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BEFORE THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

**In the matter of Administrative Civil
Liability Complaint issued against G. Scott
Fahey and Sugar Pine Spring Water, LP**

**Motion to Compel Production of
Documents in Response to Subpoena
Duces Tecum**

INTRODUCTION

The Prosecution Team, through its undersigned counsel, respectfully move the Hearing Officer for an order compelling G. Scott Fahey and Sugar Pine Spring Water, LP (Fahey) to produce materials responsive to the Prosecution Team's October 30, 2015 Subpoena Duces Tecum (Subpoena).

BACKGROUND

The State Water Resources Control Board (State Water Board) previously issued an Order for Additional Information, Order WR 2015-0028-DWR, on September 1, 2015 (Information Order). (Declaration of Andrew Tauriainen in Support of Motion to Compel Production of Documents, para. 2.) The Information Order, among other items, requested "copies of all invoices for water sold from the diversions covered by Permits 20784 and 21289 beginning May 2014 through date of this order." (*Id.*) In response, Fahey provided invoices showing each truck load and the volume of each truck load, redacting the amount invoiced for

each load, the total amount invoiced, and the total amount due. Fahey also redacted the name of the vendor on each invoice. (Tauriainen Decl., para. 3.)

After receiving Fahey's unsatisfactory response to the Information Order the State Water Board, at the request of the Prosecution Team, served Fahey with the Subpoena. (Petruzzelli Decl., para. 4.) The Subpoena commanded Fahey to provide nine categories of documents by 12:00 noon on November 20, 2015. (*Id.*) Of the items, Request for Production (Request)

Number 7 commanded Fahey to disclose:

ALL DOCUMENTS and COMMUNICATIONS RELATING TO water sales from the DIVERSIONS covered by Permit 20784 and/or Permit 21289 during the period May 1, 2014, through September 30, 2015; such DOCUMENTS and COMMUNICATIONS shall include invoices, and shall be unredacted, such that the purchase price per unit (e.g. price per gallon), the total purchase price, the purchaser, and the total number of units sold are included and identifiable.

(Tauriainen Decl., para. 5.)

Request 8 commanded Fahey to disclose:

ALL DOCUMENTS and COMMUNICATIONS RELATING TO SCOTT FAHEY's personal State and Federal income tax returns or other filings for tax years 2014 and 2015, including any quarterly submittals.

(Tauriainen Decl., para. 6.)

Request 9 commanded Fahey to disclose:

ALL DOCUMENTS and COMMUNICATIONS RELATING TO SUGAR PINE SPRING WATER, LP's State and Federal tax returns or other filings for tax years 2014 and 2015, including any quarterly submittals.

(Tauriainen Decl., para. 7.)

On November 3, 2015, the Prosecution Team received a letter from Fahey's Counsel, informing us that Fahey would respond to the Subpoena, but would not respond to Request 7-9.

(Tauriainen Decl., para. 8.) Fahey's Counsel stated that he would "like to discuss ways to verify the number of gallons sold and the dollar amount received by Sugar Pine for said water, without divulging proprietary information," and that with regards to Request 9, "the demanded

documents are confidential financial information that are subject to the constitutional right of privacy and will not be produced. (Tauriainen Decl., para. 9.)

Starting November 5, 2015 and through the next day, the Prosecution Team exchanged a series of email communications with Fahey's counsel, meeting and conferring on the Subpoena response. (Tauriainen Decl., para. 10.) The Prosecution Team explained that "Parties subject to administrative enforcement actions often submit tax records as part of an inability to pay defense." (Tauriainen Decl., attach. 5 at pp. 2.) The Prosecution Team therefore offered to review the invoices in-camera and under a non-disclosure agreement or stipulating as to the purchase price per unit, the total purchase price, and the total number of units sold for the requested period. (*Id.*)

However, Fahey's counsel insisted on simultaneously retaining the documents while reserving the right to potentially use them as a defense, should the State Water Board find against Fahey. (*Id.*) Fahey's counsel stated they would be happy to provide the total purchase price for units sold, but not the unit price paid by each bottler. (Tauriainen Decl., attach. 5 at pp. 2.) With regard to Mr. Fahey's tax returns, Fahey's counsel refused to waive any inability to pay defense and implied he would retain the right to raise that defense, as well as tax returns as evidence to support such a defense, should the State Water Board find Fahey illegally used and diverted water. (*Id.*)

With Fahey's counsel rejecting any path to keeping the unredacted invoices out of the public record by stipulating to the average price per unit, the total purchase price, and total number of units sold, the Prosecution Team chose to keep the Subpoena in place. (Tauriainen Decl., attach. 5, pp. 1.) The Prosecution Team further explained, and made clear, that the hearing would have no separate penalty phase. (*Id.*) If Fahey wanted to assert a failure to pay defense, he would need to raise it with his case-in-chief or on rebuttal. (*Id.*) He could not retain that defense or that evidence just in case the State Water Board find Fahey illegally used and diverted water.

Fahey responded to the Subpoena on November 18, 2015, but generally refused to respond to Request 7 through 9. For Request 7, Fahey did not provide unredacted invoices or even invoices with fewer redactions. He did not provide any information about per-unit pricing. He only provided the total dollar amount sold under the invoices:

The total Invoice and Contract Sales for Sugar Pine for the period from May to October 2014 was \$119,300.00. The total Invoice and Contract Sales for Sugar Pine for the period from April to October 2015 was \$136,346.36. The total Invoice and Contract Sales for requested period of 2014 and 2015 was \$255,646.36.

(Tauriainen Decl., Attach. 6 at pp. 4.)

With respect to Request 8 and 9, Fahey refused to provide copies of his tax returns on the basis that tax returns and such financial information is privileged not subject to mandatory disclosure in civil proceedings and administrative proceedings. (Tauriainen Decl., Attach. 6 at pp. 5-6.)

ARGUMENT

The State Water Board conducts adjudicative proceedings in accordance with the provisions and rules of evidence set forth in Government Code section 11513. (Cal. Code Regs., Tit. 23, § 648.5.1.) Under the Government Code, the State Water Board shall admit any evidence "if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. (Cal. Gov't Code § 11513, subd. (c).)

The Government Code further requires effectiveness of the rules of privilege to the extent statute otherwise requires the State Water Board to recognize them at the hearing. (Cal. Gov't Code § 11513, subd. (e).) Tax returns do not enjoy an absolute privilege from disclosure, even though public policy prevents *unnecessary* public exposure if taxpayers are to be encouraged to file complete and accurate returns. (*Premium Service Corp. v. Sperry & Hutchinson Co.* (9th Cir.1975) 511 F.2d 225, 229.) Courts have recognized the privilege when

“no rational purpose” would be served by requiring disclosure, such as requiring an applicant to provide tax returns to support a hardship exemption from increased rent for an apartment.

(*Thomas B. v. Superior Court* (1985) 175 Cal.App.3d 255, 262, 220 Cal.Rptr. 577.)

Financial benefit is not a required consideration in the amount of liability for illegal diversion and use of water. (Water Code § 1055.3.) Nonetheless, it has been the experience of the Prosecution Team that the Hearing Officers often want to know how much a person benefited from the illegal diversion and use of water. (Tauriainen Decl., para. 10.) Parties subject to administrative enforcement actions also often submit tax records as part of an inability to pay defense.” (Tauriainen Decl., attach. 5, pp. 2.) Evidence that Fahey profited, and the degree Fahey profited, is highly relevant to show Fahey economically benefited from diverting and using water in violation of his permits. The unredacted invoices would show that Fahey made money. The tax returns will show he profited and how much he profited. Since the important issue on Fahey’s ability to pay is net profit, the Prosecution Team would accept redacted portions or Fahey’s tax returns so long as they disclose Fahey’s net profit.

CONCLUSION

The Prosecution Team has gone to great lengths to obtain evidence to contradict a defense raised Fahey’s Counsel that Fahey has limited ability to pay the penalty proposed by the Administrative Civil Liability Complaint. At the Prosecution Team’s request, the State Water Board issued the Information Order, which Fahey resisted, then the Subpoena, which Fahey continued to resist. The Prosecution Team therefore respectfully requests that the Hearing Officer issue an order compelling Fahey to produce the documents responding to Items 7 through 9 of the Subpoena.

Dated: November 25, 2015

STATE WATER RESOURCES CONTROL BOARD

By:



Kenneth Petruzzelli
OFFICE OF ENFORCEMENT
Attorney for the Prosecution Team

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BEFORE THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

**In the matter of Administrative Civil
Liability Complaint and Draft Cease and
Desist Order issued against G. Scott Fahey
and Sugar Pine Spring Water, LP**

**Declaration of Andrew Tauriainen in
Support of Prosecution Team's Motion to
Compel Production of Documents in
Response to Subpoena Duces Tecum**

I, Andrew Tauriainen, declare as follows:

1. I am a Staff Counsel III (Specialist) with the State Water Resources Control Board's Office of Enforcement. I have been a practicing attorney since 2001, California State Bar No. 214837. I joined the Office of Enforcement in 2011. I represented the Prosecution Team as lead counsel in the matter of the Administrative Civil Liability Complaint and Draft Cease and Desist Order issued against G. Scott Fahey and Sugar Pine Spring Water, LP (Fahey or Defendant) until around November 17, 2015, when I was replaced by Kenneth Petruzzelli. I still serve as co-counsel on the matter.
2. On September 1, 2015, The State Water Resources Control Board issued Fahey an Order for Additional Information, Order WR 2015-0028-DWR (Information Order), requesting "copies of all invoices for water sold from the diversions covered by Permits 20784 and 21289 beginning May 2014 through date of this order." (Informational Order at pp. 6-7.) A true and correct copy of the Informational Order is marked as Attachment 1 hereto.
3. In response to the Information Order, on October 1, 2015, Fahey provided invoices showing each truck load of 6,700 gallons. The invoices produced are redacted in the following manner: the amount invoiced for each load, the total amount invoiced, vendor name, and the total amount due from each vendor. A true and correct copy of the redacted invoices is marked as Attachment 2 hereto.
4. On October 30, 2015, the Prosecution Team served G. Scott Fahey and Sugar Pine Spring Water, LP with a Subpoena Duces Tecum, commanding the production of certain

documents relating to the matter at issue on or by Noon, November 20, 2015 (Subpoena). A true and correct copy of the Subpoena is marked as Attachment 3 hereto.

5. Request number 7 of the Subpoena states: "ALL DOCUMENTS and COMMUNICATIONS RELATING TO water sales from the DIVERSIONS covered by Permit 20784 and/or Permit 21289 during the period May 1, 2014, through September 30, 2015; such DOCUMENTS and COMMUNICATIONS shall include invoices, and shall be unredacted, such that the purchase price per unit (e.g. price per gallon), the total purchase price, the purchaser, and the total number of units sold are included and identifiable." (Subpoena at p. 9.)
6. Request number 8 of the Subpoena states: "ALL DOCUMENTS and COMMUNICATIONS RELATING TO SCOTT FAHEY's personal State and Federal income tax returns or other filings for tax years 2014 and 2015, including any quarterly submittals." (Subpoena at p. 9.)
7. Request number 9 of the Subpoena states: "ALL DOCUMENTS and COMMUNICATIONS RELATING TO SUGAR PINE SPRING WATER, LP's State and Federal tax returns or other filings for tax years 2014 and 2015, including any quarterly submittals." (Subpoena at p. 9.)
8. On November 3, 2015, I received a letter from Fahey's Counsel, informing me that Fahey would respond to the Subpoena, but would not be responding to Requests for Production 7-9. (November 3 letter at pp. 1-2.) A true and correct copy of the November 3, 2015, letter is marked as Attachment 4 hereto.
9. The November 3 letter states that Fahey would "like to discuss ways to verify the number of gallons sold and the dollar amount received by Sugar Pine for said water, without divulging proprietary information," and that with regards to request number 9, "the demanded documents are confidential financial information that are subject to the constitutional right of privacy and will not be produced." (November 3 letter at pp. 1-2.)
10. On November 5, 2015, I began a series of email communications with Fahey's counsel, meeting and conferring on the issue. I offered to review the invoices in-camera and under a non-disclosure agreement, but Fahey's Counsel insisted on simultaneously retaining the documents while reserving the right to potentially use them as a defense, should the State Water Board find against Fahey. A true and correct copy of the November 5 through November 6 emails are marked as Attachment 5 hereto.
11. On November 18, 2015, Fahey responded to the Subpoena. Fahey responded to Items 1-6, but refused to respond to Items 7-9. A true and correct copy of the Fahey's response, minus the internally-referenced exhibits, is marked as Attachment 6 hereto.
12. In responding to Item 7 of the Subpoena, Fahey only provided the total amount sold under the invoices, stating "The total Invoice and Contract Sales for Sugar Pine for the period from May to October 2014 was \$119,300.00. The total Invoice and Contract Sales for Sugar Pine for the period from April to October 2015 was \$136,346.36. The total Invoice and Contract Sales for requested period of 2014 and 2015 was \$255,646.36." (Subpoena Response at pp. 4.)

13. In responding to Item 8 and 9 of the Subpoena, Fahey refused to provide copies of his tax returns on the basis that tax returns and such financial information is privileged not subject to mandatory disclosure in civil proceedings and administrative proceedings. (Subpoena Response at pp. 5-6.)

I declare under penalty of perjury to the laws of the State of California that the foregoing is true and correct. Executed this 25th day of November, 2015, at Sacramento, California.

A handwritten signature in blue ink that reads "Andrew Tauriainen". The signature is written in a cursive style with a prominent flourish at the end of the last name.

Andrew Tauriainen

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2015 –0028-DWR

ORDER FOR ADDITIONAL INFORMATION

In the Matter of Unauthorized Diversion by

G. SCOTT FAHEY AND SUGAR PINE SPRING WATER LP

SOURCES: Unnamed Spring (AKA Cottonwood Spring), tributary to Cottonwood Creek, thence Clavey River, thence Tuolumne River; Deadwood Spring, tributary to an unnamed stream, thence Basin Creek, thence North Fork Tuolumne River, thence Tuolumne River; and two Unnamed Springs (aka Marco Spring and Polo Spring) tributary to an unnamed stream, thence Hull Creek, thence Clavey River, and thence Tuolumne River.

COUNTY: Tuolumne

BACKGROUND

1. On January 17, 2014, Governor Edmund G. Brown Jr. issued Proclamation No. 1-17-2014, declaring a State of Emergency to exist in California due to severe drought conditions.
2. Also on January 17, 2014, the State Water Board issued a "Notice of Surface Water Shortage and Potential Curtailment of Water Right Diversions" (2014 Shortage Notice). The 2014 Shortage Notice alerts water right holders in critically dry watersheds that water may become unavailable to satisfy beneficial uses at junior priorities.
3. On April 25, 2014, Governor Brown issued a Proclamation of a Continued State of Emergency due to drought conditions, to strengthen the state's ability to manage water and habitat effectively in drought conditions.
4. On May 27, 2014, the State Water Board issued a "Notice of Unavailability of Water and Immediate Curtailment for Those Diverting Water in the Sacramento and San Joaquin River Watershed with a post-1914 Appropriative Right" (2014 Unavailability Notice), which notified all holders of post-1914 appropriative water rights within the Sacramento and San Joaquin River watersheds of the lack of availability of water to serve their post-1914 water rights, with some minor exceptions for non-consumptive diversions.
5. On October 31, 2014, the State Water Board issued a "Notice of Temporary Opportunity to Divert Water under Previously Curtailed Water Rights for Sacramento and San Joaquin River Watershed." The State Water Board temporarily lifted the curtailment of water rights for post-1914 water rights holders in the Sacramento-San Joaquin watershed and continued the opportunity to divert until 7 AM on November 3, 2014. The temporary lifting of the curtailment was based upon a predicted rain event.

6. On November 19, 2014, the State Water Board temporarily lifted the curtailment of post-1953 water rights in the Sacramento-San Joaquin watershed. The State Water Board did not issue any further notice of water unavailability for 2014.
7. On January 23, 2015, the State Water Board issued a "Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions for 2015" (2015 Shortage Notice). The 2015 Shortage Notice alerted water right holders in critically dry watersheds that water may become unavailable to satisfy beneficial uses at junior priorities.
8. On March 17, 2015, the State Water Board amended and re-adopted emergency regulations regarding Informational Order authority during drought (California Code of Regulations, title 23, amending section 879, subdivision (c)). The regulations were reviewed by the Office of Administrative Law and went into effect on March 27, 2015. The regulations establish requirements for water right holders to provide information in specific circumstances.
9. On April 1, 2015, Governor Brown issued Executive Order B-29-15 (Executive Order) to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The Executive Order finds that the on-going severe drought conditions present urgent challenges across the state including water shortages for municipal use and for agricultural production, increased wildfire activity, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions persist. The Executive Order confirms that the orders and provisions in the Governor's previous drought proclamations and orders, the January 17, 2014, Proclamation, April 25, 2014, Proclamation, and Executive Orders B-26-14 and B-28-14, remain in full force and effect.
10. The Executive Order, at Paragraph 10, provides in part that "[t]he Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water."
11. On April 2, 2015, the State Water Board issued another notice warning that due to drought conditions, there would likely be insufficient water available to serve all water rights.
12. On April 23, 2015, the State Water Board issued a "Notice of Unavailability of Water and Immediate Curtailment for Those Diverting Water in the San Joaquin River Watershed with Post-1914 Appropriative Rights" (April 23 Unavailability Notice), which notifies all holders of post-1914 appropriative water rights within the San Joaquin River watershed of the lack of availability of water to serve their post-1914 water rights, with some minor exceptions for non-consumptive diversions.
13. On July 15, 2015, the State Water Board issued a clarification to the Unavailability Notices indicating that, to the extent that any of the notices described above contain language that may be construed as an order requiring water right holders to curtail diversions under affected water rights, that language has been rescinded. Similarly, any language requiring affected water right holders to submit curtailment certification forms has been rescinded. However, for purposes of noticing water rights holder of the unavailability of water for their priority of right, the Unavailability Notices remain in effect.

FAHEY WATER RIGHTS

14. G. Scott Fahey holds water right Permit 20784 (Application A029977) and Permit 21289 (Application A031491) to appropriate water from sources that are ultimately tributary to the Tuolumne River upstream of New Don Pedro Reservoir. Mr. Fahey does not hold or claim any other appropriative or riparian water rights on record with the State Water Board.

15. Permit 20784 has a priority date of July 12, 1991, and authorizes the direct diversion and use of water from: (1) an Unnamed Spring (a.k.a. Cottonwood Spring) for a rate of diversion not to exceed 0.031 cubic foot per second (cfs) and; (2) Deadwood Spring for a rate of diversion not to exceed 0.031 cfs. The water appropriated under Permit 20784 is limited to a total combined of 0.062 cfs to be diverted from January 1 to December 31 of each year for Industrial Use at bottled water plant(s) located off the premises. The maximum amount diverted under Permit 20784 shall not exceed 44.82 acre-feet per year. Fahey's annual Reports of Licensee indicate that he diverted an average of 42.9 acre-feet per year under Permit 20784 for the years 2009 through 2014.
16. Permit 21289 has a priority date of January 28, 1994, and authorizes the direct diversion and use of water from: (1) Unnamed Spring (a.k.a. Marco Spring) for a rate of diversion not to exceed 0.045 cfs and; (2) Unnamed Spring (a.k.a. Polo Spring) for a rate of diversion not to exceed 0.045 cfs. The water appropriated under Permit 21289 is limited to a total combined diversion rate of 0.089 cfs to be diverted from January 1 to December 31 of each year for Industrial Use at bottled water plants located off the premises. The maximum amount diverted under Permit 21289 shall not exceed 64.5 acre-feet per year. Fahey's annual Reports of Permittee indicate that he diverted an average of 26.2 acre-feet per year under Permit 21289 for the years 2012 through 2014.
17. Diversions from all four springs subject to Permits 20784 and 21289 are conveyed via separate pipes from each spring that combine into a common pipe system. The pipeline connects to two 35,000 gallon tanks and an overhead bulk water truck filling station (collectively referred to as the transfer station) located on Tuolumne County Assessor Parcel Number (APN) 052-060-48-00, owned by Sugar Pine Spring Water, LP. Fahey operates the transfer station, and bulk water hauler trucks access the property through a locked gate to remove the water for delivery off-premises.
18. Term 11 in Permit 20784 and Term C in Permit 21289 state that the Permittee shall allow representatives of the State Water Resources Control Board reasonable access to project works to determine compliance with the terms of the permits.
19. Term 17 in Permit 20784 and Term 9 in Permit 21289 state that the permits are subject to prior rights and that in some years, water will not be available for diversion during parts or all of the authorized season.
20. Term 19 in Permit 20784 requires Fahey to provide exchange water to New Don Pedro Reservoir for all water diverted under the permit during the period from June 16 through October 31 of each year. This term was included as a condition for accepting Application A029977 because State Water Board Orders WR 89-25 and WR 91-07 identify the Sacramento-San Joaquin Delta watershed upstream of the Delta, and the Tuolumne River upstream from Don Pedro Reservoir, as fully appropriated between June 16 and October 31 (Decisions 995 and 1594). Fahey's points of diversion are within the Fully Appropriated Stream systems identified in the Board orders; however, Order WR 91-07 sets guidance for acceptance of an application on a fully appropriated stream when replacement water is made available under an Exchange Agreement. Fahey entered into an Exchange Agreement with the Turlock Irrigation District and Modesto Irrigation District (Districts) on December 12, 1992.
21. Term 20 in Permit 20784 and Term 34 in Permit 21289 require Fahey to provide replacement water to New Don Pedro Reservoir for water diverted adverse to the prior rights of the City and County of San Francisco (San Francisco) and the Districts. These terms describe certain provisions of a December 19, 1994 letter agreement under which San Francisco would withdraw its protest of Fahey's water right applications, including the method by which Fahey would compensate San Francisco and the Districts, upon a finding of injury, with replacement water. These terms do not modify, amend or enhance the seniority of either or both Permits. Fahey's

compliance with these terms does not prevent or preclude the State Water Board from finding that there is insufficient water for diversion under the priorities of Permits 20784 and 21289.

INVESTIGATION

22. The Unavailability Notices of May 27, 2014, and April 23, 2015, and the related notices, apply to Permits 20784 and 21289 because both Permits are post-1914 appropriative water rights within the covered geographic areas. In each year, the Unavailability Notices for Permits 20784 and 21289 were sent addressed to G Fahey, 2787 Stony Fork Way, Boise, Idaho, 83706.
23. On June 6, 2014, Fahey submitted a hard copy of the Curtailment Certification Form for each of his water rights in response to the 2014 Unavailability Notice. On each of the forms, Fahey checked the box indicating that he had information explaining why his diversion and use of water was legally authorized, notwithstanding the limited amounts of water available during the drought. Fahey included a letter, dated June 3, 2014, claiming the right to continue diverting because of a purchase of replacement water stored in New Don Pedro Reservoir. In the letter, Fahey indicated that the reason for the purchase of replacement water was to ensure that any potential or actual reduction to the District's or to San Francisco's water supply could be offset within one year of notice.
24. The Exchange Agreement between Fahey and the Districts and the letter agreement between Fahey and San Francisco do not modify, amend or enhance the seniority of Fahey's permits. Compliance with the replacement water terms does not prevent or preclude the State Water Board from finding that there is insufficient water for diversion under the priorities of Permits 20784 and 21289 as related to all other downstream rights. Fahey cannot divert water during periods when water is not available to serve water rights at the priority of the Permits. Additionally, State Water Board files show that Fahey has not submitted annual reports documenting the replacement water provided to New Don Pedro Reservoir, as required under Terms 19 and 20 of Permit 20784 and Term 34 of Permit 21289.
25. The 2014 Notice of Unavailability put Fahey on notice that there was not enough water to fulfill his water rights under Permits 20784 and 21289 from May 27, 2014 through October 30, 2014, and from November 4 through 18, 2014.
26. On March 3, 2015, Fahey submitted to the State Water Board, via the online Progress Report by Permittee for 2014, water diversion and use information for Permits 20784 and 21289. Each progress report indicates that Fahey diverted water in 2014 during each period in which water was unavailable for his priority of right.
27. On April 29, 2015, in lieu of submitting an online Certification Form in response to the April 23 Unavailability Notice, Fahey submitted a copy of the June 3, 2014, letter submitted in response to the 2014 Unavailability Notice.
28. Following the April 23 Unavailability Notice, State Water Board staff attempted to contact Fahey to schedule an inspection of Permits 20784 and 21289. Staff left multiple telephone messages over the course of two weeks before Fahey responded by telephone on June 12, 2015. Fahey indicated that he was unavailable to meet with staff to conduct an inspection of his facilities and that, if an inspection was required, he would not be available before the end of the summer.
29. The overhead bulk water truck filling station is a secure area, protected by a locked gate on the access road from U.S. Forest Route 1N04 (Cottonwood Road). Based on a prior inspection (conducted on October 23, 2007) associated with issuance of Permit 21289, State Water Board staff is not aware of any water sources or diversion facilities located beyond the gate, other than Fahey's permitted spring diversions and transfer station, that can be used to fill tanker trucks with water.

30. On July 12, 2015, State Water Board staff deployed surveillance equipment in the publically accessible road easement along Cottonwood Road near the entrance to APN 052-060-48-00. The surveillance equipment was deployed to capture images of vehicles accessing the property. State Water Board staff limited their observations and deployment of surveillance equipment to the publically accessible road side and did not access the Sugar Pine Spring Water, LP, property.
31. On July 23, 2015, State Water Board staff returned to the site to collect surveillance data from equipment deployed on July 12, 2015. During this visit, within a period of 90 minutes, staff observed four tanker trucks (approximate 6,600 gallon capacity each) at or just down the road from the property that is the site of the transfer station. Staff observed a tanker truck enter the property at approximately 12:15 PM and leave at approximately 12:54. Staff also observed a tanker truck enter the property at approximately 1:06 PM, just prior to staff's departure from the site. The data collected on July 23, 2015, includes surveillance data collected from July 12 through July 23.
32. On August 12, 2015, State Water Board staff contacted Mr. Fahey via telephone in an attempt to schedule an inspection of the facilities. Staff informed Mr. Fahey that he was still subject to the April 23 Unavailability Notice. Mr. Fahey indicated that he would not be able to meet. During the conversation, Mr. Fahey indicated that he has not ceased diversions during 2015 and that he continues to sell water to commercial water bottling companies.

LEGAL AUTHORITY

33. Water Code section 183 authorizes the State Water Board, among other things, to conduct any investigations in any part of the state necessary to carry out the Board's powers.
34. Water Code section 1051 authorizes the State Water Board, among other things, to investigate all streams, stream systems, portions of stream systems, lakes, or other bodies of water to determine whether water is being appropriated in accordance with the laws of the State.
35. Pursuant to California Code of Regulations, title 23, section 879, subdivision (c):
 - (1) *The Deputy Director may issue an informational order, as provided in paragraph (2), in any of the following circumstances:*
 - (A) *Upon receipt of a complaint that staff determines to merit investigation alleging interference with a water right by a water right holder, diverter or user;*
 - (B) *Where a water right holder, diverter or user asserts a right to divert under a pre-1914 or riparian right in response to an investigation, curtailment order or any notice of curtailment, and no Statement of Water Diversion and Use for such right was on file with the Board as of January 17, 2014;*
 - (C) *Where a water right holder, diverter or user responds to an investigation, curtailment order or any notice of curtailment by asserting a right to divert under a contract or water transfer for which the Board has not approved a change petition and for which no record had been previously filed with the Board; or*
 - (D) *Upon receipt of information that indicates actual or threatened waste, unreasonable use, unreasonable method of diversion, or unlawful diversions of water by any water right holder, diverter or user.*
 - (2) *The Deputy Director may issue an order under this article requiring a water right holder, diverter or user to provide additional information related to a diversion or use described in (c)(1), including the claim of right; property patent date; the date of initial appropriation; diversions made or anticipated during the current drought year; basis of right and amount of a water transfer not subject to approval of the Board or Department of Water Resources; or any other information relevant to authenticating the right or forecasting use and supplies in the current drought year.*
 - (3) *Any party receiving an order under this subdivision shall provide the requested information within thirty (30) days. The Deputy Director may grant additional time for*

ORDER FOR ADDITIONAL INFORMATION

submission of information supporting the claim of right upon substantial compliance with the 30-day deadline and a showing of good cause.

- (4) *The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1846.*
 - (5) *Orders issued under previous versions of this subdivision shall remain in effect and shall be enforceable as if adopted under this version. The provisions of Article 12 of this Chapter (commencing with section 768) shall govern petitions for reconsideration of orders issued under this subdivision.*
36. Section 879, subdivision (c), and the Executive Order supplement the State Water Board's general investigatory authority under Water Code sections 183 and 1051.
 37. Drought management of water rights is necessary to ensure that water to which senior water right holders are entitled is actually available to them, which requires that some water remain in most streams to satisfy senior demands at the furthest downstream point of diversion of these senior water rights. The Unavailability Notices reflect the State Water Board's determination that the existing water available in the San Joaquin River watershed is insufficient to meet the demands of diverters with appropriate water right permits or licenses with the effected priority dates. Continued diversion when there is no water available under the priority of the water right constitutes unauthorized water diversion and use. Unauthorized diversion is subject to enforcement. (Water Code §§ 1052, 1831.).
 38. Section 879, subdivision (c)(1)(D) authorizes the Deputy Director to issue orders requiring additional information in various circumstances, including upon receipt of information that indicates actual or threatened unlawful diversions of water by any water right holder.
 39. The circumstances described above indicate that Fahey is diverting, or is threatening to divert, water in excess of that available to serve Permits 20784 and 21289, without a valid basis of right.
 40. To determine whether unauthorized diversions have occurred or are threatening to occur, the State Water Board needs additional information described below.
 41. Recipients of information orders issued pursuant to Section 879(c) may petition the State Water Board for reconsideration. (Water Code § 1122; 23 CCR §§ 768 et seq., 879(c)(5).)

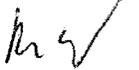
IT IS HEREBY ORDERED:

1. This Order is issued to G. Scott Fahey and Sugar Pine Spring Water LP (collectively Fahey). This Order is effective on the date shown below. All submittal requirements are based on the effective date of this Order.
2. Fahey shall provide the following information for water diversions that are conducted under any basis of right at facilities covered by Permits 20784 and 21289:
 - (A) The monthly amounts of water diverted and the basis of right allowing for the diversions for each month from May 2014 through October 2014 and April 2015 through date of this order. The diversion information shall include the total amount of water diverted in the month and the maximum rate of diversion for each month. This information shall be filed electronically at: http://water24a/waterrights/water_issues/programs/ewrims/curtailment/wateruseinfo.shtml.
 - (B) (1) Documentation of compliance with bypass amounts as required by Permit 21289; (2) Documentation of purchases and use of replacement water required by Permits 20784 and 21289; (3) a copy of the most recent Exchange Agreement between Fahey and the Turlock and Modesto Irrigation Districts and/or City and County of San Francisco; and (4) copies of all

invoices for water sold from the diversions covered by Permits 20784 and 21289 beginning May 2014 through date of this order. This information is an attachment to the report filed in (A) and must be filed electronically and mailed to: SWRCB-2014informational-order@waterboards.ca.govmailto:SWRCB-2014informational-order@waterboards.ca.gov.

- (C) The daily diversion amount for each day starting with August 1, 2015, and the invoices for all water sold from the diversions covered by Permits 20784 and 21289, shall be submitted by the fifth (5th) day of each succeeding month until the drought proclamations and orders described above are rescinded. This information shall be submitted as an electronic spreadsheet via email to SWRCB-2014informational-order@waterboards.ca.gov
3. Fahey is required to submit the information requested. Failure to comply with this Order subjects the party to enforcement action including, but not limited to, civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1846.
4. Reservation of Enforcement Authority and Discretion: Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including, but not limited to, the authority to bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.

STATE WATER RESOURCES CONTROL BOARD



*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated:

SEP 01 2015

State Water Resources Control Board
Division of Water Rights
Response to Order 2015-0028-DWR
In the Matter of Unauthorized Diversion by:
G. SCOTT FAHEY AND SUGAR PINE SPRING WATER LP

RESPONSE TO INFORMATION REQUEST 2(B)

Request 2(B): Fahey shall provide the following information for water diversions that are conducted under any basis of right at facilities covered by **Permits 20784** and **21289**:

- Documentation of compliance with bypass amounts as required by **Permit 21289**;
- Documentation of purchases and use of replacement water required by **Permits 20784** and **21289**;
- A copy of the most recent Exchange Agreement between Fahey and the Turlock and Modesto Irrigation Districts and/or City and County of San Francisco; and
- Copies of all invoices for water sold from the diversions covered by **Permits 20784** and **21289** beginning May 2014 through the date of the Order (September 1, 2015).
- Filing the Response:
 - The Response is an **attachment to the Response to 2(A)** and must be filed electronically at: <http://water24a/waterrights/water-issues/programs/ewrims/curtailment/wateruseinfo.shtml> AND emailed to: SWRCB-2014informational-order@waterboards.ca.gov.

RESPONSE TO INFORMATION REQUEST 2(B)

Copies of All Invoices
For Water Sold From
Diversions Made at the
Permit Point of
Diversion from May
2014- September 1,
2015

SUGAR PINE SPRING WATER LP

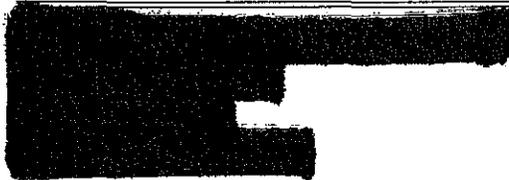
2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

~ INVOICE ~



	NO. of LOADS	GAL./LOAD
	79	6,700
1	05/01/14	159281
2	05/01/14	159284
3	05/01/14	159282
4	05/05/14	179801
5	05/05/14	179803
6	05/05/14	179802
7	05/05/14	148042
8	05/05/14	148043
9	05/05/14	148041
10	05/05/14	164270
11	05/05/14	159285
12	05/05/14	159286
13	05/05/14	159287
14	05/06/14	148045
15	05/06/14	148044

16	05/07/14	179807
17	05/07/14	179806
18	05/07/14	179805
19	05/07/14	159288
20	05/07/14	159289
21	05/07/14	159290
22	05/06/14	179804
23	05/08/14	179809
24	05/08/14	179810
25	05/08/14	148048
26	05/08/14	148046
27	05/08/14	148047
28	05/08/14	163418
29	05/08/14	167451
30	05/09/14	167403
31	05/09/14	167402
32	05/09/14	167401
33	05/12/14	179815
34	05/12/14	179814
35	05/12/14	167404
36	05/12/14	179816
37	05/13/14	179808
38	05/13/14	167406
39	05/13/14	164705
40	05/14/14	167409

INVOICE NO. 050614

BILLING PERIOD: May 2014

BILLING DATE: 6/3/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

Payment Due on or before: 6/30/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

TOTAL GALLONS

529,300

\$

\$/LOAD

[REDACTED]

TOTAL SALES

\$

[REDACTED]

TOTAL DUE \$

[REDACTED]

41	05/14/14	167408
42	05/14/14	167407
43	05/15/14	167410
44	05/15/14	167411
45	05/19/14	179818
46	05/19/14	167413
47	05/19/14	167412
48	05/22/14	179819
49	05/22/14	179820
50	05/22/14	179821
51	05/23/14	164272
52	05/22/14	164271
53	05/22/14	167417
54	05/22/14	167416
55	05/22/14	167415

56	05/23/14	167419
57	05/23/14	167420
58	05/23/14	167418
59	05/23/14	179823
60	05/23/14	179822
61	05/27/14	179825
62	05/27/14	167455
63	05/27/14	179827
64	05/27/14	179826
65	05/27/14	159292
66	05/27/14	159293
67	05/27/14	179824
68	05/27/14	159291
69	05/29/14	159296
70	05/29/14	159295
71	05/28/14	159355
72	05/28/14	159354
73	05/28/14	159353
74	05/29/14	159356
75	05/29/14	159358
76	05/29/14	159357
77	05/29/14	169358
78	05/29/14	169359
79	05/29/14	169360

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

~ INVOICE ~



	NO. of LOADS	GAL./LOAD
	87	6,700
1	06/02/14	163424
2	06/04/14	167426
3	06/04/14	167425
4	06/04/14	167424
5	06/04/14	163425
6	06/05/14	167428
7	06/05/14	167427
8	06/05/14	167429
9	06/05/14	159359
10	06/05/14	159360
11	06/05/14	159361
12	06/05/14	164273
13	06/05/14	164274
14	06/05/14	167458
15	06/05/14	167459
16	06/06/14	164275

17	06/06/14	167460
18	06/07/14	167463
19	06/07/14	167464
20	06/06/14	167431
21	06/06/14	159362
22	06/09/14	179832
23	06/09/14	179831
24	06/09/14	167433
25	06/09/14	167432
26	06/10/14	167436
27	06/10/14	167435
28	06/10/14	167434
29	06/11/14	167437
30	06/11/14	167438
31	06/11/14	159364
32	06/11/14	159365
33	06/13/14	159368
34	06/13/14	167443
35	06/13/14	167444
36	06/12/14	167440
37	06/12/14	167441
38	06/12/14	167442
39	06/12/14	167439
40	06/12/14	159366
41	06/16/14	167466
42	06/16/14	167465
43	06/16/14	159369
44	06/16/14	159370

INVOICE NO. 050714

BILLING PERIOD: June 2014

BILLING DATE: 7/2/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

Payment Due on or before: 7/31/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

TOTAL GALLONS		\$/LOAD		TOTAL SALES
582,900	\$		\$	

TOTAL DUE \$

45	06/16/14	167446
46	06/16/14	167447
47	06/16/14	167445
48	06/16/14	161005
49	06/18/14	167468
50	06/19/14	161205
51	06/19/14	159371
52	06/20/14	159372
53	06/20/14	159373
54	06/20/14	159374
55	06/20/14	161206
56	06/20/14	161208
57	06/20/14	161207
58	06/23/14	161210
59	06/23/14	161209
60	06/23/14	159377

61	06/23/14	159376
62	06/23/14	159375
63	06/23/14	179833
64	06/24/14	161211
65	06/24/14	161212
66	06/24/14	161213
67	06/24/14	159378
68	06/24/14	179834
69	06/24/14	179837
70	06/25/14	159381
71	06/25/14	161215
72	06/26/14	179838
73	06/26/14	179839
74	06/27/14	179840
75	06/27/14	179841
76	06/27/14	161217
77	06/27/14	159383
78	06/28/14	161219
79	06/28/14	161218
80	06/28/14	179843
81	06/28/14	179844
82	06/28/14	179845
83	06/28/14	179842
84	06/28/14	161007
85	06/30/14	161222
86	06/30/14	161221
87	06/30/14	161220

SUGAR PINE SPRING WATER LP

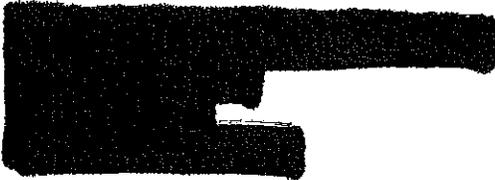
2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

~ INVOICE ~



NO. of LOADS
97

GAL./LOAD
6,700

1	07/01/14	159385
2	07/01/14	161225
3	07/01/14	161224
4	07/01/14	161223
5	07/03/14	164277
6	07/03/14	179850
7	07/03/14	179847
8	07/03/14	179849
9	07/03/14	161228
10	07/03/14	161227
11	07/03/14	161229
12	07/02/14	159387
13	07/11/14	161239
14	07/11/14	161240
15	07/11/14	161241

16	07/11/14	172605
17	07/11/14	172607
18	07/11/14	172606
19	07/10/14	169503
20	07/10/14	161238
21	07/10/14	169505
22	07/10/14	169504
23	07/10/14	172604
24	07/09/14	172601
25	07/09/14	172602
26	07/09/14	169502
27	07/09/14	161236
28	07/09/14	172603
29	07/08/14	161234
30	07/08/14	159395
31	07/08/14	159393
32	07/07/14	161231
33	07/07/14	161232
34	07/07/14	161230
35	07/07/14	159392
36	07/07/14	159391
37	07/07/14	159390
38	07/09/14	167485
39	07/08/14	169501
40	07/08/14	167484
41	07/16/14	169508
42	07/16/14	169507
43	07/15/14	161246
44	07/15/14	169506
45	07/15/14	171552
46	07/14/14	161243
47	07/14/14	161242
48	07/14/14	161244

PAYMENT DUE 30 D

FOB: TUC



TOTAL GALLONS
649,900

\$

\$/LOAD



TOTAL DUE

49	07/17/14
50	07/16/14
51	07/16/14
52	07/18/14
53	07/17/14
54	07/17/14
55	07/18/14
56	07/17/14
57	07/19/14
58	07/18/14
59	07/18/14
60	07/19/14
61	07/18/14
62	07/23/14
63	07/22/14

64	07/22/14
65	07/22/14
66	07/22/14
67	07/22/14
68	07/22/14
69	07/21/14
70	07/21/14
71	07/21/14
72	07/21/14
73	07/21/14
74	07/23/14
75	07/23/14
76	07/23/14
77	07/23/14
78	07/23/14
79	07/23/14
80	07/24/14
81	07/24/14
82	07/24/14
83	07/28/14
84	07/29/14
85	07/29/14
86	07/29/14
87	07/29/14
88	07/30/14
89	07/30/14
90	07/30/14
91	07/30/14
92	07/30/14
93	07/30/14
	41851
95	07/31/14
96	07/31/14

97

07/31/14

INVOICE NO. 050814

BILLING PERIOD: July 2014

BILLING DATE: 8/1/14

DAYS FROM END OF BILLING PERIOD.

Payment Due on or before: 8/31/14

OLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

TOTAL SALES

\$

[REDACTED]

\$

[REDACTED]

- 169510
- 169509
- 161248
- 169513
- 169512
- 161250
- 171554
- 171553
- 172614
- 172613
- 172612
- 172452
- 172451
- 169516
- 169514

169515
172457
172620
172618
172619
172453
172455
172454
172617
172615
172623
172622
172621
169518
169517
172459
169519
172461
172624
164099
159398
164100
172464
172463
172625
172465
159400
172470
172469
172468
08/03/65
172471
172472

172473

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS

46

GAL./LOAD

6,700

Load No.

Date

 TRUCKING
Hand Tag No.

1	08/01/14	170055
2	08/01/14	172628
3	08/02/14	170057
4	08/02/14	170056
5	08/02/14	172475
6	08/02/14	172474
7	08/04/14	172476
8	08/04/14	172477
9	08/06/14	172480
10	08/06/14	172481
11	08/06/14	172482
12	08/06/14	170061
13	08/07/14	172632
14	08/07/14	172631

15	08/07/14	172484
16	08/08/14	169523
17	08/08/14	169522
18	08/08/14	172633
19	08/08/14	170063
20	08/08/14	170064
21	08/08/14	170065
22	08/11/14	172635
23	08/12/14	172487

INVOICE NO. 050914

BILLING PERIOD: August 2014

BILLING DATE: 9/4/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 9/30/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

TOTAL GALLONS

308,200

\$

\$/LOAD

TOTAL SALES

\$

TOTAL DUE \$

TRUCKING

Load No.

Date

Hand Tag No.

24

08/13/14

170069

25

08/14/14

172491

26

08/14/14

172489

27

08/14/14

170071

28

08/15/14

172639

29

08/15/14

172640

30

08/15/14

170072

31

08/15/14

172492

32

08/15/14

172493

33

08/15/14

172494

34

08/16/14

172641

35

08/18/14

172495

36

08/18/14

170074

37

08/19/14

170076

38	08/21/14	170078
39	08/25/14	170079
40	08/26/14	192204
41	08/26/14	170081
42	08/26/14	170080
43	08/26/14	172643
44	08/27/14	192207
45	08/28/14	192209
46	08/28/14	169526

SUGAR PINE SPRING WATER LP

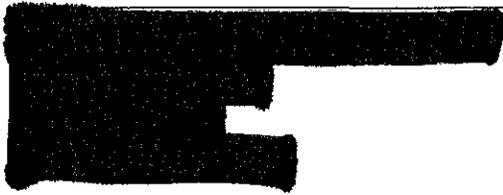
2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS
49

GAL./LOAD
6,700

Load No.

Date

 TRUCKING
Hand Tag No.

1	09/02/14	192212
2	09/02/14	183454
3	09/03/14	183456
4	09/03/14	192214
5	09/04/14	183458
6	09/04/14	192216
7	09/05/14	182808
8	09/05/14	182809
9	09/08/14	192222
10	09/08/14	183462
11	09/09/14	182797
12	09/09/14	183464
13	09/09/14	183465
14	09/09/14	183466

15	09/10/14	182819
16	09/10/14	182818
17	09/10/14	182817
18	09/10/14	192225
19	09/11/14	192228
20	09/11/14	172648
21	09/15/14	192229
22	09/17/14	192233
23	09/16/14	192231
24	09/16/14	191813
25	09/16/14	191814

INVOICE NO. 051014

BILLING PERIOD: September 2014

BILLING DATE: 10/3/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 10/31/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

TOTAL GALLONS		\$/LOAD		TOTAL SALES
328,300	\$			\$

TOTAL DUE \$

Load No.	Date	Hand Tag No.
26	09/17/14	169531
27	09/17/14	183500
28	09/17/14	183498
29	09/17/14	183499
30	09/18/14	169532
31	09/18/14	191821
32	09/18/14	191822
33	09/18/14	192235
34	09/19/14	191823
35	09/22/14	191831
36	09/22/14	191832
37	09/22/14	191833
38	09/22/14	192236
39	09/23/14	181801

40	09/23/14	192238
41	09/24/14	192242
42	09/24/14	191836
43	09/25/14	181501
44	09/25/14	191838
45	09/29/14	192247
46	09/29/14	191846
47	09/29/14	181502
48	09/29/14	192248
49	09/30/14	181052

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS

55

GAL./LOAD

6,700

Load No.

Date

 TRUCKING
Hand Tag No.

1	10/01/14	181053
2	10/01/14	191850
3	10/01/14	191848
4	10/02/14	180801
5	10/02/14	180802
6	10/03/14	181059
7	10/03/14	181058
8	10/03/14	183400
9	10/06/14	169536
10	10/06/14	198751
11	10/06/14	198752
12	10/06/14	180805
13	10/07/14	181064
14	10/07/14	180808

15	10/08/14	169538
16	10/08/14	180810
17	10/08/14	181066
18	10/09/14	180422
19	10/09/14	180812
20	10/10/14	180424
21	10/10/14	180813
22	10/10/14	180814
23	10/10/14	180815
24	10/15/14	181069
25	10/16/14	180430
26	10/16/14	181071
27	10/16/14	180431
28	10/18/14	180433

INVOICE NO. 051114

BILLING PERIOD: October 2014

BILLING DATE: 11/3/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 11/30/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500???????

TOTAL GALLONS

368,500

\$

\$/LOAD

[REDACTED]

TOTAL SALES

\$

[REDACTED]

TOTAL DUE \$

[REDACTED]

[REDACTED] TRUCKING

Load No.

Date

Hand Tag No.

29

10/18/14

180434

30

10/18/14

180432

31

10/18/14

169540

32

10/18/14

169539

33

10/20/14

181073

34

10/20/14

180435

35

10/20/14

180436

36

10/21/14

180439

37

10/21/14

181075

38

10/23/14

180443

39

10/24/14

180445

40

10/24/14

180446

41

10/24/14

180447

42

10/24/14

181083

43	10/25/14	180448
44	10/25/14	180449
45	10/25/14	198157
46	10/25/14	198158
47	10/27/14	181085
48	10/27/14	198052
49	10/27/14	198053
50	10/28/14	198159
51	10/28/14	198055
52	10/29/14	198162
53	10/29/14	198161
54	10/31/14	181089
55	10/31/14	181088

SUGAR PINE SPRING WATER LP

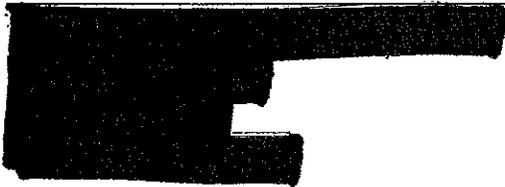
2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS

36

GAL./LOAD

6,700

Load No.

Date

 TRUCKING
Hand Tag No.

1	11/03/14	198063
2	11/03/14	198061
3	11/04/14	198066
4	11/04/14	198064
5	11/06/14	198067
6	11/06/14	198068
7	11/06/14	198069
8	11/07/14	198072
9	11/07/14	198071
10	11/10/14	198074
11	11/11/14	172748
12	11/11/14	172749
13	11/12/14	169545
14	11/12/14	198080

15	11/12/14	192098
16	11/13/14	169546
17	11/13/14	198081
18	11/13/14	191117

INVOICE NO. 051214

BILLING PERIOD: November 2014

BILLING DATE: 12/31/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 12/31/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????


TOTAL GALLONS

241,200

\$

\$/LOAD



TOTAL SALES

\$

**TOTAL DUE \$**

TRUCKING

Load No.

Date

Hand Tag No.

19

11/14/14

169547

20

11/14/14

191120

21

11/17/14

169548

22

11/18/14

169549

23

11/18/14

198085

24

11/18/14

198084

25

11/18/14

191122

26

11/19/14

202051

27

11/19/14

191124

28

11/20/14

202052

29

11/24/14

191127

30

11/24/14

198092

31

11/24/14

202053

32

11/25/14

202055

33	11/24/14	202054
34	11/26/14	202059
35	11/26/14	198098
36	11/25/14	202004

SUGAR PINE SPRING WATER LP

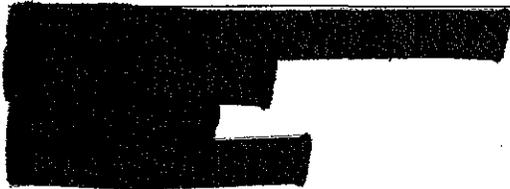
2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS

36

GAL./LOAD

6,700

Load No.

Date

 TRUCKING
Hand Tag No.

1	12/01/14	191137
2	12/01/14	198166
3	12/01/14	202061
4	12/01/14	202062
5	12/05/14	197610
6	12/05/14	197609
7	12/05/14	197608
8	12/08/14	202066
9	12/09/14	197611-202010
10	12/11/14	183658
11	12/12/14	197616
12	12/15/14	202071
13	12/15/14	197618
14	12/15/14	197619

15	12/15/14	197622
16	12/16/14	183663
17	12/16/14	197621
18	11/14/14	169547

INVOICE NO. 050115

BILLING PERIOD: December 2014

BILLING DATE: 1/7/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 1/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500???????

TOTAL GALLONS		\$/LOAD		TOTAL SALES
241,200	\$		\$	

TOTAL DUE \$**TRUCKING**

Load No.	Date	Hand Tag No.
19	12/16/14	197620
20	12/16/14	183661
21	12/17/14	183664
22	12/17/14	183665
23	12/18/14	197626
24	12/18/14	202016
25	12/19/14	202072
26	12/19/14	202073
27	12/19/14	202074
28	12/19/14	202017
29	12/19/14	202018
30	12/23/14	197629
31	12/23/14	197628
32	12/23/14	197627

33	12/24/14	197631
34	12/24/14	197632
35	12/30/15	184757
36	12/30/15	184756

SUGAR PINE SPRING WATER LP

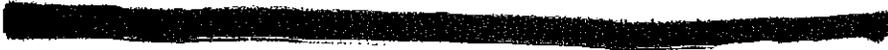
2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 070714
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~



BILLING PERIOD: June 2014
BILLING DATE: 7/1/14
PAYMENT TERMS: NET 30 DAYS
DUE & PAYABLE NO LATER THAN 7/31/14
FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION



TOTAL LOADS SPR. WTR. @ \$/LOAD
4 [REDACTED]

TOTAL \$/LOAD
[REDACTED]

TOTAL
AMOUNT DUE
[REDACTED]

TOTAL LOADS GALLONS/LOAD TOTAL GALLONS
4 6,500 26,000

TOTAL \$/LOAD
[REDACTED]

SPRING WATER @ \$/GAL.
[REDACTED]

Load No.	PO # - Release #	Delivery Date	[REDACTED] Tag No.
1		06/25/14	159380
2		06/25/14	161214
3		06/26/14	159382
4		06/26/14	161216

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 070814
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~

BILLING PERIOD: July 2014
BILLING DATE: 8/1/14
PAYMENT TERMS: NET 30 DAYS
DUE & PAYABLE NO LATER THAN 8/31/14
FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

TOTAL LOADS SPR. WTR. @ \$/LOAD
15 [REDACTED]

TOTAL \$/LOAD
[REDACTED]

TOTAL
AMOUNT DUE
[REDACTED]

TOTAL LOADS GALLONS/LOAD TOTAL GALLONS
15 6,500 97,500

TOTAL \$/LOAD
[REDACTED]

SPRING WATER @ \$/GAL.
[REDACTED]

Load No.	PO # - Release #	Delivery Date	[REDACTED] Tag No.
1		07/01/14	159384
2		07/02/14	159386
3		07/03/14	159388
4		07/10/14	161237
5		07/09/14	161235
6		07/08/14	161233
7		07/15/14	161245
8		07/16/14	161247
9		07/17/14	161249
10		07/22/14	172456
11		07/23/14	172458

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2

INVOICE NO. 070914

BLKT. P.O. NO. ??????

VENDER NO. 113166

~ INVOICE ~

BILLING PERIOD: August 2014

BILLING DATE: 9/4/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 9/30/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

TOTAL LOADS SPR. WTR. @ \$/LOAD
15 [REDACTED]

TOTAL \$/LOAD
[REDACTED]

TOTAL
AMOUNT DUE
[REDACTED]

TOTAL LOADS GALLONS/LOAD TOTAL GALLONS
15 6,500 97,500

TOTAL \$/LOAD
[REDACTED]

SPRING WATER @ \$/GAL.
[REDACTED]

Load No.	PO # - Release #	Delivery Date	Tag No.
1		08/05/14	172478
2		08/05/14	170058
3		08/06/14	170060
4		08/07/14	172483
5		08/07/14	170062
6		08/11/14	172485
7		08/12/14	172486
8		08/13/14	172488
9		08/14/14	172490
10		08/18/14	172496
11		08/19/14	172497
12		08/20/14	172498
13		08/26/14	192203

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 071014
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~



BILLING PERIOD: September 2014

BILLING DATE: 10/3/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 10/31/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION



TOTAL LOADS
14

SPR. WTR. @ \$/LOAD
[REDACTED]

TOTAL \$/LOAD
[REDACTED]

TOTAL
AMOUNT DUE
[REDACTED]

TOTAL LOADS
14

GALLONS/LOAD
6,500

TOTAL GALLONS
91,000

TOTAL \$/LOAD
[REDACTED]

SPRING WATER @ \$/GAL.
[REDACTED]

Load No.	PO # - Release #	Delivery Date	Tag No.
1		09/02/14	192211
2		09/03/14	192213
3		09/04/14	192215
4		09/09/14	192223
5		09/11/14	192227
6		09/16/14	192230
7		09/17/14	192232
8		09/18/14	192234
9		09/23/14	192239
10		09/22/14	192237
11		09/24/14	192240
12		09/25/14	192243
13		09/29/14	192245
14		09/30/14	181051

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

~ INVOICE ~



PA



TOTAL LOADS	SPR. WTR. @ \$/LOAD
1	

TOTAL LOADS	GALLONS/LOAD	TOTAL GALLONS
1	6,500	6,500

Load No.	PO # - Release #	Delivery Date
1		9/10/2014

INVOICE NO. 071014A
BLKT. P.O. NO. ??????
VENDER NO. 113166



BILLING PERIOD: September 10, 2014

BILLING DATE: 1/8/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 1/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

.215

TOTAL \$/LOAD	TOTAL AMOUNT DUE
[REDACTED]	[REDACTED]

TOTAL \$/LOAD	SPRING WATER @ \$/GAL.
[REDACTED]	[REDACTED]

[REDACTED] Tag No.

192225

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 071114
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~

BILLING PERIOD: October 2014

BILLING DATE: 11/3/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 11/30/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

TOTAL LOADS	SPR. WTR. @ \$/LOAD		TOTAL \$/LOAD	TOTAL AMOUNT DUE
17				
TOTAL LOADS	GALLONS/LOAD	TOTAL GALLONS	TOTAL \$/LOAD	SPRING WATER @ \$/GAL.
17	6,500	110,500		
Load No.	PO # - Release #	Delivery Date	Tag No.	
1		10/01/14	181054	
2		10/02/14	181055	
3		10/06/14	181061	
4		10/07/14	181063	
5		10/08/14	181065	
6		10/09/14	181067	
7		10/13/14	181068	
8		10/14/14	180426	
9		10/16/14	181070	
10		10/20/14	181072	
11		10/21/14	181074	
12		10/22/14	181076	
13		10/23/14	181079	
14		10/27/14	181084	
15		10/28/14	198054	
16		10/29/14	192092	
17		10/30/14	181086	

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 071214
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~



BILLING PERIOD: November 2014

BILLING DATE: 12/31/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 12/31/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION



TOTAL LOADS	SPR. WTR. @ \$/LOAD		TOTAL \$/LOAD	TOTAL AMOUNT DUE
10	[REDACTED]		[REDACTED]	[REDACTED]
TOTAL LOADS	GALLONS/LOAD	TOTAL GALLONS	TOTAL \$/LOAD	SPRING WATER @ \$/GAL.
10	6,500	65,000	[REDACTED]	[REDACTED]
Load No.	PO # - Release #	Delivery Date	[REDACTED] Tag No.	
1		11/03/14	[REDACTED] 191101	
2		11/04/14	[REDACTED] 191103	
3		11/05/14	[REDACTED] 191105	
4		11/10/14	[REDACTED] 191110	
5		11/11/14	[REDACTED] 191111	
6		11/12/14	[REDACTED] 198079	
7		11/13/14	[REDACTED] 191116	
8		11/18/14	[REDACTED] 191121	
9		11/24/14	[REDACTED] 198091	
10		11/26/14	[REDACTED] 198097	

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 070115
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~



BILLING PERIOD: December 2015

BILLING DATE: 1/7/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 1/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION



TOTAL LOADS	SPR. WTR. @ \$/LOAD		TOTAL \$/LOAD	TOTAL AMOUNT DUE
5				
TOTAL LOADS	GALLONS/LOAD	TOTAL GALLONS	TOTAL \$/LOAD	SPRING WATER @ \$/GAL.
5	6,500	32,500		
Load No.	PO # - Release #	Delivery Date	Tag No.	
1		12/01/14	191135	
2		12/02/14	191138	
3		12/03/14	202006	
4		12/03/14	191140	
5		12/08/14	191146	

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020614

~ INVOICE ~



BILLING PERIOD: May 2014
BILLING DATE: 6/3/14
PAYMENT TERMS: End of the month following BILLING PERIOD
DUE & PAYABLE NO LATER THAN 6/30/14
FAS: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
1	6,500	6,500	\$ [REDACTED]	\$ [REDACTED]

TOTAL DUE \$ [REDACTED]

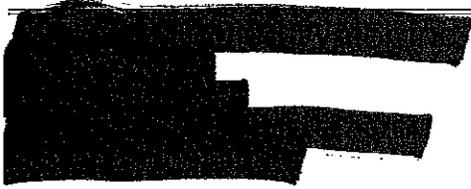
Load No.	Date	Freight Bill No.
1	05/09/14	179811

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020814

~ INVOICE ~



BILLING PERIOD: July 2014
BILLING DATE: 8/13/14
PAYMENT TERMS: End of the month following BILLING PERIOD
DUE & PAYABLE NO LATER THAN 8/31/14
FAS: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
2	6,500	13,000	\$ [REDACTED]	\$ [REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.
1	07/05/14	159389
2	07/06/14	176304



SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020914

~ INVOICE ~



BILLING PERIOD: August 2014

BILLING DATE: 9/4/14

PAYMENT TERMS: End of the month following BILLING PERIOD
DUE & PAYABLE NO LATER THAN 9/30/14
FAS: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
3	6,500	19,500	\$ [REDACTED]	\$ [REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.
1	08/02/14	163433
2	08/02/14	163434
3	08/12/14	170066



SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 021014

~ INVOICE ~

BILLING PERIOD: September 2014

BILLING DATE: 10/3/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 10/31/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS

3

GAL./LOAD

6,500

TOTAL GALLONS

19,500

SALE PRICE/GAL

\$

TOTAL SALES

TOTAL DUE

Load No.

1

Date

09/03/14

Freight Bill No.

182804

2

09/05/14

183460

3

09/21/14

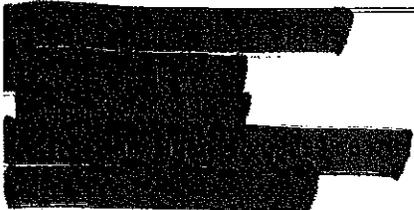
191830

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 021114

~ INVOICE ~



BILLING PERIOD: October 2014

BILLING DATE: 11/3/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 11/30/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
4	6,500	26,000	\$ [REDACTED]	[REDACTED]

TOTAL DUE [REDACTED]

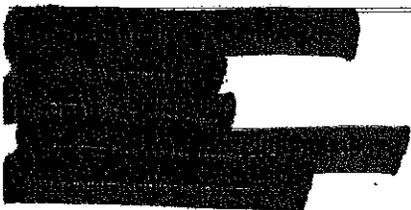
Load No.	Date	Freight Bill No.
1	10/01/14	191849
2	10/03/14	181057
3	10/23/14	180444
4	10/27/14	180450

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 021214

~ INVOICE ~



BILLING PERIOD: October 2014

BILLING DATE: 12/31/14

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

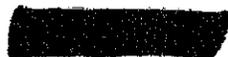
DUE & PAYABLE NO LATER THAN 11/30/14

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
1	6,500	6,500	\$ [REDACTED] \$	[REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.
1	11/12/14	192097



SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020115

~ INVOICE ~



BILLING PERIOD: December 2014

BILLING DATE: 1/7/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 1/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION



NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
4	6,500	26,000	\$ [REDACTED]	\$ [REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.
1	12/01/14	198100
2	12/02/14	197603
3	12/04/14	197607
4	12/22/14	202019

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
 BOISE, IDAHO 83706
 (208) 345-5170 ~ FAX (208) 345-5107
 Vender No. 103788

INVOICE NO. 050215

ATTACHMENT 2

BILLING PERIOD: January 2015

BILLING DATE: 2/4/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 2/28/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

INVOICE

PO No. 4500??????

NO. of LOADS 49 GAL./LOAD 6,700 TOTAL GALLONS 328,300 \$/LOAD [REDACTED] TOTAL SALES \$ [REDACTED]
TOTAL DUE \$ [REDACTED]

Load No.	Date	Hand Tag No.	Load No.	Date	Hand Tag No.
1	01/07/15	184400	26	01/16/15	183696
2	01/07/15	186353	27	01/19/15	189662
3	01/08/15	197643	28	01/19/15	187663
4	01/08/15	197644	29	01/19/15	183699
5	01/08/15	197645	30	01/19/15	183698
6	01/09/15	186354	31	01/20/15	181091
7	01/09/15	186355	32	01/20/15	187664
8	01/09/15	197642	33	01/21/15	187666
9	01/09/15	197646	34	01/21/15	187667
10	01/09/15	197647	35	01/22/15	187668
11	01/09/15	197648	36	01/26/15	187671
12	01/12/15	183689	37	01/27/15	181100
13	01/12/15	183690	38	01/27/15	187673
14	01/12/15	187651	39	01/28/15	186363
15	01/12/15	197649	40	01/28/15	186364
16	01/12/15	197650	41	01/28/15	187674
17	01/13/15	187653	42	01/28/15	187675
18	01/13/15	187654	43	01/29/15	186365
19	01/14/15	186360	44	01/29/15	187677
20	01/14/15	186361	45	12/29/15	184755
21	01/14/15	187656	46	12/29/15	197633
22	01/15/15	187659	47	12/30/15	184756
23	01/15/15	187657	48	12/30/15	184757
24	01/15/15	187658	49	12/31/15	197639
25	01/16/15	187660			

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
 BOISE, IDAHO 83706
 (208) 345-5170 ~ FAX (208) 345-5107
 Vender No. 103788

INVOICE NO. 050315

BILLING PERIOD: February 2015

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.
 DUE & PAYABLE NO LATER THAN 3/31/15
 FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

ATTACHMENT 2

INVOICE

PO No. 4500?????

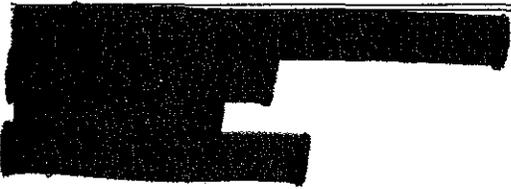
NO. of LOADS 41 GAL./LOAD 6,700 TOTAL GALLONS 328,300 \$ TOTAL SALES \$
 TOTAL DUE \$

Load No.	Date	Hand Tag No.	Load No.	Date	Hand Tag No.
1	02/02/15	187680	22	02/17/15	211803
2	02/02/15	223652	23	02/17/15	223678
3	02/02/15	223653	24	02/20/15	202041
4	02/03/15	187682	25	02/20/15	202042
5	02/05/15	187683	26	02/20/15	211808
6	02/05/15	187684	27	02/23/15	211809
7	02/05/15	187685	28	02/23/15	211810
8	02/07/15	187689	29	02/23/15	223682
9	02/07/15	187690	30	02/23/15	223683
10	02/07/15	187691	31	02/24/15	211812
11	02/09/15	187692	32	02/24/15	211813
12	02/09/15	223664	33	02/24/15	223684
13	02/09/15	223665	34	02/24/15	223685
14	02/09/15	223666	35	02/25/15	186376
15	02/10/15	187694	36	02/25/15	186377
16	02/10/15	223668	37	02/25/15	211816
17	02/11/15	187695	38	02/26/15	186378
18	02/11/15	187696	39	02/27/15	186379
19	02/12/15	187698	40	02/27/15	186380
20	02/12/15	187699	41	02/27/15	211818
21	02/16/15	211802			

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
 BOISE, IDAHO 83706
 (208) 345-5170 ~ FAX (208) 345-5107
 Vender No. 103788

INVOICE



NO. of LOADS	GAL./LOAD	TOTAL GALLONS
52	6,700	328,300

Load No.	Date	Hand Tag No.	Load No.
1	03/02/15	211820	27
2	03/02/15	211821	28
3	03/04/15	223695	29
4	03/05/15	223697	30
5	03/02/15	223691	31
6	03/06/15	223699	32
7	03/02/15	211819	33
8	03/03/15	223692	34
9	03/03/15	211824	35
10	03/03/15	211822	36
11	03/03/15	211823	37
12	03/04/15	184761	38
13	03/04/15	184762	39
14	03/04/15	211825	40

15	03/04/15	211826	41
16	03/04/15	211827	42
17	03/05/15	186384	43
18	03/05/15	211829	44
19	03/06/15	184763	45
20	03/06/15	184764	46
21	03/08/15	186386	47
22	03/08/15	186385	48
23	03/09/15	211833	49
24	03/09/15	211834	50
25	03/09/15	211832	51
26	03/10/15	211835	52

INVOICE NO. 050415

BILLING PERIOD: March 2015

BILLING DATE: 4/1/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 4/30/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

[REDACTED]

\$ \$/LOAD [REDACTED] \$ TOTAL SALES [REDACTED]

TOTAL DUE \$ [REDACTED]

[REDACTED]

Date	Hand Tag No.
03/10/15	211835
03/11/15	204560
03/11/15	204561
03/08/15	186386
03/12/15	203754
03/12/15	203756
03/12/15	203755
03/12/15	186390
03/12/15	186389
03/12/15	218037
03/12/15	174270
03/13/15	203757
03/13/15	204568
03/13/15	204568

03/14/15	203758
03/15/15	186393
03/15/15	186392
03/15/15	186393
03/16/15	211839
03/16/15	204569
03/16/15	186392
03/18/15	204571
03/19/15	204907
03/19/15	204908
03/19/15	204252
03/20/15	211845

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS
75

GAL./LOAD
6,700



Load No.	Date	Hand Tag No.
1	04/01/15	204272
2	04/01/15	204274
3	04/01/15	204273
4	04/01/15	203767
5	04/02/15	213513
6	04/03/15	203770
7	04/03/15	203775
8	04/03/15	203774
9	04/03/15	204928
10	04/03/15	204929
11	04/03/15	204930
12	04/04/15	213515
13	04/04/15	213514
14	04/05/15	203776

15	04/05/15	203776
16	04/06/15	204280
17	04/06/15	204931
18	04/06/15	204932
19	04/06/15	204278
20	04/07/15	204933
21	04/07/15	204282
22	04/08/15	204936
23	04/09/15	204286
24	04/09/15	204287
25	04/09/15	204938
26	04/10/15	184780
27	04/10/15	184781
28	04/10/15	204939
29	04/10/15	204940
30	04/11/15	184782
31	04/11/15	184783
32	04/12/15	184785
33	04/12/15	184786
34	04/12/15	184784
35	04/12/15	213520
36	04/12/15	213521
37	04/12/15	213522
38	04/14/15	184789

INVOICE NO. 050515

BILLING PERIOD: April 2015

BILLING DATE: 5/4/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 5/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

TOTAL GALLONS	\$/LOAD	TOTAL SALES
328,300	\$ [REDACTED]	\$ [REDACTED]
	TOTAL DUE	\$ [REDACTED]

Load No.	Date	Hand Tag No.
39	04/13/15	184787
40	04/13/15	184788
41	04/14/15	213527
42	04/14/15	204944
43	04/15/15	213528
44	04/15/15	204947
45	04/16/15	184796
46	04/16/15	184797
47	04/16/15	213531
48	04/16/15	204949
49	04/16/15	220503
50	04/20/15	203790
51	04/20/15	203791
52	04/21/15	214707

53	04/21/15	214708
54	04/21/15	214709
55	04/21/15	220202
56	04/22/15	214711
57	04/22/15	214710
58	04/22/15	220155
59	04/22/15	220154
60	04/23/15	220156
61	04/23/15	220207
62	04/23/15	220157
63	04/24/15	220208
64	04/24/15	213538
65	04/27/15	213541
66	04/27/15	213540
67	04/28/15	213543
68	04/28/15	220213
69	04/28/15	220212
70	04/28/15	214717
71	04/29/15	220158
72	04/29/15	220159
73	04/30/15	214721
74	04/30/15	213545
75	04/30/15	220216

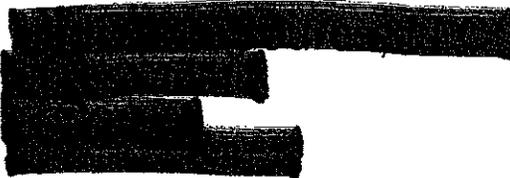
SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE

NO. of LOADS

59

GAL./LOAD

6,700

Load No.

Date


Hand Tag No.

1	05/04/15	220055
2	05/04/15	220054
3	05/04/15	220051
4	05/05/15	213547
5	05/05/15	220057
6	05/05/15	220167
7	05/06/15	220168
8	05/06/15	220169
9	05/07/15	220172
10	05/07/15	220171
11	05/07/15	220170
12	05/07/15	220061
13	05/08/15	220174
14	05/08/15	220173

15	05/08/15	220063
16	05/11/15	220224
17	05/12/15	220181
18	05/12/15	220225
19	05/12/15	220226
20	05/12/15	220067
21	05/12/15	220068
22	05/13/15	220227
23	05/13/15	220070
24	05/13/15	220069
25	05/13/15	203207
26	05/14/15	220072
27	05/14/15	220185
28	05/14/15	203209
29	05/15/15	220073
30	05/18/15	220075

INVOICE NO. 050615

BILLING PERIOD: May 2015

BILLING DATE: 5/29/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 6/30/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

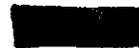
PO No. 4500??????


TOTAL GALLONS

328,300

\$

\$/LOAD



TOTAL SALES

\$

**TOTAL DUE \$**

Load No.

Date

Hand Tag No.

31

05/18/15

220188

32

05/19/15

220191

33

05/19/15

213641

34

05/19/15

220076

35

05/21/15

203217

36

05/18/15

220232

37

05/18/15

220231

38

05/21/15

213648

39

05/20/15

203214

40

05/19/15

220194

41

05/18/15

220192

42

05/19/15

220233

43

05/19/15

220233

44

05/21/15

213650

45	05/20/15	203215
46	05/19/15	220235
47	05/19/15	220236
48	05/19/15	220077
49	05/20/15	220237
50	05/26/15	220199
51	05/26/15	187369
52	05/26/15	187370
53	05/27/15	203675
54	05/27/15	220240
55	05/27/15	220239
56	05/27/15	210902
57	05/27/15	210901
58	05/28/15	220079
59	05/28/15	203229

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS
19

GAL./LOAD
6,700

Load No.	Date	 Hand Tag No.
1	06/01/15	203230
2	06/01/15	203233
3	06/02/15	210911
4	06/02/15	210910
5	06/02/15	211402
6	06/02/15	210501
7	06/03/15	203237
8	06/03/15	211404
9	06/15/15	211414
10	06/19/15	210512
11	06/19/15	210513
12	06/19/15	210514
13	06/19/15	210937
14	06/19/15	210938
15	06/19/15	210936

16	06/23/15	210104
17	06/23/15	210519
18	06/24/15	210520
19	06/26/15	218503

SUGAR PINE SPRING WATER LP

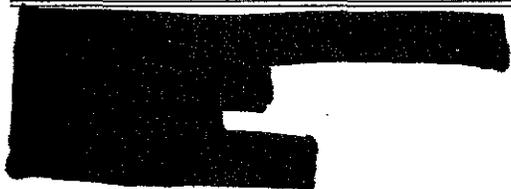
2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

Vender No. 103788

INVOICE



NO. of LOADS

29

GAL./LOAD

6,700

Load No.	Date	Hand Tag No.
1	07/01/15	210534
2	07/06/15	218704
3	07/07/15	210540
4	07/07/15	210539
5	07/07/15	210538
6	07/10/15	218710
7	07/10/15	220096
8	07/10/15	220097
9	07/19/15	208751
10	07/19/15	218723
11	07/20/15	218726
12	07/20/15	218725
13	07/20/15	218724
14	07/21/15	208757

15

07/21/15

218728

PAYMENT DUE 30 D.
DUE
FOB: TUC

MO

TOTAL GALLONS
328,300

\$/LOAD

\$



TOTAL DUE

Load No.	Date
16	07/21/15
17	07/23/15
18	07/23/15
19	07/23/15
20	07/23/15
21	07/24/15
22	07/25/15
23	07/25/15
24	07/25/15
25	07/27/15
26	07/27/15
27	07/27/15
28	07/31/15
29	07/31/15

INVOICE NO. 050815

BILLING PERIOD: July 2015

BILLING DATE: 8/3/15

DAYS FROM END OF BILLING PERIOD.

DUPLICATE & PAYABLE NO LATER THAN 8/31/15

COLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????

TOTAL SALES

\$

[REDACTED]

\$

[REDACTED]

[REDACTED]

Hand Tag No.

- 218543
- 208761
- 209623
- 218730
- 208904
- 209625
- 218733
- 218734
- 208907
- 208910
- 218735
- 218736
- 218740
- 210941

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
 BOISE, IDAHO 83706
 (208) 345-5170 ~ FAX (208) 345-5107
 Vender No. 103788

INVOICE



NO. of LOADS
 37

GAL./LOAD
 6,700

Load No.	Date	Hand Tag No.
1	08/01/15	209640
2	08/01/15	209641
3	08/03/15	208773
4	08/03/15	218747
5	08/03/15	218748
6	08/06/15	210253
7	08/06/15	219454
8	08/08/15	219166
9	08/09/15	209649
10	08/10/15	206307
11	08/10/15	210258
12	08/13/15	219169
13	08/13/15	219170
14	08/14/15	210263
15	08/14/15	210264

16	08/15/15	202882
17	08/15/15	205813
18	08/15/15	205814
19	08/13/15	219170

INVOICE NO. 050915

BILLING PERIOD: August 2015

BILLING DATE: 9/1/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 9/30/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

PO No. 4500??????


TOTAL GALLONS

328,300

\$

\$/LOAD



TOTAL SALES

\$

**TOTAL DUE \$**

\$



Load No.

Date

Hand Tag No.

20

08/15/15

205955

21

08/17/15

219172

22

08/17/15

219173

23

08/17/15

219175

24

08/18/15

219176

25

08/18/15

219177

26

08/18/15

219178

27

08/19/15

206318

28

08/20/15

202897

29

08/27/15

210284

30

08/27/15

210285

31

08/27/15

210286

32

08/28/15

205372

33

08/28/15

205973

34

08/28/15

205974

35	08/31/15	215456
36	08/31/15	215455
37	08/31/15	215454

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 070715
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: June 2015
BILLING DATE: 7/1/15
PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.
DUE & PAYABLE NO LATER THAN 7/30/15
FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

TOTAL
AMOUNT DUE

[REDACTED]

TOTAL LOADS SPR. WTR. @ \$/LOAD
1 [REDACTED]

TOTAL \$/LOAD
[REDACTED]

AMOUNT DUE
[REDACTED]

TOTAL LOADS GALLONS/LOAD TOTAL GALLONS
1 6,500 6,500

TOTAL \$/LOAD
[REDACTED]

SPRING WATER @ \$/GAL.
[REDACTED]

Load No. PO # - Release #
1 344863-3 REC #1863

Delivery Date
09/10/14

Tag No.
192225

TOTAL LOADS SPR. WTR. @ \$/LOAD
15 [REDACTED]

TOTAL \$/LOAD
[REDACTED]

AMOUNT DUE
[REDACTED]

TOTAL LOADS GALLONS/LOAD TOTAL GALLONS
15 6,500 97,500

TOTAL \$/LOAD
[REDACTED]

SPRING WATER @ \$/GAL.
[REDACTED]

Load No. PO # - Release #

Delivery Date

[REDACTED]

1		06/03/15	203236
2		06/09/15	211409
3		06/11/15	211411
4		06/11/15	210506
5		06/15/15	211415
6		06/17/15	210101
7		06/17/15	205039
8		06/18/15	203588
9		06/22/15	203242
10		06/22/15	218651
11		06/23/15	210102
12		06/25/15	210525
13		06/25/15	218501
14		06/30/15	218510
15		06/30/15	203247

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 070815
BLKT. P.O. NO. ?????
VENDER NO. 113166

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: July 2015
BILLING DATE: 8/3/15
PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.
DUE & PAYABLE NO LATER THAN 8/31/15
FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

TOTAL LOADS	SPR. WTR. @ \$/LOAD		TOTAL \$/LOAD	TOTAL AMOUNT DUE
17	[REDACTED]		[REDACTED]	[REDACTED]
TOTAL LOADS	GALLONS/LOAD	TOTAL GALLONS	TOTAL \$/LOAD	SPRING WATER @ \$/GAL.
17	6,500	110,500	[REDACTED]	[REDACTED]
Load No.	PO # - Release #	Delivery Date	Tag No.	
1		07/02/15	[REDACTED] 205045	
2		07/02/15	[REDACTED] 220092	
3		07/08/15	[REDACTED] 218524	
4		07/08/15	[REDACTED] 218706	
5		07/09/15	[REDACTED] 218707	
6		07/10/15	[REDACTED] 218709	
7		07/14/15	[REDACTED] 218533	
8		07/14/15	[REDACTED] 220099	
9		07/16/15	[REDACTED] 218538	
10		07/16/15	[REDACTED] 218719	
11		07/21/15	[REDACTED] 218727	
12		07/23/15	[REDACTED] 218729	
13		07/23/15	[REDACTED] 208903	
14		07/28/15	[REDACTED] 202876	
15		07/28/15	[REDACTED] 218738	
16		07/30/15	[REDACTED] 218739	
17		07/30/15	[REDACTED] 219453	

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY

BOISE, IDAHO 83706

(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2

INVOICE NO. 070915

BLKT. P.O. NO. ??????

VENDER NO. 113166

~ INVOICE ~

BILLING PERIOD: August 2015

BILLING DATE: 9/1/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 9/30/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

TOTAL LOADS SPR. WTR. @ \$/LOAD
14 [REDACTED]

TOTAL \$/LOAD
[REDACTED]

TOTAL
AMOUNT DUE
[REDACTED]

TOTAL LOADS GALLONS/LOAD TOTAL GALLONS
14 6,500 91,000

TOTAL \$/LOAD
[REDACTED]

SPRING WATER @ \$/GAL.
[REDACTED]

Load No.	PO # - Release #	Delivery Date	Tag No.
1		08/04/15	218750
2		08/04/15	220100
3		08/06/15	206303
4		08/06/15	219451
5		08/11/15	206309
6		08/11/15	219168
7		08/13/15	202880
8		08/13/15	206311
9		08/18/15	206315
10		08/20/15	206319
11		08/21/15	219183
12		08/25/15	206325
13		08/27/15	210950
14		08/28/15	206330

SUGAR PINE SPRING WATER LP

ATTACHMENT 2
INVOICE NO. 020215

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: January 2015

BILLING DATE: 2/4/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 2/28/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
2	6,500	13,000	\$ [REDACTED]	\$ [REDACTED]
			TOTAL DUE \$	[REDACTED]
Load No.	Date	Freight Bill No.		
1	01/13/15	187652	[REDACTED]	
2	01/22/15	187669	[REDACTED]	

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020315

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: February 2015

BILLING DATE: 3/4/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 3/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

[REDACTED] [REDACTED]

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
2	6,500	13,000	\$ [REDACTED]	\$ [REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.	
1	02/06/15	187686	[REDACTED]
2	02/18/15	211806	[REDACTED]

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020415

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: March 2015

BILLING DATE: 4/1/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 4/30/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
3	6,500	19,500	\$ [REDACTED] \$	[REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.
1	03/06/15	211830
2	03/13/15	204567
3	03/27/15	204914

SUGAR PINE SPRING WATER LP

INVOICE NO. 2020515

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: April 2015

BILLING DATE: 5/4/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 5/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
2	6,500	13,000	\$ [REDACTED]	\$ [REDACTED]
			TOTAL DUE \$	[REDACTED]
Load No.	Date	Freight Bill No.	[REDACTED]	[REDACTED]
1	04/14/15	184789	[REDACTED]	[REDACTED]
2	04/27/15	213539	[REDACTED]	[REDACTED]

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020615

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: May 2015
BILLING DATE: 5/29/15
PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.
DUE & PAYABLE NO LATER THAN 6/30/15
FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
2	6,500	13,000	\$ [REDACTED]	\$ [REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.
1	05/12/15	220180
2	5/22/2015	203218

[REDACTED]
[REDACTED]

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020715

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: June 2015

BILLING DATE: 7/1/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 7/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
4	6,500	26,000	\$ [REDACTED] \$	[REDACTED]

TOTAL DUE \$ [REDACTED]

Load No.	Date	Freight Bill No.	
1	06/01/15	203232	[REDACTED]
2	06/09/15	210919	[REDACTED]
3	06/10/15	210505	[REDACTED]
4	06/12/15	211412	[REDACTED]

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020815

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: July 2015

BILLING DATE: 8/3/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 8/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
2	6,500	13,000	\$ [REDACTED] \$	[REDACTED]
			TOTAL DUE \$	[REDACTED]
Load No.	Date	Freight Bill No.	[REDACTED]	
1	07/06/15	210537	[REDACTED]	
2	07/17/15	218540	[REDACTED]	

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

ATTACHMENT 2
INVOICE NO. 020915

~ INVOICE ~

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BILLING PERIOD: August 2015

BILLING DATE: 9/1/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 9/30/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
3	6,500	19,500	\$ [REDACTED]	\$ [REDACTED]
			TOTAL DUE	\$ [REDACTED]
Load No.	Date	Freight Bill No.		
1	08/06/15	219161	[REDACTED]	
2	08/20/15	210271	[REDACTED]	
3	08/25/15	210280	[REDACTED]	

State Water Resources Control Board
Division of Water Rights
Response to Order 2015-0028-DWR
In the Matter of Unauthorized Diversion by:
G. SCOTT FAHEY AND SUGAR PINE SPRING WATER LP

RESPONSE TO INFORMATION REQUEST 2(B)(4)

Customer XXXXXXXXX Monthly Consumption 2014 – 2015

Month/Year	Consumption/Water Sold (AF = Acre-Feet)
May 2014	1.65 AF
June 2014	2.05 AF
July 2014	1.88 AF
August 2014	2.04 AF
September 2014	1.84 AF
October 2014	2.00 AF

November 2014	1.47 AF
December 2014	1.69 AF
January 2015	1.69 AF
February 2015	1.81 AF
March 2015	1.58 AF
April 2015	1.90 AF
May 2015	1.69 AF
June 2015	1.92 AF
July 2015	1.79 AF
August 2015	1.85 AF
TOTALS 2014-15	35.6 AF

State Water Resources Control Board
Division of Water Rights
Response to Order 2015-0028-DWR
In the Matter of Unauthorized Diversion by:
G. SCOTT FAHEY AND SUGAR PINE SPRING WATER LP

RESPONSE TO INFORMATION REQUEST 2(C)

Request 2(C): Fahey shall provide the following information for water diversions that are conducted under any basis of right at facilities covered by **Permits 20784** and **21289**:

- The daily diversion amount for each day starting with **August 1, 2015**, AND
- The invoices for all water sold from the diversions covered by **Permits 20784** and **21289**, shall be submitted by the fifth (5th) day of each succeeding month until the drought proclamations and orders are rescinded.
- Filing the Response:
 - This information shall be submitted as an electronic spreadsheet via email: SWRCB-2014informational-order@waterboards.ca.gov.

SUGAR PINE SPRING WATER LP

INVOICE NO. 081015

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

~ INVOICE ~

BILLING PERIOD: September 2015

BILLING DATE: 10/2/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 10/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
8	6,500	52,000	\$ [REDACTED]	[REDACTED]

TOTAL DUE [REDACTED]

Load No.	Date	Freight Bill No.
1	09/01/15	205835
2	09/05/15	205845
3	09/09/15	206102
4	09/12/15	206107
5	09/16/15	202900
6	09/23/15	206120
7	09/23/15	206121
8	09/29/15	205723

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
 BOISE, IDAHO 83706
 (208) 345-5170 ~ FAX (208) 345-5107
 Vender No. 103788

INVOICE NO. 051015

BILLING PERIOD: September 2015

BILLING DATE: 10/2/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.
 DUE & PAYABLE NO LATER THAN 10/31/15
 FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

INVOICE

PO No. 4500??????

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	\$	\$/LOAD	TOTAL SALES
32	6,700	214,400			

TOTAL DUE \$

Load No.	Date	Hand Tag No.	Load No.	Date	Hand Tag No.
1	08/31/15	215456	17	09/05/15	205985
2	08/31/15	215455	18	09/05/15	222660
3	08/31/15	215454	19	09/05/15	222659
4	09/01/15	206340	20	09/05/15	222658
5	09/01/15	206198	21	09/07/15	205848
6	09/01/15	206337	22	09/07/15	205849
7	09/02/15	205838	23	09/07/15	205850
8	09/02/15	205839	24	09/07/15	205986
9	09/03/15	205840	25	09/08/15	206349
10	09/04/15	205983	26	09/08/15	206350
11	09/04/15	222656	27	09/08/15	205987
12	09/04/15	222657	28	09/08/15	205988
13	09/05/15	214992	29	09/09/15	222802
14	09/05/15	214993	30	09/09/15	205990
15	09/05/15	214994	31	09/09/15	205989
16	09/05/15	205984	32	09/09/15	205991

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

INVOICE NO. 071015
BLKT. P.O. NO. ??????
VENDER NO. 113166

~ INVOICE ~

BILLING PERIOD: September 2015

BILLING DATE: 10/2/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 10/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

ATTACHMENT
[REDACTED]

TOTAL LOADS	SPR. WTR. @ \$/LOAD	TOTAL \$/LOAD	TOTAL AMOUNT DUE	
8	[REDACTED]	[REDACTED]	[REDACTED]	
TOTAL LOADS	GALLONS/LOAD	TOTAL GALLONS	TOTAL \$/LOAD	SPRING WATER @ \$/GAL.
8	6500	52000	[REDACTED]	[REDACTED]
Load No.	PO # - Release #	Delivery Date	Vito Tag No.	
1		42248	206197	
2		09/01/15	206336	
3		09/02/15	215770	
4		09/03/15	206341	
5		09/09/15	215775	
6		09/09/15	222801	
7		09/10/15	215777	
8		09/10/15	222804	

SUGAR PINE SPRING WATER LP

2787 STONY FORK WAY
BOISE, IDAHO 83706
(208) 345-5170 ~ FAX (208) 345-5107

INVOICE NO. 021015

~ INVOICE ~

BILLING PERIOD: September 2015

BILLING DATE: 10/21/15

PAYMENT DUE 30 DAYS FROM END OF BILLING PERIOD.

DUE & PAYABLE NO LATER THAN 10/31/15

FOB: TUOLUMNE, CA ~ TANKER-FILL-STATION

NO. of LOADS	GAL./LOAD	TOTAL GALLONS	SALE PRICE/GAL	TOTAL SALES
2	6,500	13,000	\$ [REDACTED]	[REDACTED]
			TOTAL DUE	[REDACTED]
Load No.	Date	Freight Bill No.		
1	09/15/15	221968		
2	09/21/15	206117		

State Water Resources Control Board
Division of Water Rights
Response to Order 2015-0028-DWR
In the Matter of Unauthorized Diversion by:
G. SCOTT FAHEY AND SUGAR PINE SPRING WATER LP

RESPONSE TO INFORMATION REQUEST 2(C)

Invoice for Contract Customer XXXXXXXX – September 2015 Billing Period

<u>No. of Loads</u> 3	<u>Gal/Load</u> 6,600 gal.	<u>Total Gallons</u> 19,800
<u>Load No.</u> 1 2 3	<u>Date</u> 09/01/2015 09/01/2015 09/01/2015	

State Water Resources Control Board
Division of Water Rights
Response to Order 2015-0028-DWR
In the Matter of Unauthorized Diversion by:
G. SCOTT FAHEY AND SUGAR PINE SPRING WATER LP

RESPONSE TO INFORMATION REQUEST 2(C)

Request 2(C): Fahey shall provide the following information for water diversions that are conducted under any basis of right at facilities covered by **Permits 20784** and **21289**:

- The daily diversion amount for each day starting with **August 1, 2015**, AND
- The invoices for all water sold from the diversions covered by **Permits 20784** and **21289**, shall be submitted by the fifth (5th) day of each succeeding month until the drought proclamations and orders are rescinded.
- Filing the Response:
 - This information shall be submitted as an electronic spreadsheet via email: SWRCB-2014informational-order@waterboards.ca.gov.

RESPONSE TO INFORMATION REQUEST 2(C)

Daily Diversion Amount
for Each Day Starting
8/1/2015 and Invoices
for all Water Sold from
Diversions Covered by
Permits or Exchange

2. (C)

2015

August

2015 August	Contract			Invoiced			Running Total Gallons
	Number of Loads	Gallons/day @ 6,545-gal/Ld.	Running Total Gallons	Number of Loads	Gallons/day @ 6,550-gal/Ld.	Running Total Gallons	
1		-	-	2	13,100	13,100	13,100
2		-	-		-	13,100	13,100
3	5	32,725	32,725	4	26,200	39,300	72,025
4	2	13,090	45,815	2	13,100	52,400	98,215
5	5	32,725	78,540	1	6,550	58,950	137,490
6	5	32,725	111,265	5	32,750	91,700	202,965
7	5	32,725	143,990		-	91,700	235,690
8		-	143,990	1	6,550	98,250	242,240
9		-	143,990	2	13,100	111,350	255,340
10	6	39,270	183,260	2	13,100	124,450	307,710
11	3	19,635	202,895	2	13,100	137,550	340,445
12	4	26,180	229,075	1	6,550	144,100	373,175
13	5	32,725	261,800	5	32,750	176,850	438,650
14	5	32,725	294,525	2	13,100	189,950	484,475
15		-	294,525	4	26,200	216,150	510,675
16		-	294,525		-	216,150	510,675
17	5	32,725	327,250	4	26,200	242,350	569,600
18	3	19,635	346,885	4	26,200	268,550	615,435
19	5	32,725	379,610	1	6,550	275,100	654,710
20	5	32,725	412,335	3	19,650	294,750	707,085
21	5	32,725	445,060	1	6,550	301,300	746,360
22		-	445,060	1	6,550	307,850	752,910
23		-	445,060		-	307,850	752,910
24	5	32,725	477,785		-	307,850	785,635
25	1	6,545	484,330	2	13,100	320,950	805,280
26	5	32,725	517,055	1	6,550	327,500	844,555
27	5	32,725	549,780	4	26,200	353,700	903,480
28	4	26,180	575,960	4	26,200	379,900	955,860
29		-	575,960		-	379,900	955,860
30		-	575,960		-	379,900	955,860
31	4	26,180	602,140	3	19,650	399,550	1,001,690
	92	602,140		61	399,550		1,001,690

ATTACHMENT 2

BEFORE THE STATE WATER RESOURCES CONTROL BOARD OF THE STATE OF CALIFORNIA

ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone no.): Andrew Tauriainen, SBN 214837 SWRCB Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 (916) 341-5445	FOR STATE WATER BOARD USE ONLY
REPRESENTING: Division of Water Rights Prosecution Team TITLE OF THE PROCEEDING: <i>In re: the Matter of ACL Complaint and Draft CDO Against Scott Fahey and Sugar Pine Spring Water, LP</i>	
<input type="checkbox"/> SUBPOENA <input type="checkbox"/> RE HEARING <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM <input type="checkbox"/> RE DEPOSITION	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): **Scott Fahey and Sugar Pine Spring Water, LP**

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:

a. Date: November 20, 2015	Time: 12:00 noon
b. Address: via electronic submittal (see attached Addendum)	

2. AND YOU ARE:

- a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)
- b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6(a).)
- c. Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6(a).)

3. IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: Andrew Tauriainen	b. Telephone number: (916) 341-5445
-----------------------------------	--

(Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)

4. WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et seq.; Code Civ. Proc., §§ 1986.5, 2065.)

5. If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached. In response to your motion, the hearing officer may make an order quashing the subpoena entirely, modifying it, or directing compliance with it, or may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30.) (Send motions to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW

(Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 11455.10-11455.20.)

Dated: 10/30/2015

Andrew Tauriainen
(signature)

Name: Andrew Tauriainen

Title: Attorney for Prosecution Team



Unless issued by an attorney pursuant to Code of Civil Procedure, Section 1985, subdivision (c), the original subpoena is embossed with this seal.

(See reverse for Endorsement on Subpoena, if used, and Proof of Service)

PROOF OF SERVICE OF SUBPOENA

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this subpoena subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one): (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service. Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served: *served via electronic mail to Counsel of Record, per Notice of Public Hearing.*

2. I certify that I received this subpoena subpoena duces tecum for service on _____ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:
 Date *10/30/2015* at (place) *Sacramento*, California Signature *Andrew Samuainen*

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct and that this certificate is executed on:
 Date _____ at (place) _____, California Signature _____

NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

ENDORSEMENT ON SUBPOENA IN A PROCEEDING OTHER THAN AN ADJUDICATIVE PROCEEDING

Pursuant to Water Code §1086 and upon affidavit of _____ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: _____ (signature)
 Name: _____
 Title: _____
State Water Resources Control Board

NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

In the Matter of:
Draft Cease and Desist Order and
Administrative Civil Liability Complaint Against
Scott Fahey and Sugar Pine Spring Water, LP

Service List for Subpoena *duces tecum*

G. Scott Fahey and Sugar Pine Spring Water, LP
c/o Bart Barringer
Mayol & Barringer, LLP
1324 J Street, Modesto, CA 95354
bbarringer@mblaw.com

G. Scott Fahey and Sugar Pine Spring Water, LP
c/o Diane Kindermann
Abbott & Kindermann, LLP
2100 21st Street
Sacramento, CA 95818
dkindermann@aklandlaw.com

1 ANDREW TAURIAINEN, SBN 214837
2 OFFICE OF ENFORCEMENT
3 STATE WATER RESOURCES CONTROL BOARD
4 1001 I Street, 16th Floor
5 Sacramento, California 95812-0100
6 Telephone: (916) 341-5445
7 Facsimile: (916) 341-5896
8 E-mail: andrew.tauriainen@waterboards.ca.gov

9 Attorney for the Division of Water Rights Prosecution Team

10 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

11 STATE OF CALIFORNIA

12 In the Matter of:
13 DRAFT CEASE AND DESIST ORDER
14 AND ADMINISTRATIVE CIVIL LIABILITY
15 COMPLAINT AGAINST SCOTT FAHEY
16 AND SUGAR PINE SPRING WATER, LP

17) ADDENDUM TO SUBPOENA *DUCES*
18) *TECUM*

19) California Water Code § 1080; California
20) Government Code § 11450.10; Cal. Code
21) Regs., tit. 23, § 649.6(a)
22)
23)
24)
25)

26 TO: **SCOTT FAHEY AND SUGAR PINE SPRING WATER, LP**
27 c/o Bart Barringer
28 Mayol & Barringer, LLP
29 1324 J Street, Modesto, CA 95354
bbarringer@mblaw.com

SCOTT FAHEY AND SUGAR PINE SPRING WATER, LP
c/o Diane Kindermann
Abbott & Kindermann, LLP
2100 21st Street, Sacramento, CA 95818
DKindermann@aklandlaw.com

NOTICE:

- You are served as an individual.
- You are served as (or on behalf of) the person
doing business under the fictitious name
of _____.
- You are served on behalf of: Scott Fahey and Sugar Pine Spring Water LP

1 Pursuant to the powers conferred by California Water Code section 1080, California Government
2 Code section 11450.10 , and California Code of Regulations, title 23, section 649.6, subdivision
3 (a).

4
5 **I. SUBPOENA FOR RECORDS AND DOCUMENTS**

6 **SCOTT FAHEY AND SUGAR PINE SPRING WATER LP (collectively "FAHEY") IS**
7 **COMMANDED** to produce the papers, books, records, and documents that are in FAHEY's
8 possession or under FAHEY's control, as described below and in connection with the above-titled
9 proceeding, by **noon, November 20, 2015**. The documents must be sent to: Andrew Tauriainen,
10 Staff Counsel III, Office of Enforcement, State Water Resources Control Board, P.O. Box 100,
11 Sacramento, California 95812-0100. Electronic records may be emailed to
12 Andrew.Tauriainen@waterboards.ca.gov, delivered via mail or courier on a suitable electronic
13 storage device, or made available to download via the Internet.

14 FAHEY may seek the advice of an attorney in any matter connected with this subpoena,
15 and should consult its attorney promptly so that any problems concerning the production of
16 documents may be resolved within the time required by this subpoena.

17 **FAILURE TO COMPLY WITH THE COMMANDS OF THIS SUBPOENA WILL**
18 **SUBJECT FAHEY TO THE PROCEEDINGS AND PENALTIES PROVIDED BY LAW.**

19 **A. DEFINITIONS**

20 The capitalized terms listed below, as used in this Addendum to Subpoena *duces tecum*, are
21 defined as follows:

22 1. The terms "SCOTT FAHEY" and "FAHEY" shall mean G. Scott Fahey and Sugar Pine
23 Spring Water LP, a Limited Partnership, and anyone working on FAHEY's behalf, including but
24 not limited to, its officers, employees, agents, contractors, consultants, and representatives.

25 2. The terms "YOU" or "YOUR" shall mean FAHEY.

26 3. The term "COMMUNICATION" or "COMMUNICATIONS" means any occurrence whereby
27 data, expressions, facts, opinions, thoughts, or other information of any kind is transmitted in any
28 form including, but not limited to, any conversation, correspondence, discussion, electronic mail,
29 meeting, memorandum, message, note, or posting or other display on the Internet or the World

1 Wide Web.

2 4. The terms "RELATING TO" or "RELATE TO" shall be construed in the broadest possible
3 sense and shall mean, without limitation, pertaining to, regarding, concerning, comprising,
4 constituting, in connection with, reflecting, respecting, referring to, stating, describing, recording,
5 noting, embodying, containing, mentioning, studying, analyzing, discussing or evaluating.

6 5. The term "DOCUMENT" or "DOCUMENTS" encompasses all documents, things, property
7 and/or electronic materials within the scope of section 2031.010 of the California Code of Civil
8 Procedure, and includes all WRITINGS as defined in section 250 of the California Evidence Code,
9 and shall include, but not be limited to, any kind of written, graphic or recorded matter, however
10 produced or reproduced, of any kind or description, whether sent or received or neither, including
11 originals, copies and drafts and both sides thereof, and including but not limited to paper, books,
12 letters, photographs, posters, objects, tangible things, correspondence, telegrams, cables,
13 facsimiles, telex messages, confirmations, account statements, receipts, billing statements,
14 memoranda, notes, notations, work papers, transcripts, minutes, reports, and recordings of
15 telephone or other conversations, or other conversations, or in conferences or other meetings,
16 affidavits, statements, opinions, reports, studies, analysis, evaluations, financial statements,
17 prospectuses, circulars, certificates, press releases, annual reports, quarterly reports, magazine
18 or newspaper articles, manuals, contracts, agreements, statistical records, journals, desk
19 calendars, appointment books, diaries, lists, tabulations, summaries, sound recordings, computer
20 printouts, data processing input and output, electronic mail, all records of communications
21 recorded or encoded onto magnetic or computer disks, diskettes, audio and video tapes or any
22 other media, all records kept by electronic, photographic, or mechanical means, and things similar
23 to any of the foregoing, however denominated, dated, produced, generated or received.

24 6. The term "STATE BOARD" means the State Water Resources Control Board.

25 7. The terms "DIVERT" or "DIVERSION" shall mean any water taken by FAHEY from the
26 water sources¹ in Tuolumne County described in STATE BOARD Permit 20784 (Application

27 _____
28 ¹ Unnamed Spring (AKA Cottonwood Spring), tributary to Cottonwood Creek, thence Clavey River, thence Tuolumne
River; Deadwood Spring, tributary to an unnamed stream, thence Basin Creek, thence North Fork Tuolumne River,

29 *[Footnote continued on next page.]*

1 A029977) or STATE BOARD Permit 21289 (Application A031491), whether such water was taken
2 pursuant the water rights set forth in Permit 20784 or Permit 21289 or pursuant to some other
3 claim of right.

4 8. The terms "AND" and "OR" have both conjunctive and disjunctive meanings.

5 9. All references to a "YEAR" refer to a calendar year.

6 10. Definitions for industry or trade terms contained herein are to be construed broadly.

7 Where the industry or trade definition set forth herein does not coincide precisely with YOUR
8 definition, the question, inquiry or production request should be responded to or answered by
9 using the definition that YOU apply and/or recognize in YOUR usage of the term, and YOUR
10 should further document YOUR definition in the response. Non-industry or non-trade definitions
11 should be applied as defined herein.

12 **B. INSTRUCTIONS**

13 1. Unless otherwise indicated, the time period covered by this subpoena is from **May 1, 2014**
14 **to up to five days before YOUR full compliance with this subpoena.** Any documents
15 RELATING TO this time period are to be produced, regardless of whether the documents came
16 into existence before or during this period.

17 2. YOUR response to the subpoena should include a declaration or affidavit. It should state
18 that a diligent search for all requested DOCUMENTS has been conducted and that the affiant or
19 declarant was in charge of the search or otherwise monitored and reviewed the search sufficiently
20 to be able to represent under oath that such a search was conducted. It should be signed under
21 oath by the person most knowledgeable about the DOCUMENTS and YOUR efforts to comply
22 with the subpoena. If different people are the most knowledgeable about portions of the search
23 (e.g., one person is most knowledgeable about DOCUMENTS contained in computer media and a
24 different person is most knowledge about DOCUMENTS contained on paper) each should sign an

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thence Tuolumne River; and two Unnamed Springs (aka Marco Spring and Polo Spring) tributary to an unnamed
stream, thence Hull Creek, thence Clavey River, and thence Tuolumne River

1 affidavit or declaration identifying the category in the request for DOCUMENTS for which that
2 person is the most knowledgeable.

3 3. Unless otherwise indicated, for any DOCUMENT stored in a computer, including all
4 electronic mail messages, YOU should produce the DOCUMENT in the original electronic file
5 format in which it was created (e.g., Microsoft email should be provided in its original format,
6 which would have the .pst suffix, not in a tif file; spreadsheets should be in their original file form,
7 such as an Excel file and word-processed DOCUMENTS should be in their original file format,
8 such as a Word or WordPerfect file), together with instructions and all other materials necessary
9 to use or interpret the data. Electronic mail messages should be provided, even if only available
10 on backup or archive tapes or disks. Computer media should be accompanied by (a) an
11 identification of the generally available software needed to open and view the DOCUMENTS or
12 (b) a copy of the software needed to open and view the DOCUMENT. Note, however, that if a
13 print-out from a computer DOCUMENT is a non-identical copy of the electronic form in which it
14 was created (non-identical by way of example but not limitation, because it has a signature,
15 handwritten notation, or other mark or attachment not included in the computer DOCUMENT),
16 both the electronic form in which the DOCUMENT was created and the original print-out should
17 be produced.

18 4. For each DOCUMENT contained in an audio or video medium, YOU should provide the
19 tape, disk, or other device from which the audio or video can be played and the transcript of the
20 DOCUMENT.

21 5. For all DOCUMENTS for which YOU do not produce in the original, as defined in Evidence
22 Code section 255, YOU may submit copies (black and white copies if the original was in black and
23 white, color copies if the original was in color, and, if the original was in electronic format, in the
24 same electronic medium as the original) in lieu of original DOCUMENTS provided that such
25 copies are accompanied by an affidavit of an officer of FAHEY stating that the copies of all types
26 of DOCUMENTS are true, correct, and complete copies of the original DOCUMENTS. If there is
27 in YOUR possession, custody or control no original, but only a copy or photographic record
28 thereof, then YOU should produce a true and legible copy of each such DOCUMENT. The
29

1 accompanying affidavit should state that the DOCUMENT is only a copy or photographic record
2 and not the original.

3 6. If a DOCUMENT is responsive to this subpoena and is in YOUR control, but is not in
4 YOUR possession or custody, in addition to obtaining and producing the DOCUMENT, identify the
5 person who had possession or custody of the DOCUMENT, their telephone number and current
6 business and residence addresses.

7 7. If any DOCUMENT subpoenaed is no longer in YOUR possession, custody, control, or
8 care, YOU should provide a written statement identifying the DOCUMENT with specificity, stating
9 whether it is lost or missing, has been destroyed, has been transferred to others, or has otherwise
10 been disposed of. The written statement should also identify the person who disposed of the
11 DOCUMENT, explain the circumstances and authorization for the disposition and the approximate
12 date of the disposition of the DOCUMENT. If there are no DOCUMENTS responsive to a
13 document request, as to each such document request, YOU should include a statement to that
14 effect in the accompanying declaration or affidavit.

15 8. DOCUMENTS provided in response to this subpoena should be complete and, unless
16 privileged, unredacted, submitted as found in YOUR files (e.g., DOCUMENTS that in their original
17 condition were stapled, clipped, attached as a "post-it," or otherwise fastened together shall be
18 produced in the same form).

19 9. Each DOCUMENT produced pursuant to this subpoena should be identified according to
20 the category in the subpoena to which it is responsive. In lieu of indicating on each DOCUMENT
21 the category to which it is responsive, on the date set for production, YOU may instead provide an
22 index if YOU provide it in both paper and in electronic form (such as a computerized spreadsheet
23 in Excel or a Word or WordPerfect document set up in a table format) of all DOCUMENTS YOU
24 produce, as long as this index shows by document control number the request(s) to which each
25 DOCUMENT or group of DOCUMENTS is responsive. Responsive DOCUMENTS from each
26 person's files should be produced together, in one box or in consecutive boxes, or on one disk or
27 consecutive disks. Mark each page of a paper DOCUMENT and each tangible thing containing
28 audio, video, computer, or other electronic DOCUMENTS (e.g. cassette, disk, tape or CD) with
29 corporate identification and consecutive document control numbers (e.g., S.I.. 00001, S.I. CD

1 001, S.I. audio tape 001). Number each box of DOCUMENTS produced and mark each with the
2 name(s) of the person(s) whose files are contained therein, the requests(s) to which they are
3 responsive, and the document control numbers contained therein.

4 10. For data produced in spreadsheets or tables, include in the declaration or affidavit the
5 identification of the fields and codes and a description of the information contained in each coded
6 field.

7 11. The document requests contained in this subpoena shall be deemed to include a request
8 for all relevant DOCUMENTS in the personal files, including but not limited to files contained on
9 laptops, handheld devices, home computers and home files of all YOUR officers, employees,
10 accountants, agents and representatives, including sales agents who are independent
11 contractors, and unless privileged, attorneys.

12 12. If any DOCUMENTS are withheld from production based on a claim of privilege, provide a
13 log under oath by the affiant or declarant, which includes each DOCUMENT'S authors,
14 addressees, date, a description of each DOCUMENT, all recipients of the original, and any
15 copies, and the request(s) of this subpoena to which the DOCUMENT is responsive. Attachments
16 to a DOCUMENT shall be identified as such and entered separately on the log. For each author,
17 addressee, and recipient, state the person's full name, title, and employer or firm, and denote all
18 attorneys with an asterisk. To the extent the claim of privilege relates to any employee, agent,
19 representative, or outside attorney, identify the person's name, division, and organization. Include
20 the number of pages of each DOCUMENT and in the description of the DOCUMENT, provide
21 sufficient information to identify its general subject matter without revealing information over which
22 a privilege is claimed. For each DOCUMENT withheld under a claim that it constitutes or contains
23 attorney work product, also state whether YOU assert that the DOCUMENT was prepared in
24 anticipation of litigation or for trial and, if so, identify the anticipated litigation or trial on which the
25 assertion is based. Submit all non-privileged portions of any responsive DOCUMENT (including
26 non-privileged or redactable attachments) for which a claim of privilege is asserted (except where
27 the only non-privileged information has already been produced in response to this instruction),
28 noting where redactions in the DOCUMENT have been made. DOCUMENTS authored by outside
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1 lawyers representing YOU that were not directly or indirectly furnished to YOU or any third-party,
2 such as internal law firm memoranda, may be omitted from the log.

3 13. Whenever necessary to bring within the scope of this subpoena DOCUMENTS that might
4 otherwise be construed as outside its scope, the use of the verb in any tense shall be construed
5 as the use of that verb in all other tenses, and the singular shall include the plural, and vice versa,
6 so as to make this subpoena broadly inclusive.

7 **C. DOCUMENTS TO BE PRODUCED**

8 This subpoena commands production of the original of each and every DOCUMENT now
9 or at any time in the possession, custody or control of YOU without regard to the person(s) by
10 whom or for whom said DOCUMENTS were prepared, including, but not limited to, all
11 DOCUMENTS in the personal, business, or other files of all present or former officers, directors,
12 trustees, agents, employees, attorneys, and accountants of FAHEY, which RELATES TO any of
13 the following subjects:

14 1. All DOCUMENTS and COMMUNICATIONS RELATING TO the DIVERSION of
15 water by FAHEY during the period June 1 through June 15 during each year 2014 and 2015,
16 including, but not limited to, daily DIVERSION amounts and the total DIVERSION amounts during
17 each period June 1 through 15.

18 2. ALL DOCUMENTS and COMMUNICATIONS RELATING TO the DIVERSION of
19 water by FAHEY during the period June 16 through June 30 during each year 2014 and 2015,
20 including, but not limited to, daily DIVERSION amounts and the total DIVERSION amounts during
21 each period June 16 through 30.

22 3. ALL DOCUMENTS and COMMUNICATIONS RELATING TO FAHEY's purchases
23 of surplus water from any source, including quantities purchased and delivery dates, during the
24 period January 1, 2009, through October 31, 2015.

25 4. ALL DOCUMENTS and COMMUNICATIONS RELATING TO the bypass flows as
26 required by Permit 21289, including amounts bypassed and days in which bypass flows occurred,
27 during the period May 1, 2014, through October 31, 2015.

28 5. ALL DOCUMENTS and COMMUNICATIONS RELATING TO purchases, provision
29 or use of replacement water required by Permits 20784 and/or 21289.

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6. ALL DOCUMENTS and COMMUNICATIONS RELATING TO the most recent Exchange Agreement or Exchange Agreements between FAHEY and the Turlock Irrigation District, Modesto Irrigation District, Turlock Utilities District and/or the City and County of San Francisco.

7. ALL DOCUMENTS and COMMUNICATIONS RELATING TO water sales from the DIVERSIONS covered by Permit 20784 and/or Permit 21289 during the period May 1, 2014, through September 30, 2015; such DOCUMENTS and COMMUNICATIONS shall include invoices, and shall be unredacted, such that the purchase price per unit (e.g. price per gallon), the total purchase price, the purchaser, and the total number of units sold are included and identifiable.

8. ALL DOCUMENTS and COMMUNICATIONS RELATING TO SCOTT FAHEY's personal State and Federal income tax returns or other filings for tax years 2014 and 2015, including any quarterly submittals.

9. ALL DOCUMENTS and COMMUNICATIONS RELATING TO SUGAR PINE SPRING WATER, LP's State and Federal tax returns or other filings for tax years 2014 and 2015, including any quarterly submittals.

Date: 10/30/2015



Andrew Tauriainen
Attorney for the Prosecution Team
Office of Enforcement
State Water Resources Control Board

1 information regarding Fahey's diversions and water sales during the 2014 and 2015 periods, in
2 which State Water Resources Control Board staff had determined that no water was available to
3 serve Fahey's post-1914 water right permits. Among other things, the Order for Additional
4 Information directed Fahey to provide copies of invoices for all water sold from Fahey's diversions
5 beginning on May 1, 2014, and continuing through September 1, 2015. On October 1, 2015,
6 Fahey provided information in response to the Order for Additional Information including, among
7 other things, copies of invoices with key information (e.g., price per unit and total sales) redacted.

8 4. On October 16, 2015, the Division of Water Rights Hearing Team issued a Notice
9 of Public Hearing and Pre-Hearing Conference, scheduling the hearing on the ACLC/CDO
10 matters for January 25, 2016, and continuing the hearing if necessary on January 26, 2016.

11 5. Good cause exists for the production of the documents described in the Subpoena
12 *Duces Tecum* and Addendum, served herewith, because the documents requested concern the
13 issues outlined in the ACLC and CDO and are required in order to determine whether and to what
14 extent Fahey violated or is threatening to violate Water Code section 1052 by illegally diverting
15 water. The requested documents specifically concern Fahey's diversions of water from the water
16 sources described in State Board Permits 20784 and 21289, and unredacted versions of
17 documents provided in response to the Order for Additional Information, including the sales of
18 water resulting from such diversions.

19 6. The documents and information requested in the Subpoena *Duces Tecum* and
20 Addendum, served herewith, are within Fahey's possession and/or within Fahey's control, as they
21 concern Fahey's diversions and deliveries of water, including the basis of right for the diversions
22 and the amounts diverted.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct.

25
26 Date: 10/30/2015

27 
28 Andrew Tauriainen
29 Office of Enforcement
State Water Resources Control Board

LAW OFFICES OF
Mayol & Barringer, LLP

James D. Mayol
jmayol@mblaw.com

1324 "J" Street, Modesto, CA 95354
P.O. Box 3049, Modesto, CA 95353

Telephone: (209) 544-9555
Fax: (209) 544-9875

Bart W. Barringer
bbarringer@mblaw.com

November 3, 2015

Andrew Tauriainen, Esq.
SWRCB Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814

SENT VIA E-MAIL & U.S. MAIL

Re: *In Re: the Matter of ACL Complaint and Draft CDO against
Scott Fahey and Sugar Pine Spring Water, LLP*

Dear Mr. Tauriainen:

I am in receipt of your Subpoena Duces Tecum in the above-entitled matter. For clarification, I am the ongoing business counsel for Mr. Fahey and Sugar Pine Spring Water while Abbott & Kindermann continues to represent both Mr. Fahey and Sugar Pine Spring Water as well before the SWRCB. I have had the opportunity to review your demands and my client will be producing all items requested in your Request Numbers 1-6 in a timely manner. With regard to Request Numbers 7-9, inclusive, please consider this letter my attempt to meet and confer with you regarding said requests.

With regard to Request No. 7, my client is more than willing to provide you with the information which will provide both the total number of gallons of water sold and the total dollar amount of water sales during the requested time period. As we discussed in our meeting of October 30, 2015, the invoices sent to all customers contain proprietary information and those documents will not be provided by my client. In our meeting you stated that the number of gallons sold and the amount Sugar Pine was paid for the water was necessary for the hearing officers to determine the amount of penalty, we are willing to provide that, just not in the form that you have requested. If you would like to discuss ways to verify the number of gallons sold and the dollar amount received by Sugar Pine for said water, without divulging proprietary information, I am more than willing to discuss potential solutions with you.

With regard to your demand for state and federal tax returns for both Mr. Fahey and Sugar Pine Spring Water LLP, the demanded documents are confidential financial information that are subject to the constitutional right of privacy and will not be produced. In civil litigation, a party cannot be compelled to produce a copy of his or her return. "The purpose of the amended statutory provisions prohibiting disclosure is to

facilitate tax enforcement by encouraging a taxpayer to make full and truthful declarations in his return, without fear that his statements will be revealed or used against him for other purposes. If the information can be secured by forcing the taxpayer to produce a copy of his return, the primary legislative purpose of the secrecy provisions will be defeated. The effect of the statutory prohibition is to render the returns privileged, and the privilege should not be nullified by permitting third parties to obtain the information by adopting the indirect procedure of demanding copies of tax returns.” In *Webb v. Standard Oil Co.* (1957) 49 Cal. 2d 509, 319 P. 2d 621. In *King v. Mobile Home Rent Review Bd.* (1989) 216 87 Cal. App. 4th 1072, 105 Cal. Rptr. 2d 132, the court stated this privilege was applicable in administrative proceedings as well as in the civil court.

Thank you for your attention to this matter and if you would like to discuss the documents addressed in this letter, please feel free to contact me.

Sincerely,

LAW OFFICES OF MAYOL & BARRINGER

Bart Barringer

BB/aek

cc: Client;
Diane Kindermann, Esq.

Tauriainen, Andrew@Waterboards

From: Tauriainen, Andrew@Waterboards
Sent: Friday, November 06, 2015 9:59 AM
To: 'Bart'
Cc: ghansen@aklandlaw.com; Sharon Buckenmeyer (SBuckenmeyer@aklandlaw.com); Diane Kindermann (dkindermann@aklandlaw.com); Mrowka, Kathy@Waterboards
Subject: RE: Fahey ACL/CDO Hearing

Mr. Barringer and Ms. Kindermann:

Thank you for agreeing to provide the names and locations of the bottling companies as requested under the subpoena. That information should be submitted to the Division of Water Rights yearly under the permit terms. Submitting that information to DPH (or some other agency) under a different regulatory scheme does not satisfy the water right permit requirements. Nor are records of another agency yet part of the administrative record here. Going forward, perhaps Mr. Fahey could copy the Division on his submittals to the other agency as to the bottling company list.

To clarify, the Prosecution Team asks that Mr. Fahey stipulate as to the average price per unit, not the average price per bottler. Average price per unit is a function of the total sales price and total number of units sold, both of which you have indicated that Mr. Fahey would be willing to provide.

If you are asking the Prosecution Team to rely on unsupported assertions regarding total sales, we cannot. The Board will consider Mr. Fahey's economic benefit from the alleged violations as an important factor in calculating a penalty under Water Code section 1055.3. The same section allows the Board to consider Mr. Fahey's refusal to provide such information.

I've suggested a path to stipulation as to the average price per unit, total purchase price and total number of units sold that would keep the unredacted invoices out of the public record. It appears that you reject this path. Therefore, the subpoena will remain in place.

There is no separate penalty phase in this proceeding. Mr. Fahey will need to raise any defenses as part of his case-in-chief or rebuttal, and provide evidence in support.

Andrew Tauriainen, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 341-5445
fax: (916)341-5896
atauriainen@waterboards.ca.gov

***CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Bart [mailto:BBarringer@mblaw.com]
Sent: Thursday, November 05, 2015 1:31 PM
To: Tauriainen, Andrew@Waterboards
Cc: ghansen@aklandlaw.com; Sharon Buckenmeyer (SBuckenmeyer@aklandlaw.com); Diane Kindermann (dkindermann@aklandlaw.com); Mrowka, Kathy@Waterboards
Subject: RE: Fahey ACL/CDO Hearing

Mr. Tauriainen: We have no objection to providing the SWRCB with the names and locations of the companies that bottle Sugar Pine Spring Water as we stated at our settlement meeting. Those names and locations are divulged to the State of California yearly so those should already be part of the administrative record. At the settlement meeting Mr. Fahey agreed that he would continue to provide those to the SWRCB yearly as well, even though the permit language regarding the continuing obligation to do so is ambiguous. We have already provided redacted documentation to the SWRCB which shows the total number of units sold and we are happy to provide the total purchase price for those units, we do not see any reason why the SWRCB needs the unit price paid by each bottler. If you would like to explain that to me, I would be willing to discuss it, but that information is not necessary to the SWRCB for any regulatory oversight or enforcement reasons. With regard to Mr. Fahey's tax returns and a waiver of a defense of inability to pay, Mr. Fahey does not elect to waive any defenses at this juncture. Moreover, doesn't that all depend on who the prevailing party in the hearing is and wouldn't that only be an issue if the SWRCB prevailed in this action? It appears that this might be a situation of the "cart being put ahead of the horse" and it really wouldn't be an issue until an award, if any, was given. Bart Barringer

From: Tauriainen, Andrew@Waterboards [mailto:Andrew.Tauriainen@waterboards.ca.gov]
Sent: Thursday, November 05, 2015 10:42 AM
To: Bart
Cc: ghansen@aklandlaw.com; Sharon Buckenmeyer (SBuckenmeyer@aklandlaw.com); Diane Kindermann (dkindermann@aklandlaw.com); Mrowka, Kathy@Waterboards
Subject: RE: Fahey ACL/CDO Hearing

Mr. Barringer and Ms. Kindermann:

The Prosecution Team notes that Item 7 from the Subpoena asks for the purchaser information. As we discussed, both Permits require Mr. Fahey to disclose the name(s) and location(s) of the company(s) that will bottle any diverted water. Those terms are continuing obligations, and the Prosecution Team is unwilling to alter Item 7 in that regard.

The Prosecution Team is open to discussing ways to stipulate as to the purchase price per unit, the total purchase price, and the total number of units sold for the requested period. One way would be to provide the Prosecution Team with access to the unredacted invoices pursuant to a confidentiality agreement, and from that review develop an admissible stipulation. I would suggest that any confidentiality agreement allow for in camera review of the invoices should the Board request. Please let me know if Mr. Fahey is amenable to such an approach, or if you have a different suggestion.

Parties subject to administrative enforcement actions often submit tax records as part of an inability to pay defense. Would Mr. Fahey be amenable to waiving such a defense here?

Andrew Tauriainen, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 341-5445
fax: (916)341-5896
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From: Bart [<mailto:BBarringer@mblaw.com>]
Sent: Tuesday, November 03, 2015 12:38 PM
To: Tauriainen, Andrew@Waterboards
Cc: ghansen@aklandlaw.com; Sharon Buckenmeyer (SBuckenmeyer@aklandlaw.com); Unit, Wr_Hearing@Waterboards; Diane Kindermann (dkindermann@aklandlaw.com)
Subject: RE: Fahey ACL/CDO Hearing

Mr. Tauriainen: Please see the attached letter in response to the Subpoena Duces Tecum you sent on Friday October 30, 2015. A hard copy of the letter is being sent via regular mail. Thank you, Bart Barringer.

From: Tauriainen, Andrew@Waterboards [<mailto:Andrew.Tauriainen@waterboards.ca.gov>]
Sent: Friday, October 30, 2015 1:51 PM
To: Bart; Diane Kindermann (dkindermann@aklandlaw.com)
Cc: ghansen@aklandlaw.com; Sharon Buckenmeyer (SBuckenmeyer@aklandlaw.com); Unit, Wr_Hearing@Waterboards
Subject: Fahey ACL/CDO Hearing

Attached please find a Subpoena *duces tecum* and related documents served by this message to G. Scott Fahey and Sugar Pine Spring Water, LP (collectively "Fahey") through Fahey's counsel of record in this matter. Mr. Bart Barringer is counsel of record through the hearing request dated September 8, 2015. Ms. Diane Kindermann is counsel of record through her Notice of Representation dated October 28, 2015.

Andrew Tauriainen, Attorney III
 State Water Resources Control Board
 Office of Enforcement
 1001 I Street, 16th Floor
 Sacramento, CA 95814
 tel: (916) 341-5445
 fax: (916)341-5896
atauriainen@waterboards.ca.gov

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1 Bart Barringer CSB #131756
LAW OFFICES OF MAYOL & BARRINGER
2 P.O. Box 3049
Modesto, CA 95353
3 Telephone: (209) 544-9555
Facsimile: (209) 544-9875
4 Email: bbarringer@mblaw.com

5 Attorneys for Scott Fahey and Sugar Pine Spring Water, LP

6
7
8 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
9 STATE OF CALIFORNIA

10 In the Matter of:

11 DRAFT CEASE AND DESIST ORDER
12 AND ADMINISTRATIVE CIVIL
13 LIABILITY COMPLAINT AGAINST
14 SCOTT FAHEY AND SUGAR PINE
SPRING WATER, LP

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RESPONSE TO DOCUMENT REQUEST
UNDER SUBPOENA *DUCES TECUM*

16 SCOTT FAHEY and SUGAR PINE SPRING WATER, LP (hereinafter
17 collectively referred to as "Sugar Pine"), will diligently review the information
18 presently known and documents presently available to it in an attempt to respond to
19 the Request for Production of Documents within the specified time limits. To the
20 extent that any documents are omitted due to a good faith oversight on the part of
21 Sugar Pine or its attorney, Sugar Pine reserves the right to supplement these
22 responses and to rely on such documents at trial.

25 Sugar Pine's duty to investigate prior too responding to the Demand for
26 Production of Documents does not extend to sources beyond its control, such as
27 independent third parties. Sugar Pine reserves the right to rely upon and to use at
28

1 trial subsequently discovered documents, evidence, testimony, or facts, because its
2 investigation is not complete.

3 Documents to be produced pursuant to the Demand are intended solely for
4 purposes of this action. Each documents is governed by any stipulation protective
5 order which the parties or the court have executed or will execute in connection with
6 this case, and the production of all documents is subject to all appropriate objections
7 as to confidence, sensitivity relevance, materiality, propriety, and admissibility, and
8 any and all other grounds which would require the exclusion of any document, if
9 offered as evidence, or any statement contained in any such document. All such
10 objections and grounds are reserved and may be raised at the time of trial or by
11 appropriate motion.
12
13

14 GENERAL OBJECTIONS

15 Sugar Pine has not yet completed its investigation of the facts, its discovery,
16 or trial preparation. The response which follows, therefore, is made on the basis of
17 the information known to date and is without prejudice to Sugar Pine's right to
18 introduce additional evidence at the time of trial, or to supplement its responses, as
19 appropriate, once it has completed its discovery and trial preparation.
20
21

22 To the extent that the Request purports to require Sugar Pine to provide
23 documents that are privileged, as attorney work product, as trial preparation
24 materials, or otherwise, Sugar Pine objects thereto. No such documents will be
25 provided.
26

27 Sugar Pine has endeavored through its counsel to review all documents prior
28 to production, in a reasonable and good faith effort to avoid inadvertent production of

1 otherwise privileged or protected materials. Nevertheless, despite the best efforts of
2 Sugar Pine privileged documents may from time to time be produced due to an
3 oversight, clerical or otherwise. Any such inadvertent production is not and should
4 not be construed as a waiver of Sugar Pine's attorney/client privilege. Sugar Pine
5 expressly disclaims any such purported waiver. The privileged documents should
6 be returned immediately upon discovery by the requesting party or upon Sugar
7 Pine's request, whichever occurs earlier.
8

9
10 Sugar Pine's agreement to produce documents in response to a particular
11 request is not to be construed as an admission any documents exist within any
12 requested category or categories.

13 Sugar Pine's production of documents pursuant to this Request shall be
14 conducted at a date, time, and place mutually convenient to all counsel, taking into
15 consideration the time necessary to locate and assemble the documents specified.
16

17 THE FOREGOING GENERAL OBJECTIONS ARE SPECIFICALLY
18 REFERRED TO AND INCORPORATED INTO EACH OF THE RESPONSES
19 WHICH FOLLOW, WHETHER OR NOT SEPARATELY SET FORTH.
20

21
22 Sugar Pine responds to the Request for Production of Documents pursuant to Code
23 of Civil Procedure § 2031.010, as follows:
24

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**
26

27 Notwithstanding the foregoing objections, Sugar Pine responds the requested
28 documents are attached hereto as **Exhibit "A"**.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

2 Notwithstanding the foregoing objections, Sugar Pine responds the requested
3 documents are attached hereto as **Exhibit "A"**.

4
5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

6 Notwithstanding the foregoing objections, Sugar Pine responds the requested
7 documents are attached hereto as **Exhibit "B"**.

8
9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

10 Notwithstanding the foregoing objections, Sugar Pine responds the requested
11 documents are attached hereto as **Exhibit "C"**.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

13 Notwithstanding the foregoing objections, Sugar Pine responds the requested
14 documents are attached hereto as **Exhibit "B"**.

15
16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

17 Notwithstanding the foregoing objections, Sugar Pine responds the requested
18 documents are attached hereto as **Exhibit "D"**.

19 **RSPONSE TO REQUEST FOR PRODUCTION NO. 7:**

20 Notwithstanding the foregoing objections, Sugar Pine responds as follows:

21
22 The total Invoice and Contract Sales for Sugar Pine for the period from May to
23 October 2014 was \$119,300.00. The total Invoice and Contract Sales for Sugar
24 Pine for the period from April to October 2015 was \$136,346.36. The total Invoice
25 and Contract Sales for requested period of 2014 and 2015 was \$255,646.36.

26 The documents showing the total amount of water sold under the Invoices
27 and Contract Sales are already in the possession of the State Water Resources
28 Board as they have previously been provided to the State Water Resources Board
by Karna Harrigfeld, Esq. with the unit price and sales amounts redacted, however,

1 the State Water Resources Board can take those documents showing the total
2 amount of water sold under the Invoice and Contract Sales and divide the total sales
3 amounts above by the total number of gallons sold and reach an average unit price
4 per gallon.

5 The Unit Prices for the Invoices and Contract Sales are proprietary
6 information and trade secrets and divulging this information will harm Sugar Pine
7 Spring Water's business dramatically. Therefore, the Unit Price for water sold by
8 Sugar Pine and any documents showing the Unit Price for water sold by Sugar Pine
9 will not be produced. Sugar Pine has already made an objection to the propounding
10 party to this request and attempted to resolve the matter through a meet and confer
11 which was unsuccessful.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

13 Notwithstanding the foregoing objections, Sugar Pine responds as follows:

14 The requested documents are confidential financial information that are subject to
15 the constitutional right of privacy and will not be produced. In civil litigation, a party
16 cannot be compelled to produce a copy of his or her tax return. "The purpose of the
17 amended statutory provisions prohibiting disclosure is to facilitate tax enforcement
18 by encouraging a taxpayer to make full and truthful declarations in his return, without
19 fear that his statements will be revealed or used against him for other purposes. If
20 the information can be secured by forcing the taxpayer to produce a copy of his
21 return, the primary legislative purpose of the secrecy provisions will be defeated.
22 The effect of the statutory prohibition is to render the returns privileged, and the
23 privilege should not be nullified by permitting third parties to obtain the information
24 by adopting the indirect procedure of demanding copies of tax returns." In *Webb v.*
25 *Standard Oil Co.* (1957) 49 Cal. 2d 509, 319 P. 2d 621. In *King v. Mobile Home*
26 *Rent Review Bd.* (1989) 216 87 Cal. App. 4th 1072, 105 Cal. Rptr. 2d 132, the court
27 stated this privilege was applicable in administrative proceedings as well as in the
28 civil court.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

2 Notwithstanding the foregoing objections, Sugar Pine responds as follows:

3 The requested documents are confidential financial information that are subject to
4 the constitutional right of privacy and will not be produced. In civil litigation, a party
5 cannot be compelled to produce a copy of his or her tax return. "The purpose of the
6 amended statutory provisions prohibiting disclosure is to facilitate tax enforcement
7 by encouraging a taxpayer to make full and truthful declarations in his return, without
8 fear that his statements will be revealed or used against him for other purposes. If
9 the information can be secured by forcing the taxpayer to produce a copy of his
10 return, the primary legislative purpose of the secrecy provisions will be defeated.
11 The effect of the statutory prohibition is to render the returns privileged, and the
12 privilege should not be nullified by permitting third parties to obtain the information
13 by adopting the indirect procedure of demanding copies of tax returns." In *Webb v.*
14 *Standard Oil Co.* (1957) 49 Cal. 2d 509, 319 P. 2d 621. In *King v. Mobile Home*
15 *Rent Review Bd.* (1989) 216 87 Cal. App. 4th 1072, 105 Cal. Rptr. 2d 132, the court
16 stated this privilege was applicable in administrative proceedings as well as in the
17 civil court.
18
19
20
21
22

23 DATED: November 18, 2015

LAW OFFICES OF MAYOL & BARRINGER

24
25 By: 

26 BART BARRINGER
27 Attorney for Scott Fahey and
28 SUGAR PINE SPRING WATER LP

SERVICE LIST OF PARTICIPANTS
(Revised 11/13/15)

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