team, in its Notice of Intent to Appear
9 filed November 5, 2015, has identified Ms. Katherine Mrowka, Mr. David LaBrie and
10 Mr. Samuel Cole as expert witnesses, such privilege is waived to the extent any of the privileged
11 discovery was relied upon or considered when forming their opinion. (*People v. Combs* (1974)
12 34 Cal. 4th 821, 862; Evid. Code §721(b)(1).) To the extent that the deponent relied upon or
13 considered previously undisclosed materials to form their opinion testimony, the Prosecution
14 Team is obligated to disclose said material to Fahey when it falls within the scope of a proper
15 request for documents. Thus, the request to produce documents at the depositions, even those
16 that the Prosecution Team previously asserted were privileged, is necessary to protect Fahey's
17 rights.

18 **V. CONCLUSION**

19 For the reasons stated above, Fahey respectfully requests the Hearing Officers (1) deny
20 the Prosecution Team's Motion for Protective Order / Motion to Quash all of Fahey's discovery
21 requests from December 9, 2015, through December 11, 2015; and (2) issue an order compelling
22 Fahey's December 9, 10 and 11, 2015, depositions and related document requests.

23
24 Dated: December 18, 2015

ABBOTT & KINDERMANN, LLP

25
26 By: 

Glen C. Hansen
Attorneys for G. Scott Fahey and
Sugar Pine Spring Water, LP

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PROOF OF SERVICE

I, Lisa Haddix, declare as follows:

I am employed in the County of Sacramento, over the age of eighteen years and not a party to this action. My business address is 2100 21st Street, Sacramento, California 95818.

On December 18, 2015, I served the foregoing document(s) described as:

**G. SCOTT FAHEY AND SUGAR PINE SPRING WATER, LP'S
OPPOSITION TO THE PROSECUTION TEAM'S MOTIONS FOR
PROTECTIVE ORDERS / TO QUASH, AND MOTION TO COMPEL
DEPOSITIONS AND DOCUMENT DISCLOSURES OF:**

- (1) KATHERINE MROWKA;
- (2) DAVID LaBRIE;
- (3) THE PERSON MOST
KNOWLEDGEABLE; AND
- (4) SAMUEL COLE

On the parties stated below, by placing a true copy thereof in an envelope addressed as shown below by the following means of service:

SEE ATTACHED SERVICE LIST

X BY MAIL: I placed a true copy in a sealed envelope addressed as indicated above on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

X BY ELECTRONIC SERVICE [EMAIL]: Sending a true copy of the above-described document(s) via electronic transmission from email address lhaddix@aklandlaw.com to the persons listed above on December 18, 2015, before 5:00 p.m. The transmission was reported as complete and without error. [CRC 2.256 (a)(4), 2.260].

BY FEDEX: On the above-mentioned date, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons listed on the attached service list. I placed the envelope or package for collection and overnight delivery following our ordinary business practices.

BY PERSONAL SERVICE: I placed a true copy in a sealed envelope addressed to each person[s] named at the address[es] shown and giving same to a messenger for personal delivery before 5:00 p.m. on the above-mentioned date.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed on December 18, 2015, at Sacramento, California.



Lisa Haddix

1 SERVICE LIST

2
3 Division of Water Rights **Via Email and U.S. Mail**
4 State Water Resources Control Board
5 Attention: Ernest Mona
6 Joe Serna Jr., - CalEPA Building
7 1001 I St., 2nd Floor
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9 **DIVISION OF WATER RIGHTS** **Via Email**
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