

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

Attorney for the Division of Water Rights Prosecution Team

BEFORE THE STATE WATER RESOURCES CONTROL BOARD

STATE OF CALIFORNIA

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

) ADDENDUM TO SUBPOENA *DUCES*
) *TECUM*

) California Water Code § 1080; California
) Government Code § 11450.10; Cal. Code
) Regs., tit. 23, § 649.6(a)
)
)
)

16 TO: **SCOTT FAHEY AND SUGAR PINE SPRING WATER, LP**
17 **c/o Bart Barringer**
18 **Mayol & Barringer, LLP**
19 **1324 J Street, Modesto, CA 95354**
20 **bbarringer@mblaw.com**

21 **SCOTT FAHEY AND SUGAR PINE SPRING WATER, LP**
22 **c/o Diane Kindermann**
23 **Abbott & Kindermann, LLP**
24 **2100 21st Street, Sacramento, CA 95818**
25 **DKindermann@aklandlaw.com**

26 **NOTICE:**

27 () You are served as an individual.

28 () You are served as (or on behalf of) the person
29 doing business under the fictitious name
of _____.

(X) 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
29

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.

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

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

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

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

17
18 Date: 10/30/2015



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

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) AFFIDAVIT IN SUPPORT OF SUBPOENA
18) *DUCES TECUM*

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

22 **I, Andrew Tauriainen, declare as follows:**

23 1. I am an attorney for the State Water Resources Control Board (State Water
24 Board), Office of Enforcement. I am counsel for the Division of Water Rights Prosecution Team in
25 the above-entitled matter. I have personal knowledge of all facts stated in this declaration and, if
26 called as a witness, could and would testify competently under oath.

27 2. The Assistant Deputy Director, Division of Water Rights, issued an Administrative
28 Civil Liability Complaint (ALC) and Draft Cease and Desist Order (CDO) against G. Scott Fahey
29 and Sugar Pine Spring Water, LP (collectively "Fahey") on September 1, 2015, alleging that
Fahey diverted water during May through November, 2014, and July and August, 2015, during
periods in which State Water Resources Control Board staff had determined that no water was
available to serve Fahey's post-1914 water right permits, violating the prohibition set forth in
Water Code section 1052 against the unauthorized diversion or use of water.

3. Also on September 1, 2015, the Deputy Director for Water Rights issued an Order
for Additional Information, Order WR 2015-0028-DWR, directing Fahey to provide additional

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
27 Date: 10/30/2015



Andrew Tauriainen
Office of Enforcement
State Water Resources Control Board