



December 1, 2015

VIA ELECTRONIC MAIL & U.S. MAIL

Kenneth P. Petruzzelli
State Water Resources Control Board, Division of Water Rights Prosecution Team
1001 I Street, 16th Floor
Sacramento, CA 95814
kenneth.petruzzelli@waterboards.ca.gov

**RE: FAHEY ACL/CDO HEARING
APPLICATION ID: A029977 AND A031491**

Dear Mr. Petruzzelli:

Please immediately provide a formal response from the State Water Resources Control Board and its staff (collectively, the "Board") as to whether the Board will produce the following documents that are relevant to and necessary in the above-entitled matter:

1. Any and all documents that support the Administrative Civil Liability Complaint in the matter of Unauthorized Diversion by G. Scott Fahey and Sugar Pine Spring Water LP, dated September 1, 2015 ("ACL").
2. All Curtailment Certification Forms ("Forms") received by the Board from any and all primary owners between April 1, 2014, and July 1, 2015, where the box on the Form for "OTHER I have additional information explaining how much water I am diverting, the use of that water, the measure being undertaken to reduce use, and the basis on which I contend that the diversion and use is legally authorized notwithstanding the very limited amounts of water available during this drought emergency" was marked or checked off.
3. All written correspondence from April 1, 2014 and July 1, 2015, between the Board and the Primary Owners of the water right applications who signed the Forms described in item 2, above, which correspondence was made or sent following the submission by the Primary Owners of the Forms.

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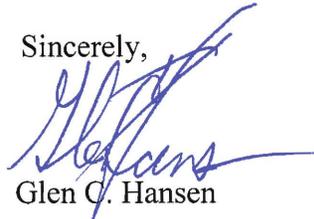
4. Any and all documents contained in the Permit Files for Water Right Permit 20784 (Application A029977) and Water Right Permit 21289 (Application A031491), for the time period of January 1, 2012 to the present, including, but not limited to, curtailment notices and all related documents, Board staff notes and correspondence, and water use and/or diversion reports.
5. Any and all documents that support the State of California's determination of the required discharge from New Don Pedro Reservoir during the 2014 and 2015 curtailment periods.
6. Any and all documents that support any and all violations of the required discharge from New Don Pedro Reservoir by its authorized discharge operator, owner, &/or authority during the 2014 and 2015 curtailment periods.
7. Any and all documents that support, sustain and/or justify "the graphical summations" described in Item 26, on pages 4 through 5, of the ACL, for any and all streams, rivers, and/or waterways between the Permittee's point of diversions and New Don Pedro Reservoir.
8. Any and all documents relating to any and all phone conversations and written communications between David LeBrie and Scott Fahey that occurred or were sent or received in the months of June, July and August 2015 regarding the following:
 - (a) Water Right Permit 20784 (Application A029977);
 - (b) Water Right Permit 21289 (Application A031491);
 - (c) Any and all curtailment notices regarding Water Right Permit 20784 and Water Right Permit 21289 (Application A031491).
9. Any and all documents relating to any and all correspondence and communications between Sam Cole and David LeBrie, between June 1, 2015, and September 30, 2015, regarding the following:
 - (a) Water Right Permit 20784 (Application A029977);
 - (b) Water Right Permit 21289 (Application A031491);
 - (c) Any and all curtailment notices regarding Water Right Permit 20784 and Water Right Permit 21289 (Application A031491);
 - (d) Cease and Desist Order in the matter of Unauthorized Diversion by G. Scott Fahey and Sugar Pine Spring Water LP;
 - (e) Order for Additional Information, Order WR 2015-0028-DWR, in the matter of Unauthorized Diversion by G. Scott Fahey and Sugar Pine Spring Water LP; and/or
 - (f) The ACL.

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The Board's immediate response, requested above, is necessary in order for us to determine whether we need to seek a subpoena under California Code of Regulations, Title 23, Section 649.6, to demand that the Board and/or its staff produce such documents.

If you have any questions, please call me immediately.

Sincerely,



Glen C. Hansen

GCH/sb

cc: Service List and Hearing Team (*via email only*)