

NOTICE OF INTENT TO APPEAR

Monterey Peninsula Water Management District plans to participate in the hearing regarding

Notice of Draft Cease and Desist Order Regarding the Continued Unauthorized Diversion of Water from the Carmel River in Monterey County

Scheduled for

Thursday, June 19, 2008, and continuing
if necessary, on Friday, June 20, 2008

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept electronic service of hearing-related materials.
- 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)
Andrew M. Bell	See Attachment A	20 Min.	Yes
David A. Berger	See Attachment A	20 Min.	Yes
Thomas Christensen	See Attachment A	20 Min.	Yes
Larry Farwell	See Attachment A	20 Min.	Yes
Darby W. Fuerst	See Attachment A	20 Min.	Yes
Larry Hampson	See Attachment A	20 Min.	Yes
Judi Lehman	See Attachment A	20 Min.	Yes
Kristi Markey	See Attachment A	20 Min.	Yes
Joseph W. Oliver	See Attachment A	20 Min.	Yes
David Potter	See Attachment A	20 Min.	Yes
Stephanie Pintar	See Attachment A	20 Min.	Yes
Kevin Urquhart	See Attachment A	20 Min.	Yes
Henrietta Stern	See Attachment A	20 Min.	Yes

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

Signature:  Dated: 3/11/2008

Name (Print) David C. Laredo, De Lay & Laredo

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ATTACHMENT A

WITNESSES, SCOPE OF TESTIMONY & LENGTH OF TIME

1. **Andrew M. Bell**, District Engineer and Manager of Planning and Engineering for the Water Management District, is familiar with local, state, and federal regulations regarding construction and operation of water supply projects, is familiar with the Water Management District's management responsibility and practice with respect to CAW's water supply operations in the Monterey Peninsula area, and is also familiar with the District's water rights and pending change petitions. Mr. Bell shall provide an overview of MPWMD investigations for near-term and long-term water supply projects to expand available supplies. These projects include New San Clemente Dam and Reservoir, New Los Padres Dam and Reservoir, Cañada Reservoir, Carmel River Dam and Reservoir, California Public Utilities Commission's Carmel River Dam Alternative (Plan B) Project, CAW's Coastal Water Project, MPWMD's Seawater Desalination Project, various other seawater desalination projects, various wastewater recycling projects, and the Aquifer Storage & Recovery (ASR) Project. Time estimate: 20 minutes.

2. **David A. Berger**, former General Manager for the Water Management District shall provide a brief overview of MPWMD's legislated functions and program activities, its inter-relationship with CAW, the manner in which the District oversees water allocations and water entitlements, the manner in which MPWMD efforts support efforts to comply with SWRCB Order No. WR 95-10, MPWMD's relationship with the Seaside Groundwater Basin Watermaster Board, and the adverse effects that the proposed reduction in water available to CAW shall have on public health and safety. Time estimate: 20 minutes.

3. **Thomas Christensen**, Riparian Projects Coordinator for the Water Management District, shall provide a brief overview of MPWMD activities designed to maintain riparian habitat along the Carmel River in good condition. MPWMD activities overseen by Mr. Christensen include irrigation in the vicinity of large CAW-owned municipal production wells in Carmel Valley to offset impacts associated with groundwater extraction. In addition, Mr. Christensen oversees the monitoring of riparian vegetation health, soil moisture, and depth to groundwater in the riparian zone. Mr. Christensen will provide information regarding MPWMD's revegetation of degraded streambanks to provide erosion protection from high river flows and to provide quality habitat for threatened species, and MPWMD's management of instream vegetation to prevent river and fish passage obstructions. Time estimate: 20 minutes.

4. **Larry Farwell**, an expert on water conservation matters shall provide testimony relating to demand reduction efforts, and impacts the proposed reduction in water available to CAW shall have on future rationing response and public health and safety. Time estimate: 20 minutes.

5. **Darby W. Fuerst**, Water Resources Manager for the Water Management District, shall provide an overview of water availability and constraints, and water use patterns affecting the Monterey Peninsula. He has knowledge of the limitations of existing developed water supplies and is aware of dry weather patterns and past mandatory water rationing requirements that affect CAW customers. He has participated in the environmental review regarding impacts caused by present water supply practices and the planning for near-term projects to expand available water supplies. Mr. Fuerst shall testify to the development, maintenance, and application of the Water Management District's computer simulation model of the water resources of the Monterey Peninsula area. This computer model is the Water

Management District's principal analytical tool for assessing impacts to and performance of the water resources system under varying physical, structural, and operational conditions. Time estimate: 20 minutes.

6. **Larry Hampson**, Water Resources Engineer for the Water Management District, is familiar with flood and erosion potential for the Carmel River, and MPWMD programs to minimize those impacts. Time estimate: 20 minutes.

7. **Judi Lehman**, Chair of the Board of Directors for the Monterey Peninsula Water Management District (Water Management District, or MPWMD), shall provide an overview of community efforts to comply with limits placed upon the water supplies of California American Water (CAW) due to (a) State Water Resources Control Board (SWRCB) Order No. WR 95-10, and (b) the final Judgment entered in *California American Water Company v. City of Seaside* (Monterey Superior Court, No. M66343). Time estimate: 20minutes.

8. **Kristi Markey**, Vice-Chair of the Board of Directors for the Water Management District, shall detail community efforts to comply with limits placed upon CAW water supplies and the adverse effects that the proposed reduction in water available to CAW shall have on public health and safety. Time estimate: 20minutes.

9. **Joseph W. Oliver**, Senior Hydrogeologist for the Water Management District, shall provide technical details regarding ASR Project operations, its effects upon the Carmel River and Seaside Groundwater Basin, and the manner in which recovered water is coordinated with CAW's other water supplies and the hydrogeology of both areas. He has knowledge of water constraints imposed upon the Carmel River and the Seaside Groundwater Basin. Time estimate: 20 minutes.

10. **David Potter**, Member of the Coastal Commission, Member of the Board of Supervisors for the County of Monterey, and Member of the Board of Directors for the Water Management District, shall detail community efforts to comply with limits placed upon CAW water supplies and the adverse effects that the proposed reduction in water available to CAW shall have on public health and safety. Time estimate: 20minutes.

11. **Stephanie Pintar**, Water Demand Manager for the Water Management District shall provide an overview of community efforts to comply with limits placed upon the water supplies of California American Water (CAW) due to (a) SWRCB Order No. WR 95-10, and (b) the final Judgment entered in *California American Water Company v. City of Seaside* (Monterey Superior Court, No. M66343) and the manner in which the District oversees water allocations and water entitlements. She will testify to the District's water conservation and water rationing programs, and adverse effects that the proposed reduction in water available to CAW shall have on public health and safety. Ms. Pintar shall also provide testimony related to the status and effect of existing water entitlements. Time estimate: 20 minutes.

12. **Kevan Urquhart**, Senior Fisheries Biologist for the Water Management District, is familiar with Carmel River and Carmel River Lagoon fisheries rescue and rearing programs, can evaluate impacts to Carmel River fisheries and other resources, and is aware of the effects of the ASR Project upon instream flow requirements. Time estimate: 20 minutes.

13. **Henrietta Stern**, Project Manager/Public Information Representative for the Water Management District, shall provide an overview of the evaluation of water supply alternatives undertaken by the Water Management District in accord with state and federal

environmental review requirements. She is familiar with MPWMD regulations that govern Water Distribution Systems within the Water Management District. Time estimate: 20 minutes.

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