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## State Water Resources Control Board

July 1, 2015

### VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: WATER RIGHT HEARING REGARDING DRAFT CEASE AND DESIST ORDER AND ADMINISTRATIVE CIVIL LIABILITY – JAMES D. AND LYLE P. MILOVINA TRUST, JAMES D. MILOVINA, LYLE P. MILOVINA, AND MILOVINA VINEYARDS - SCHEDULED TO COMMENCE ON SEPTEMBER 15, 2015

In accordance with the State Water Resources Control Board's (State Water Board) **June 3, 2015 [Notice of Public Hearing \(Notice\)](#)** regarding the above subject hearing, 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 subject hearing. Copies of the NOIs are enclosed.

### **PLEASE NOTE**

As required in Section 6 of the Notice's attachment entitled, "Information Concerning Appearance at Water Right Hearings," each participant shall submit to the State Water Board **three (3) paper copies** and **one electronic copy** of each of its exhibits. With its exhibits, each participant must submit a completed Exhibit Identification Index. Please submit the Exhibit Identification Index to the State Water Board in either Microsoft Word or Excel format. Please see Section 7 of the Notice's attachment for details regarding electronic submissions. Each participant shall also serve a copy of each exhibit and the exhibit index on every participant identified on the service list as a participant to be served. A statement of service with manner of service indicated shall be filed with each participant's exhibits.

Also stated in the Notice, the exhibits and indexes for this hearing, and a statement of service, must be **received by the State Water Board and served on the other parties no later than 12:00 p.m. on Tuesday, July 28, 2015**. 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: Paul Murphey

By Mail: P.O. Box 2000, Sacramento, CA 95812-2000  
By Hand Delivery: Joe Serna, Jr.-CalEPA Building  
1001 I Street, 2nd Floor, Sacramento, CA 95814  
By Fax: (916) 341-5400  
By Email: [wrhearing@waterboards.ca.gov](mailto:wrhearing@waterboards.ca.gov)  
With Subject of **“Milovina Draft CDO and ACL Hearing”**

If you have any non-controversial procedural questions, please contact me at (916) 341-5435 or by email at [paul.murphey@waterboards.ca.gov](mailto:paul.murphey@waterboards.ca.gov) or Nathan Weaver at (916) 341-5184 or by email at [nathan.weaver@waterboards.ca.gov](mailto:nathan.weaver@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Paul Murphey". The signature is written in a cursive style with a large, stylized "P" and "M".

Paul Murphey  
Engineering Geologist  
Hearings Unit

Enclosures: Service List, NOIs

**DRAFT CEASE AND DESIST ORDER AND  
ADMINISTRATIVE CIVIL LIABILITY HEARING  
JAMES D. AND LYLE P. MILOVINA TRUST, JAMES D. MILOVINA, LYLE P.  
MILOVINA, AND MILOVINA VINEYARDS  
SCHEDULED TO COMMENCE ON SEPTEMBER 15, 2015**

**SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION:  
(July 1, 2015)**

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

Stephen F. Johnson Mannon, King & Johnson Attorneys at Law Savings Bank Building, Suite 304 200 North School Street P.O. Box 419 Ukiah, CA 95482 <a href="mailto:steve@mkjlex.com">steve@mkjlex.com</a>	Mayumi Okamoto, Staff Counsel State Water Resources Control Board Division of Water Rights Prosecution Team 1001 I Street, 16 <sup>th</sup> Floor Sacramento, CA <a href="mailto:Mayumi.Okamoto@waterboards.ca.gov">Mayumi.Okamoto@waterboards.ca.gov</a>
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**THE FOLLOWING IS AN INTERESTED PARTY WHO WILL PARTICIPATE BY POLICY STATEMENT ONLY. IT IS NOT NECESSARY TO SERVE THEM WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.**

Jane Arnold California Department of Fish and Wildlife 619 Second Street Eureka, CA 95519 <a href="mailto:jane.arnold@wildlife.ca.gov">jane.arnold@wildlife.ca.gov</a>
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MANNON, KING & JOHNSON  
ATTORNEYS AT LAW

CHARLES B. MANNON  
JAMES F. KING  
STEPHEN F. JOHNSON

SAVINGS BANK BUILDING, SUITE 304  
200 NORTH SCHOOL STREET  
P.O. BOX 419  
UKIAH, CALIFORNIA 95482

TELEPHONE: 707-468-9151  
FACSIMILE: 707-468-0284  
steve@mkjlex.com

June 30, 2015

*Sent Via US Mail & E-Mail To:*  
[wrhearing@waterboards.ca.gov](mailto:wrhearing@waterboards.ca.gov)

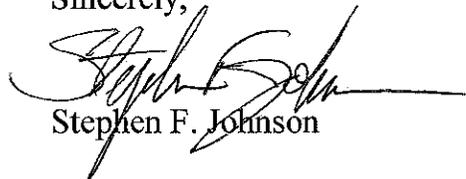
Paul Murphy  
State Water Resource Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

Re: Notice Of Intent To Appear For Milovina Draft CDO And ACL Hearing

Dear Mr. Murphy:

The attached Notice Of Intent To Appear is submitted on behalf of Milovina Vineyards, et. al, for the Water Rights Hearing scheduled for September 15, 2015 regarding the Administrative Civil Liability Complaint and a draft Cease and Desist Order issued to James D. And Lyle P. Milovina Trust, James D. Milovina (Trustee), Lyle P. Milovina (Trustee), and Milovina Vineyards. Thank you.

Sincerely,



Stephen F. Johnson

encl.

cc: Mayumi E. Okamoto, via email- [Mayumi.Okamoto@waterboards.ca.gov](mailto:Mayumi.Okamoto@waterboards.ca.gov)  
Client  
Mark Edwards, North Coast Resource Management, Inc.  
Estelle Clifton, North Coast Resource Management, Inc.

## NOTICE OF INTENT TO APPEAR

Milovina Vineyards plans to participate in the water right hearing regarding  
(name of party or participant)

Draft Cease and Desist Order  
and Administrative Civil Liability  
against

**James D. and Lyle P. Milovina Trust, James D. Milovina (Trustee),  
Lyle P. Milovina (Trustee), and Milovina Vineyards**

scheduled to commence  
**Tuesday September 15, 2015**  
at 9:00 a.m.

**1) Check only one (1) of the following:**

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Estelle Clifton	Pertinent Facts/Legal Issues	20	Yes
Mark Edwards	Pertinent Facts/Legal Issues	20	Yes
John Milovina	Pertinent Facts	10	No
Michael Milovina	Pertinent Facts	10	No

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

**2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:**

Name (Print): Stephen F. Johnson, Esq.

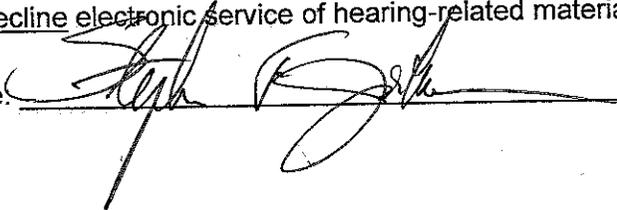
Mailing Address: P.O. Box 419, Ukiah, CA 95482

Phone Number: ( ) 707-468-9151 Fax Number: ( ) 707-468-0284

E-mail: steve@mkjlex.com

Optional:

I/we decline electronic service of hearing-related materials.

Signature:  Dated: 6/29/15



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

June 29, 2015

### **VIA EMAIL AND HAND DELIVERY**

Mr. Paul Murphey  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95814  
[wrhearing@waterboards.ca.gov](mailto:wrhearing@waterboards.ca.gov)

**RE: NOTICE OF INTENT TO APPEAR FOR MILOVINA DRAFT CDO AND ACL HEARING**

Dear Mr. Murphey:

The attached Notice of Intent to Appear is submitted on behalf of the State Water Resources Control Board, Division of Water Rights Prosecution Team for the Water Rights hearing scheduled for September 15, 2015 regarding an Administrative Civil Liability Complaint and a draft Cease and Desist Order issued to James D. and Lyle P. Milovina Trust, James D. Milovina (Trustee), Lyle P. Milovina (Trustee), and Milovina Vineyards.

Sincerely,

A handwritten signature in black ink, appearing to read "Mayumi E. Okamoto".

Mayumi E. Okamoto  
Senior Staff Counsel  
Office of Enforcement

cc: via email

Mr. Stephen F. Johnson  
[steve@mkjlex.com](mailto:steve@mkjlex.com)

## NOTICE OF INTENT TO APPEAR

Division of Water Rights Prosecution Team plans to participate in the water right hearing regarding

Draft Cease and Desist Order  
and Administrative Civil Liability  
against

**James D. and Lyle P. Milovina Trust, James D. Milovina (Trustee),  
Lyle P. Milovina (Trustee), and Milovina Vineyards**

**scheduled to commence  
Tuesday, September 15, 2015  
at 9:00 a.m.**

**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 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)
Kathy Mrowka, Senior Water Resource Control Engineer	The Division of Water Rights unauthorized reservoir enforcement efforts, permitting process, key issues 1 and 2	10	Yes
Laura Lavalley, Water Resource Control Engineer	The Division of Water Rights unauthorized reservoir enforcement efforts, determination of ACL amount, key issues 1 and 2	10	Yes
Ramon Ruiz, Water Resource Control Engineer	Investigation, 2013 site visit, and key issues 1 and 2	10	Yes
Jane Arnold, Sr. Environmental Scientist; Department of Fish & Wildlife	Potential harm to fisheries resources resulting from unauthorized diversion	10	Yes
Brionna Drescher, Environmental Scientist	December 30, 2010 inspection	5	Yes

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

Division of Water Rights Prosecution Team NOI  
James D. and Lyle P. Milovina Trust, James D. Milovina (Trustee),  
Lyle P. Milovina (Trustee), and Milovina Vineyards

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

Signature:  Dated: June 29, 2015

Name (Print): Mayumi E. Okamoto, Senior Staff Counsel  
Mailing Address: SWRCB Office of Enforcement  
1001 I Street, 16<sup>th</sup> Floor  
Sacramento, California 95814  
Phone Number: (916) 341-5674  
Fax Number: (916) 341-5896  
Email: [Mayumi.Okamoto@waterboards.ca.gov](mailto:Mayumi.Okamoto@waterboards.ca.gov)

PGM

STATE WATER RESOURCES CONTROL BOARD

NOTICE OF INTENT TO APPEAR 2015 JUN 23 PM 4:41

Department of Fish and Wildlife plans to participate in the water right hearing regarding (name of party or participant) SACRAMENTO

Draft Cease and Desist Order and Administrative Civil Liability against

James D. and Lyle P. Milovina Trust, James D. Milovina (Trustee), Lyle P. Milovina (Trustee), and Milovina Vineyards

scheduled to commence Tuesday September 15, 2015 at 9:00 a.m.

1) Check only one (1) of the following:

- I/we intend to present a policy statement only.
I/we intend to participate by cross-examination or rebuttal only.
I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

Table with 4 columns: NAME, SUBJECT OF PROPOSED TESTIMONY, ESTIMATED LENGTH OF DIRECT TESTIMONY, EXPERT WITNESS (YES/NO). Row 1: Dept. of Fish & Wildlife, Policy Statement, 5 minutes, Yes.

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

2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): Jane Arnold

Mailing Address: 619 Second Street Eureka, California 95519

Phone Number: (707) 441-5671 Fax Number: (707) 441-2028

E-mail: jane.arnold@wildlife.ca.gov

Optional:

- I/we decline electronic service of hearing-related materials.

Signature: Jane D. Arnold Dated: 6/23/15