

State Water Resources Control Board

November 13, 2015

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST OF PARTICIPANTS

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: G. Scott Fahey and Sugar Pine Spring Water, LP – Hearing to consider whether to impose Administrative Civil Liability and to issue a Cease and Desist Order

In accordance with the State Water Resources Control Board's (State Water Board or Board) October 16, 2015 - [Notice of Public Hearing](#) (Notice), regarding the above subject 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.

The NOIs and other documents related to this hearing are posted on the Division of Water Rights project dedicated website:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/fahey/index.shtml

Reminder of Submittal Deadlines and Time Limits

As specified in the Notice, the deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service is **12:00 noon, Wednesday December 16, 2015.**

The enclosure to the Notice -INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS – specified the following time limits:

- **Opening or Policy Statements:** The purpose of an opening statement is to provide an overview of a party's case-in-chief, and describe what the evidence that will be introduced during the case-in-chief is intended to establish. The Hearing Officers will only allow opening statements to be presented by the parties presenting a case-in-chief. (Please note that opening statements may be submitted in writing.) Opening statements will be limited to twenty (20) minutes.
- **Direct testimony:** Oral summaries by the witnesses of direct testimony submitted by parties presenting a case-in-chief will be limited to twenty (20) minutes per witness and up to one (1) hour total to present all of the party's direct testimony.
- **Cross-Examination:** Cross-examination will be limited to one (1) hour per witness or panel of witnesses.

Time limits are subject to modification by the hearings officers. Requests for additional time by parties may be granted by the hearing officers upon a showing of good cause.

Tentative Order of Presentation: Cases-in-Chief

The tentative order of presentation at the hearing will be:

1. Prosecution Team
2. G. Scott Fahey and Sugar Pine Spring Water, LP

Tentative Order of Cross-Examination

The tentative order of cross-examination of witnesses at the hearing will be:

1. Prosecution Team
2. G. Scott Fahey and Sugar Pine Spring Water, LP
3. Turlock Irrigation District
4. Modesto Irrigation District
5. City and County of San Francisco

Subpoenas

If you intend to issue any subpoenas for this proceeding, [please use this Subpoena Form](#), which is used in administrative proceedings before the State Water Board.¹ You must provide copies to the parties on the service list and file copies with the State Water Board together with the proof of service.

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 Staff Counsel Nathan Weaver at (916) 341-5184 or by email to Nathan.Weaver@waterboards.ca.gov, or to Ernie Mona at (916) 341-5359 or by email to Ernie.Mona@waterboards.ca.gov. (Gov. Code, § 11430.20, subd. (b).)

Sincerely,



Michael Buckman, Chief
Hearings Unit

Enclosure: Service List

¹ Website: http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/svric/docs/subpoena_form.pdf

SERVICE LIST OF PARTICIPANTS
G. Scott Fahey and Sugar Pine Spring Water, LP
Administrative Civil Liability Complaint and Cease and Desist Order
(November 13, 2015)

Parties	
THE FOLLOWING <u>MUST BE SERVED</u> WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)	
DIVISION OF WATER RIGHTS Prosecution Team Andrew Tauriainen, Attorney III SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 Andrew.Tauriainen@waterboards.ca.gov	G.SCOTT FAHEY AND SUGAR PINE SPRING WATER , LP Diane G. Kindermann Glen C. Hansen 2100 21 ST Street Abbott & Kindermann, LLP Sacramento, CA 95818 dkindermann@aklandlaw.com ghansen@aklandlaw.com
TURLOCK IRRIGATION DISTRICT Arthur F. Godwin Mason, Robbins, Browning & Godwin, LLP 700 Loughborough Driver, Suite D Merced, CA 95348 agodwin@mrgb.org	MODESTO IRRIGATION DISTRICT William C. Paris, III O'Laughlin & Paris LLP 2617 K Street, Suite 100 Sacramento, CA 95816 bparis@olaughlinparis.com anna.brathwaite@mid.org lwood@olaughlinparis.com
CITY AND COUNTY OF SAN FRANCISCO Jonathan Knapp Office of the City Attorney 1390 Market Street, Suite 418 San Francisco, CA 94102 jonathan.knapp@sfgov.org	

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 Complaint Against
Scott Fahey and Sugar Pine Spring Water, LP ACL/CDO

The Public Hearing will commence on
Monday, January 25, 2016 and continue, if necessary,
on January 26, 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:

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Katherine Mrowka, Program Manager, Enforcement Section	Key Issues 1, 2, 3	10	Yes
Laura Lavallee, Senior WRCE (Sup.)	Key Issues 1, 2, 3	5	Yes
Taro Murano, Senior ES (Sup.)	Key Issues 1, 2, 3	5	Yes
Samuel Cole, WRCE	Key Issues 1, 2, 3	10	Yes
David LaBrie, Sanitary Engineer	Key Issues 1, 2, 3	10	Yes
Brian Coats, Senior WRCE (Sup.)	Water availability; Key Issues 1, 2, 3	10	Yes
Rebuttal Witnesses TBD	The Prosecution Team will call rebuttal witnesses as necessary.		

(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): Andrew Tauriainen, Attorney III

Mailing Address: SWRCB Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814

Phone Number: (916) 341-5445

Fax Number: (916) 341-5896

E-mail: Andrew.Tauriainen@waterboards.ca.gov

Optional:

I/we decline electronic service of hearing-related materials. **[PT accepts electronic service]**

Signature:  Dated: November 5, 2015

NOTICE OF INTENT TO APPEAR

G.Scott Fahey
Sugar Pine Spring Water, LP plans to participate in the water right hearing regarding
 (name of party or participant)

Draft Cease and Desist Order
 and
 Administrative Liability Complaint Against
 Scott Fahey and Sugar Pine Spring Water, LP ACL/CDO

The Public Hearing will commence on
 Monday, January 25, 2016 and continue, if necessary,
 on January 26, 2016
 at 9:00 am

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)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
G. Scott Fahey	Water Rights & Contracts	2 hours	Yes
Kathy Mrowka	Water Rights	1 hour	No
David LaBrie	Engineering	30 minutes	No
Board Staff Sam Cole?	Phone Call to Fahey 8/2015		No
(Others to be determined from pending Discovery.)			

(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): Diane G. Kindermann / Abbott & Kindermann, LLP
Glen C. Hansen

Mailing Address: 2100 21st Street, Sacramento, CA 95818

Phone Number: (916) 456-9595 Fax Number: (916) 456-9599

E-mail: dkindermann@aklandlaw.com

Optional:

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

Signature:  Date 11/09/15

We retain the right to amend this Notice because Board records from 2012 to the present are missing and subject to subpoena.

NOTICE OF INTENT TO APPEAR

MODESTO IRRIGATION DISTRICT plans to participate in the water right hearing regarding
(name of party or participant)

Draft Cease and Desist Order
and
Administrative Liability Complaint Against
Scott Fahey and Sugar Pine Spring Water, LP ACL/CDO

The Public Hearing will commence on
Monday, January 25, 2016 and continue, if necessary,
on January 26, 2016
at 9:00 am

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)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(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): WILLIAM C. PARIS, III

Mailing Address: O'LAUGHLIN & PARIS LLP

2617 K STREET, SUITE 100, SACRAMENTO, CA 95816

Phone Number: (530) 899-9755 Fax Number: (530) 899-1367

E-mail: bparis@olaughlinparis.com anna.brathwaite@mid.org lwood@olaughlinparis.com

Optional:

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

Signature:  Date: November 9, 2015

NOTICE OF INTENT TO APPEAR

Turlock Irrigation District plans to participate in the water right hearing regarding
(name of party or participant)

Draft Cease and Desist Order
and
Administrative Liability Complaint Against
Scott Fahey and Sugar Pine Spring Water, LP ACL/CDO

The Public Hearing will commence on
Monday, January 25, 2016 and continue, if necessary,
on January 26, 2016
at 9:00 am

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)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(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): Arthur F. Godwin

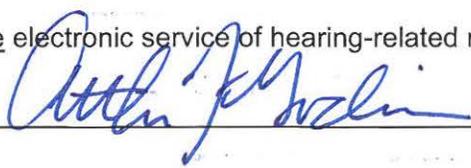
Mailing Address: 700 Loughborough Drive, Suite D
Merced, CA 95348

Phone Number: (209) 383-9334 Fax Number: (209) 383-9386

E-mail: agodwin@mrgb.org

Optional:

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

Signature:  Date: 11-6-15

NOTICE OF INTENT TO APPEAR

THE CITY AND COUNTY OF SAN FRANCISCO plans to participate in the water right hearing regarding
(name of party or participant)

Draft Cease and Desist Order
and
Administrative Liability Complaint Against
Scott Fahey and Sugar Pine Spring Water, LP ACL/CDO

The Public Hearing will commence on
Monday, January 25, 2016 and continue, if necessary,
on January 26, 2016
at 9:00 am

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)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(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): JONATHAN KNAPP

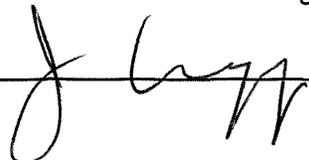
Mailing Address: Office of the City Attorney, 1390 Market Street, SUITE 418, SAN FRANCISCO, CA 94102

Phone Number: (415) 554-4261 Fax Number: (415) 554-8793

E-mail: jonathan.knapp@sfgov.org

Optional:

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

Signature:  Date: 11/9/15