



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

March 14, 2012

Division of Water Rights
State Water Resources Control Board
Kathleen Groody
1001 I Street 2nd Floor
P.O. Box 2000
Sacramento, CA 95814
wrhearing@waterboards.ca.gov

Dear Kathleen Groody:

MORONGO BAND: REVOCATION HEARING

Enclosed please find the prosecution team's Notice of Intent to Appear (NOI) in the above referenced matter.

On March 9, 2012, the Division of Water Rights advisory team provided an opportunity for the prosecution team to respond to a request from Mr. Somach on behalf of the Morongo Band of Mission Indians that the State Water Resources Control Board direct the prosecution team to provide more specificity of allegations supporting the proposed revocation. Such direction is inappropriate and unnecessary at this stage in the proceeding. In April, 2003, the Division of Water Rights sent a Notice of Proposed Revocation. This Notice was prepared and sent by the prosecution team, and sufficiently identifies the legal and factual basis to support the revocation. While the notice was directed to Great Spring Waters of America, Inc. because it was the owner of the water license on record at the time, the Morongo Band of Indians also received the notice because it was already on the interested party list having filed a protest against a change petition in 1995. Both Great Spring of America Inc., and Morongo Band of Mission Indians responded to the notice and requested a hearing on May 9, 2003, and May 12, 2003, respectively.

The legal and factual basis supporting the revocation of the license is described in the Notice. In addition, the prosecution team has identified its witnesses in the attached Notice of Intent.

Further, the file for the license is available for review during regular business hours.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

Any additional and specific evidence and testimony will be provided in advance of the hearing in accordance with the Hearing Notice and Procedures.

Sincerely,



Samantha Olson
Senior Staff Counsel
Division of Water Rights Prosecution Team

Enclosures

cc: **CERTIFIED MAIL**
THE MORONGO BAND OF
MISSION INDIANS
c/o Somach, Simmons & Dunn
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CERTIFIED MAIL
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Division of Water Rights Prosecution Team
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The Morongo Band of Mission Indians
c/o Krashmer & Associates
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Barbara@KarshmerIndianLaw.com

Redwine & Sherrill
1950 Market Street
Riverside, CA 92501
gshoaf@redwineandsherrill.com

NOTICE OF INTENT TO APPEAR

Division of Water Rights
Prosecution Team _____ plans to participate in the water right hearing regarding
(name of party or participant)

**Proposed Revocation of License 659 (Application 553) Hearing
Morongo Band of Mission Indians
Millard Canyon in Riverside County**

Wednesday, April 25, 2012
at 9:00 a.m.
and continuing, if necessary, on
Thursday, April 26, 2012

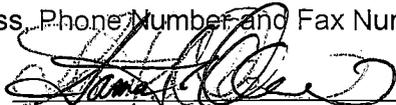
Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Walt Petit	License 659; 1960s non use	.20	Yes
Mozafar Behzad	License 659; 1990s non use	.20	
Robert Been	License 659; 1990s non use	.20	Yes
John O'Hagan	License 659; water rights	.20	Yes
*Charles Butcher	SP Spring; Cabazon	.20	Yes

(If more space is required, please add additional pages or use reverse side.) (see other side)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative

Signature:  Dated: March 13, 2012

Name (Print): Samantha K. Olson

Mailing Address: 1001 I Street, 22nd Floor
Sacramento, CA 95814

Phone Number: (916) 327-8235 Fax Number: (916) 341-5199

E-mail: SOlson@waterboards.ca.gov

*not confirmed yet

Mark Streeters

License 659: revocation process

Yes