

**From:** [Deeringer, Andrew@Waterboards](mailto:Deeringer_Andrew@Waterboards)  
**To:** [John Herrick](mailto:John_Herrick); [Buckman, Michael@Waterboards](mailto:Buckman_Michael@Waterboards); [dean@hpllp.com](mailto:dean@hpllp.com); [Rose, David@Waterboards](mailto:Rose_David@Waterboards); [towater@olaughlinparis.com](mailto:towater@olaughlinparis.com); [spowell@kmtg.com](mailto:spowell@kmtg.com); [jrubin@diepenbrock.com](mailto:jrubin@diepenbrock.com); [vkincaid@diepenbrock.com](mailto:vkincaid@diepenbrock.com); [dean@mohanlaw.net](mailto:dean@mohanlaw.net)  
**Cc:** [Mitterhofer, Conny@Waterboards](mailto:Mitterhofer_Conny@Waterboards)  
**Subject:** Re: Ex Parte Communication Disclosure  
**Date:** Tuesday, March 26, 2019 1:54:27 PM

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Good afternoon Mr. Herrick,

When an adjudicative proceeding is pending, the Administrative Procedure Act requires certain communications to the decision maker to be disclosed on the record for all interested parties to see. Given Mr. Ekdahl's role on the Hearing Team, communications to him about potentially contested issues in the Speckman CDO hearing are subject to the ex parte rule.

Our understanding is that, given the nature and limited scope of the communication from Mr. George to Mr. Ekdahl, there are no further implications under the ex parte prohibition other than the requirement that the communication be disclosed on the record in the Speckman CDO hearing. Please refer to this FAQ document for additional information regarding the Administrative Procedure Act's prohibition on ex parte communications:

[https://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf)

Also, thank you for providing an updated email for Mr. Ruiz. Our current version of the Service List has Mr. Ruiz listed as the representative for the George Speckman Testamentary Trust.

Best regards,

Andrew Deeringer  
Hearing Team Counsel

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**From:** John Herrick <jherrlaw@aol.com>  
**Sent:** Monday, March 25, 2019 4:10 PM  
**To:** Buckman, Michael@Waterboards; dean@hpllp.com; Rose, David@Waterboards; towater@olaughlinparis.com; spowell@kmtg.com; jrubin@diepenbrock.com; vkincaid@diepenbrock.com; dgillick@neumiller.com; mbrown@neumiller.com  
**Cc:** Deeringer, Andrew@Waterboards; Mitterhofer, Conny@Waterboards  
**Subject:** Re: Ex Parte Communication Disclosure

Ms Gillick and Ms. Brown have not worked at Neumiller and Beardsly for quite some time so their email addresses are incorrect. Dean Ruiz's email is [dean@mohanlaw.net](mailto:dean@mohanlaw.net)

Is this a disclosure of a communication that should not have occurred because of ex parte rules? If so please explain who should not have been talking to whom.

I do not know who represents the Speckman interests, but assume that is Dante Nomellini's office. If so, should they not be the ones receiving this? JOHN

JOHN HERRICK, ESQ.  
SOUTH DELTA WATER AGENCY  
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In a message dated 3/22/2019 11:33:33 PM Pacific Standard Time, Michael.Buckman@waterboards.ca.gov writes:

Service List,

On Monday, March 11, 2019, Deputy Director Erik Ekdahl and Staff Counsel Lily Weaver met with Delta Watermaster Michael George. During that meeting, Mr. George opined that the pending appeal in Modesto Irrigation District v. Tanaka may provide some clarity regarding issues relevant to the George Speckman Testamentary Trust - Whiskey Slough in San Joaquin County - Cease and Desist Order Hearing. Mr. George expressed a preference that the Hearing Team wait to schedule the hearing in that matter until after the court issues a decision in the Tanaka case.

Please provide any written comments related to this disclosure no later than noon, April 12, 2019.

Sincerely,

Michael Buckman  
Hearings Unit Chief, Division of Water Rights  
State Water Resources Control Board  
916.341.5448