



December 7, 2015

Via U.S. Mail and email to: [John.O'Hagan@waterboards.ca.gov](mailto:John.O'Hagan@waterboards.ca.gov)

Mr. John O'Hagan, Asst. Division Chief  
Public Records Act Coordinator – Water Rights  
California State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**Re: Public Records Act Request**

Mr. O'Hagan:

Pursuant to the California Public Records Act (Government Code section 6250 *et seq.*), I am requesting copies of the following public records:

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.
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

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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, explain, and/or justify any and all violations of the State of California's 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, explain, 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 points 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, or between Sam Cole or David LeBrie and any third party, 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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Pursuant to Government Code section 6253(b), the copies are to be exact copies unless it is impractical to do so.

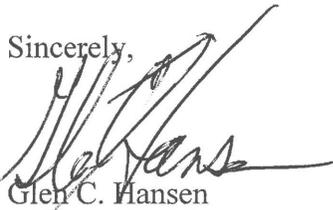
Pursuant to Government Code section 6253(b), the Board may charge the “direct costs” of making the copies. Please send an invoice to our office for any such expenses. In the event that the Board requires a deposit, please fax or email to me the Board’s adopted procedures for deposits and for charging for copies under the Public Records Act along with the requested deposit.

If the Board is unable to have all copies available within 10 calendar days of the date of the receipt of this request, please notify me immediately of the basis for non-compliance. (Government Code, § 6253(c).)

If the Board denies this request, or any portion thereof, please advise me in writing of the basis for the denial, and in conformance with Government Code section 6253(d), the name and title of the person making the denial.

Thank you in advance for your cooperation.

Sincerely,



Glen C. Hansen  
[ghansen@aklandlaw.com](mailto:ghansen@aklandlaw.com)

GCH/lh

cc: See attached service list

**SERVICE LIST**

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**DIVISION OF WATER RIGHTS**

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**CITY AND COUNTY OF SAN FRANCISCO**

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**G. Scott Fahey & Sugar Pine Spring Water, LP**

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