

## Mona, Ernie@Waterboards

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**From:** Mona, Ernie@Waterboards  
**Sent:** Tuesday, December 08, 2015 1:37 PM  
**To:** Godwin, Arthur; Diane Kindermann Henderson; Glen Hansen; Bart Barringer (bbarringer@mblaw.com); Petruzzelli, Kenneth@Waterboards; Paris, William; Brathwaite, Anna; Woods, Linda; Jonathan Knapp (jonathan.knapp@sfgov.org)  
**Cc:** Weaver, Nathan@Waterboards; Buckman, Michael@Waterboards; Sharon Buckenmeyer; 'LHaddix@aklandlaw.com'  
**Subject:** RE: Fahey ACL/CDO Hearing: Revised Notice of Intent to Appear

Ladies and Gentlemen:

This email confirms the Hearing Team's receipt of the [Revised Notice of Intent to Appear \(Revised NOI\)](#), dated December 7, 2015, submitted by G. Scott Fahey Sugar Pine Spring Water, LP (Fahey).

Parties have until, **Noon, Thursday, December 10, 2015** to submit comment on Fahey's submitted Revised NOI.

The Revised NOI lists six witnesses: G. Scott Fahey, Kathy Mrowka, David LaBrie, Samuel Cole, Ross Grunwald and Gary Player, with a total proposed estimated length of direct testimony of six and one-half (6.5) hours. The [October 16, 2015 Hearing Notice](#) Attachment, "Information Concerning Appearances at Water Right Hearings" (Notice Attachment) (Section 9b: pp. 5-6.) specifies time limits for presentation of Cases-In-Chief that will be imposed by the Hearing Officers to ensure that the hearing is conducted as efficiently as possible. As part of the letter dated November 13, 2015 ([Service List of Participants](#)) the Hearing Team provided the parties with a reminder of the time limits, which in particular, identified a limitation on direct testimony to twenty (20) minutes per witness and up to one (1) hour total to present all of a party's direct testimony.

The Hearing Team notes that on the Revised NOI, Kathy Mrowka, David LaBrie, and Samuel Cole are also proposed witnesses for the Division of Water Rights Prosecution Team. As described in the Notice Attachment on page 1, "[u]nless otherwise determined by the hearing officers, each party may ... cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, ...and subpoena, call and examine an adverse party or witness as if under cross-examination." As part of the letter dated November 13, 2015 ([Service List of Participants](#)) the Hearing Team provided the parties with the [Subpoena Form](#) ([http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/svric/docs/subpoena\\_form.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/svric/docs/subpoena_form.pdf)), which is used in administrative proceedings before the State Water Board. However, in general, deposition of witnesses available for cross-examination is repetitive and therefore unnecessary.

As a reminder, 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**.

If you have any question regarding this email, please contact me.

Thank you,

**Ernest Mona**

[State Water Resources Control Board](#)  
[Division of Water Rights](#)  
[Hearings and Special Programs Section](#)  
(916) 341-5359



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**From:** Lisa Haddix [mailto:LHaddix@aklandlaw.com]

**Sent:** Monday, December 07, 2015 4:38 PM

**To:** Unit, Wr\_Hearing@Waterboards

**Cc:** Mona, Ernie@Waterboards; Weaver, Nathan@Waterboards; kenneth.petruzzelli@waterboards.com; andrew.tauriainen@waterboards.com; agodwin@MRGB.ORG; bparis@olaughlinparis.com; anna.brathwaite@mid.org; lwood@olaughlinparis.com; jonathan.knapp@sfgov.org; Diane Kindermann Henderson; Glen Hansen; Sharon Buckenmeyer

**Subject:** Fahey ACL/CDO Hearing

**Importance:** High

Attached please find a REVISED Notice of Intent to Appear. Thank you

**Lisa Haddix**

Litigation Assistant



2100 21st Street | Sacramento, CA 95818

tel: (916) 456-9595 | fax: (916) 456-9599

[website](#) | [blog](#) | [email](#)

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