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G. Scott Fahey and Sugar Pine Spring Water, LP
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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**
14 **AGAINST G. SCOTT FAHEY AND**
15 **SUGAR PINE SPRING WATER, LP**

16 **DECLARATION OF GLEN HANSEN IN**
17 **SUPPORT OF OPPOSITION TO MOTION**
18 **TO COMPEL PRODUCTION OF**
19 **DOCUMENTS IN RESPONSE TO**
20 **SUBPOENA DUCES TECUM**

21 I, Glen Hansen, declare:

22 1. I am a Senior Counsel in the law firm of Abbott & Kindermann, LLP, counsel of
23 record for G. Scott Fahey and Sugar Pine Spring Water, LP in the above-entitled proceeding.

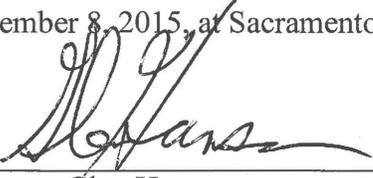
24 2. On December 8, 2015, at 12:47 p.m., Kenneth Petruzzelli, of the Prosecution
25 Team in the above-entitled proceeding, sent to me an email in response to a demand for
26 production of documents that this office served on the Prosecution Team on December 1, 2015.
27 Attached to that email from Mr. Petruzzelli was a series of documents that were responsive to our
28 document demand. One of those responsive documents was an email chain, a true and correct
copy of which is attached hereto as **Exhibit 1**, which included the following: (1) an email from
Samuel Cole, of the Enforcement Unit 2, of the Division of Water Rights, of the State Water
Resources Control Board, to Pat Kennelly, Chief of the Food Safety Section, of the Food and
Drug Branch, of the California Department of Public Health, dated July 29, 2015, at 10:37 a.m.;

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1 and (2) a responsive email from Mr. Kennelly to Mr. Cole, dated July 29, 2015, at 1:08 p.m.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct. Executed on December 8, 2015, at Sacramento, California.

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6 _____
7 Glen Hansen

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EXHIBIT 1

Cole, Samuel@Waterboards

From: Kennelly, Pat (CDPH-FDB)
Sent: Wednesday, July 29, 2015 1:08 PM
To: Cole, Samuel@Waterboards
Subject: FW: PRA REQUEST FW: Sugar Pine Spring Water, LP Bottled Water Operation Records

Importance: High

Hi Sam, we are familiar with Mr. Fahey's operations however this information is collected for licensing and investigative purposes and is exempt from public disclosure under the California Public Records Act. We do not routinely collect or maintain information on the volume of water distributed or quantities involved in individual deliveries, so regardless of its status under the CPRA, we do not have any of that information on file. If you would like to discuss further, please feel free to contact me at the number below.

Patrick Kennelly, Chief
Food Safety Section
California Department of Public Health
Food and Drug Branch
1500 Capitol Avenue, MS-7602
P.O. Box 997435
Sacramento, CA 95899-7435
(916) 650-6598
(916) 440-5144 (FAX)

From: Cole, Samuel@Waterboards
Sent: Wednesday, July 29, 2015 10:37 AM
To: FDBINFO (CDPH-FDB)
Subject: Sugar Pine Spring Water, LP Bottled Water Operation Records

Good morning,

A permittee of the Division of Water Rights has indicated that he is annually required to provide CDPH Food & Drug Branch a list of bottlers that have bottled from his spring water source. Can you provide me with any data your agency has on his operation from January 2014 to current, or point me in the right direction if this information is publicly accessible?

Information that the Division would specifically be interested in includes information regarding his contractors/bottlers (i.e. Nestle Arrowhead, Absopure, DS Water, Aquas, etc.), any quantities or volume of water that is delivered, and dates that deliveries took place.

I understand that some of that information may not be available to your agency, but any information you can provide would be greatly appreciated!

Here is some information regarding the operation and owner:

DBA: Sugar Pine Spring Water, LP
Owner/Contact: G. Scott Fahey

Water Right Permit #: 21289 and 20784
Operation Location: Stanislaus National Forest Service Area within Tuolumne County APN 052-060-48-00
Owner Address: 2787 Stony Fork Way, Boise, ID 83706
Owner Phone: 208-345-5170

Please feel free to contact me if there is additional information needed to fulfill this request. Thank you for your time.

V/r

Samuel Cole, P.E.
Water Resource Control Engineer
SWRCB, Division of Water Rights
Enforcement Unit 2
916.341.5345

