



State Water Resources Control Board



Linda S. Adams

Secretary for
Environmental Protection

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300

P.O. Box 2000 ♦ Sacramento, California 95812-2000

Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger

Governor

January 6, 2010

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: WATER RIGHT HEARING REGARDING ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AND DRAFT CEASE AND DESIST ORDER – GARRAPATA WATER COMPANY, INC. – SCHEDULED TO COMMENCE ON FEBRUARY 22, 2010

In accordance with the State Water Resources Control Board's (State Water Board) Notice of Public Hearing (Notice), dated December 15, 2009, enclosed is a Service List of Participants who have submitted a Notice of Intent to Appear (NOI) and who have indicated intent to participate in the above-referenced hearing. Copies of the NOIs are attached.

As instructed in Section 4 of the December 15th Notice's attachment entitled, "Information Concerning Appearance at Water Right Hearings," each participant shall submit to the State Water Board either: seven paper copies of each of its exhibits or five paper copies and one electronic copy of each of its exhibits. Exhibits are due no later than **12 noon, Thursday, February 4, 2010**. Please see Section 5 of the Notice's attachment for details regarding electronic submissions. With exhibits, each participant must submit to the State Water Board and serve on the other participants a completed "Exhibit Identification Index". Please submit the "Exhibit Identification Index" to the State Water Board in either Microsoft Word or Excel format. **All of the required copies must be received by the 12 noon, Thursday, February 4, 2010, deadline.** Each participant shall also serve a copy of each exhibit on every participant on the service list. Participants may serve those participants who agree to electronic service with an electronic copy of exhibits. For this hearing, all participants have agreed to accept electronic service of hearing-related materials.

All written testimony and other exhibits submitted to the State Water Board should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
Attention: Ernest Mona
P.O. Box 2000
Sacramento, CA 95812-2000

Email: wrhearing@waterboards.ca.gov

With Subject of "Garrapata Water Company: ACL/CDO Hearing"

California Environmental Protection Agency

Garrapata Water Company
ACL/CDO Hearing
Service List of Participants
January 6, 2010

-2-

Documents related to this hearing will also be posted on the Division of Water Rights website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/garrapata/

If you have any questions regarding this letter, please contact me at (916) 341-5359 or by email at emona@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest Mona". The signature is written in a cursive, flowing style.

Ernest Mona
Hearings and Special Projects

Enclosures

**HEARING REGARDING ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY
COMPLAINT AND DRAFT CEASE AND DESIST ORDER – GARRAPATA WATER
COMPANY, INC. – SCHEDULED TO COMMENCE ON FEBRUARY 22, 2010**

**SERVICE LIST OF PARTICIPANTS
(January 6, 2010)**

**PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND
OTHER DOCUMENTS. (The participants listed below AGREED TO ACCEPT electronic service,
pursuant to the rules specified in the hearing notice.)**

GARRAPATA WATER COMPANY, INC.
c/o Donald M. Layne
36652 Highway 1, Coast Route
Monterey, CA 93940-9723
garrapatawco@aol.com

DIVISION OF WATER RIGHTS PROSECUTION
TEAM
c/o David Rose
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
DRose@waterboards.ca.gov

HUGH A. McALLISTER, M.D.
c/o David C. Sweigert
Fenton & Keller
P.O. Box 791
Monterey, CA 93942-0791
DSweigert@FentonKeller.com

**DO NOT SERVE THE FOLLOWING PARTICIPANTS WITH WRITTEN TESTIMONY,
EXHIBITS AND OTHER DOCUMENTS**

CALIFORNIA DEPARTMENT OF FISH AND
GAME
c/o Brian D. Erlandsen
1234 East Shaw Avenue
Fresno CA 93710
berlandsen@dfg.ca.gov

NATIONAL MARINE FISHERIES SERVICE
c/o David Hines
777 Sonoma Ave.
Santa Rosa, CA 94504
david.hines@noaa.gov

NOTICE OF INTENT TO APPEAR

Garrapata Water Co., Inc. plans to participate in the water right hearing regarding:

GARRAPATA WATER COMPANY, INC.
ACL/CDO HEARING

Scheduled to commence February 22, 2010

We agree to accept electronic service of hearing-related materials.
We plan to call the following witnesses to testify at the hearing.

DONALD M. LAYNE

Subject of proposed testimony is the efforts of utility to limit water use by customers; the financial condition of the utility; the lack of ability of utility to comply with permit terms or CDO if issued.; the circumstances leading to the filing of this enforcement proceeding relevant to selective enforcement; the efforts of utility to obtain an appropriation permit for additional water; the reasons for the occasional lapse in reading the main meter and for the statements in the letter referred to in the complaint; and the reasons why neither a fine nor a CDO should be imposed in this matter.

Estimated length of testimony one hour. Not an expert witness.

BARBARA LAYNE

Subject of proposed testimony is the efforts of utility to limit water use by the customers and the efforts of utility to repair leaks in the system. An explanation of how the utility is operated and by whom. The ages and physical and mental impairments of Barbara and Donald Layne. The plan for getting rid of the company.

Estimated length of testimony 20 minutes. Not an expert witness

SEVERAL CUSTOMERS OF THE WATER COMPANY

Subject of proposed testimony is their awareness of the need to comply with the 35 acre foot limitation and not to waste water.

Estimated length of testimony is five minutes each. Not expert witnesses



DONALD M. LAYNE, Attorney for utility

January 3, 2010

36652 Highway 1, Coast Route, Monterey, CA 93940-9723 tel 831 624 1213
Fax 831 624 9675 email Garrapatawco@AOL.com

2010 JAN -5 AM 11:30
FILED
CLERK OF SUPERIOR COURT
SAN JOSE, CALIFORNIA

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)

**Garrapata Water Company, Inc
ACL/CDO Hearing**

scheduled to commence
February 22, 2010


STATE WATER RESOURCES
CONTROL BOARD
10 JAN -6 AM 11:19
DIV. OF WATER RIGHTS
SACRAMENTO

- 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)
Mark Stretars	Compliance investigation and findings	20 minutes	yes
Sr. Water Resources Control Eng. (Chief Compliance Unit)			
Matthew Quint	Compliance investigation and findings	20 minutes	yes
Water Resources Control Engineer			

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

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

Signature:  Dated: January 6, 2010

Name (Print): David Rose

Mailing Address: State Water Resources Control Board

1001 I Street, Sacramento, California 95814

Phone Number: (916) 341-5196 Fax Number: (916) 341-5199

E-mail: DRose@waterboards.ca.gov

NOTICE OF INTENT TO APPEAR

HUGH A. McALLISTER, M.D. plans to participate in the water right hearing regarding
(name of party or participant)

**Garrapata Water Company, Inc
ACL/CDO Hearing**

**scheduled to commence
February 22, 2010**

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 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)
JOHN WILLIAMS	FISHERIES ISSUES & STREAM FLOWS	30 MINUTES	YES
HUGH McALLISTER, MD	IMPACTS OF PAST & POTENTIAL FUTURE VIOLATIONS	20 MINUTES	NO

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

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

Signature:  Dated: 01/06/2010

Name (Print): DAVID C. SWEIGERT

Mailing Address: FENTON & KELLER, P.O. BOX 791, MONTEREY, CA 93942-0791

Phone Number: (831) 373-1241 Fax Number: (813) 373-7219

E-mail: DSweigert@FentonKeller.com

NOTICE OF INTENT TO APPEAR

2010 JAN -6 PM 12:18

CA Dept. of Fish and Game plans to participate in the water right hearing regarding (name of party or participant)

Garrapata Water Company, Inc ACL/CDO Hearing

scheduled to commence February 22, 2010

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 agree to accept electronic service of hearing-related materials.
I/we plan to call the following witnesses to testify at the hearing.

Table with 4 columns: NAME, SUBJECT OF PROPOSED TESTIMONY, ESTIMATED LENGTH OF DIRECT TESTIMONY, EXPERT WITNESS (YES/NO). Row 1: DFG, Impacts to Steelhead/Mitigation.

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

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

Signature: [Handwritten Signature] Dated: 1/6/10

Name (Print): Brian O. Erlandson

Mailing Address: 1234 E. Shaw Avenue, Fresno, CA 93710

Phone Number: (559) 243-4014 Fax Number: (559) 243-4020

E-mail: berlandson@dfg.ca.gov

RECEIVED VIA FAX: 01/06/10 @ 12:32 P.M.

NOTICE OF INTENT TO APPEAR

DAVID HINES, NMFS plans to participate in the water right hearing regarding
(name of party or participant)

**Garrapata Water Company, Inc
ACL/CDO Hearing**

scheduled to commence
February 22, 2010

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 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)

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

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

Signature: David Hines Dated: 1/6/10

Name (Print): DAVID HINES

Mailing Address: 777 SONOMA AVE. SANTA ROSA, CA 94504

Phone Number: 707-575-6098 Fax Number: 707-578-3435

E-mail: DAVID.HINES@NOAA.GOV