

G. SCOTT FAHEY AND SUGAR PINE SPRING WATER LP – ADMINISTRATIVE CIVIL LIABILITY (ACL) CEASE AND DESIST ORDER (CDO) HEARING

JANUARY 25-26, 2016

*Brian Coats, P.E.
State Water Resources Control Board,
Division of Water Rights*

*Witness for the Prosecution Team
PT EXHIBIT WR-*

Drought Proclamations & Orders

- January 2014 Governor proclaimed a state of emergency due to severe drought
- Executive Order B-29-15, issued April 1, 2015, found ongoing, severe drought conditions.
- Executive Order confirms prior state of emergency and drought proclamations
- Prior executive orders remain in effect.

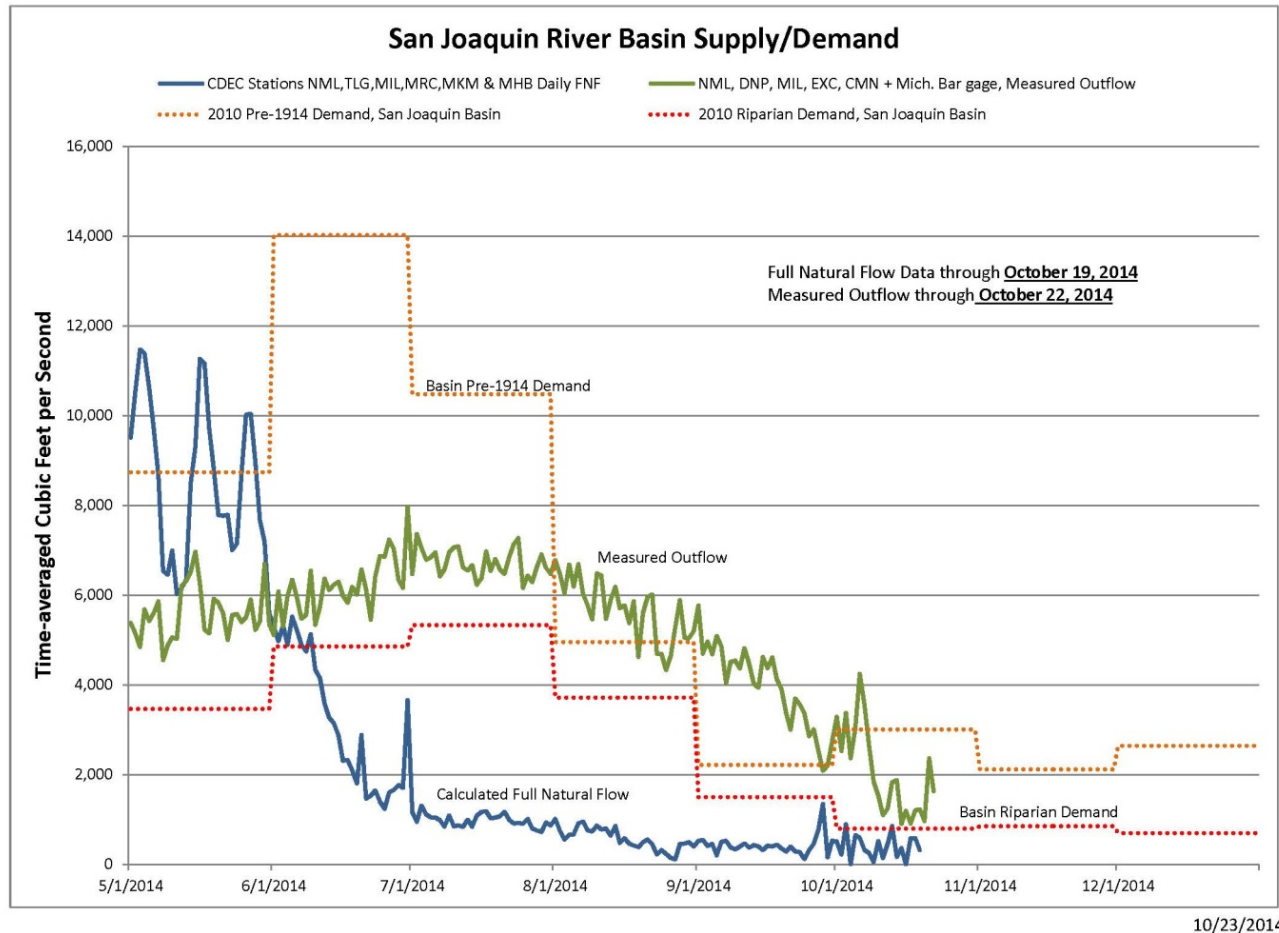
State Water Board Drought Response

Assumed responsibility for determining available water supply.

- Used information supplied by water right holders on annual or triennial reports of water diversion.
- Incorporated 2014 diversion data submitted in response to Order WR 2015-0002-DWR
- Compiled all reported monthly water diversion data by watershed, type of right, and priority dates.
- Compared diversions and demands to natural flow data provided by DWR in Bulletin 120
- Included the 2014 reported data for 90% of the watershed demand plus, for the remaining diverters, an averaged diversion amount for 2010 through 2013
- Performed quality control and corrected demand data
- Continually adjusted demand analysis

San Joaquin River Basin Supply/Demand Analysis - 2014

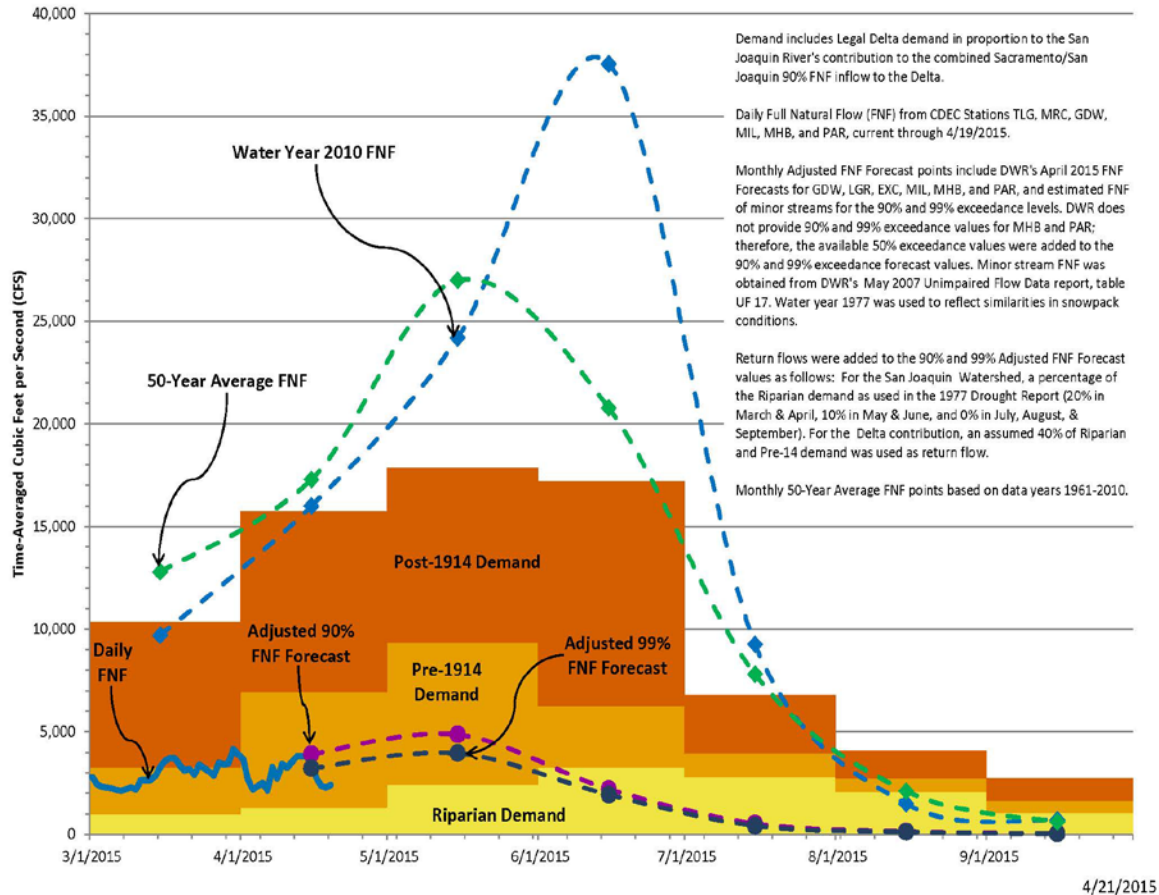
EXHIBIT WR-42



San Joaquin River Basin Supply/Demand Analysis - 2015

EXHIBIT WR-43



2015 San Joaquin River Basin Supply/Demand



Drought Notices

- January 17, 2014 - Notice of Surface Water Shortage and Potential Curtailment of Water Right Diversions
- May 27, 2014 - Notice of Unavailability of Water and Immediate Curtailment for Those Diverting Water in the Sacramento and San Joaquin River Watershed with a post-1914 Appropriative Right
- October 31, 2014 - Notice of Temporary Opportunity to Divert Water under Previously Curtailed Water Rights for Sacramento and San Joaquin River Watershed
- November 19, 2014 - Notice of Temporary Lifting of Curtailments for Diversions in the Sacramento-San Joaquin Watershed
- January 23, 2015 - Statewide Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions for 2015
- April 23, 2015 - Notice of Unavailability of Water and Immediate Curtailment for Those Diverting Water in the San Joaquin River Watershed with Post-1914 Appropriative Rights

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Fahey Had Notice

The 2014 and 2015 Unavailability Notices put Fahey on notice that there was insufficient water to fulfill his water rights -

- May 27, 2014 - October 30, 2014
- April 23, 2015 - November 1, 2015
- Fahey in the geographic area
- Fahey has post-1914 rights
- Both notices sent to Fahey