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14 Attorneys for,
15 WOODS IRRIGATION COMPANY

16 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

17 IN THE MATTER OF THE
18 RECONSIDERATION OF ORDER WR
19 2011-0005

20 NOTICE OF INTENT TO APPEAR ON
21 BEHALF OF WOODS IRRIGATION
22 COMPANY

1 Harris, Perisho & Ruiz and John Herrick, Attorney at Law Client List:

2 WOODS IRRIGATION COMPANY

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1 Woods Irrigation Company, hereinafter referred to as (“WIC”), submits this Notice of
2 Intent to Appear in response to the State Water Resources Control Board (“Board”) Notice of
3 Supplemental Hearing Rehearing (“Supplemental Hearing”) dated November 10, 2014. WIC
4 intends to appear at the Supplemental Hearing to the fullest extent possible to defend and protect
5 its water rights. WIC also intends to appear with respect to the properties listed on Exhibit A
6 hereto which properties receive water from Woods Irrigation District’s facilities.

7 With respect to the lands owned by WIC, as listed in Exhibit A, WIC plans to participate
8 in the Supplemental Hearing for all purposes and plans to call the witnesses listed on Exhibit B.
9 WIC also reserves the right to call for direct or cross-examination any witness listed or called by
10 another party, and any and all witnesses who previously testified in the 2010 hearing. WIC
11 further reserves the right to update and amend its witness list as a result of discovery of other
12 relevant evidence or issues as it prepares for the hearing and in response to the witness lists filed
13 by other parties.

14 WIC has listed witnesses and times for testimony that exceed the normal time limits
15 allowed by the Board at hearings. WIC submits that given the nature of the water rights involved
16 in this hearing, the expert nature of much of the testimony and the requirement that the Board
17 satisfy due process, particularly when making decisions impacting water rights, the Board should
18 permit the extended time for testimony.

19 Submittal of this notice is not a waiver of any of WIC’s defenses and/or claims related to
20 the procedural or substantive defects associated with the Board’s rehearing process. WIC
21 continues to submit that the Board is depriving WIC and its landowner members of due process
22 by:

- 23 • Failing to undertake a proper investigation of WIC and its landowner members’ water rights
24 before proceeding to a hearing;
- 25 • Failing to give WIC and its landowner members sufficient notice and time to present
26 information to the Board in defense of their water rights in advance of a hearing process;
- 27 • Failing to give WIC and its landowner members sufficient time to prepare for a hearing
28 involving their water rights, which hearing will require voluminous evidence that is more than

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one-hundred years old and expert testimony from several experts that need more time to sufficiently prepare;

- Failing to provide any draft Cease and Desist Order to WIC and its landowner members that explains what type of flaw the Board finds in their current diversions or what type of order the Board intends to issue against WIC and its landowner members such that they can have a coherent understanding of what issues it must be prepared to address at a hearing.
- Failing to set aside in its entirety, Order WR 2011-0005.
- Failing to allow WIC and its landowner members to participate in every aspect of the original hearing and Supplemental Hearing including the presentation of evidence.

Respectfully submitted,

Dated: December 15, 2014

HARRIS, PERISHO & RUIZ

By: 
S. DEAN RUIZ, Esq.
Attorney for,
WOODS IRRIGATION COMPANY

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EXHIBIT A
WIC PROPERTIES WHICH RECEIVE IRRIGATION WATER THROUGH THE
WOODS IRRIGATION COMPANY FACILITIES

Acreage	Fee Title Holder	APN
2.00	Woods Irrigation Company	131-390-03
6.35	Woods Irrigation Company	162-040-01

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EXHIBIT B
NOTICE OF INTENT TO APPEAR

Woods Irrigation Company plans to participate in the water right hearing regarding (name of party or participant)

Woods Supplemental Hearing

scheduled to commence
June 8, 2015 at 9:00 a.m.
and continuing, if
necessary, on June 9, 10,
and 11, 2015

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

The landowners intend to fully participate in the hearing in all respects and maintain a continuing objection to the hearing proceeding in a manner that violates their due process rights.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Lory Mussi	Operations of WIC system	20 min	No
Timothy Grunsky	WIC records, customers	20 min	No
Dino Del Carlo	Landowner water use in WIC	20 min	No
Douglas R. Littlefield, Ph.D.	History of Roberts Island, historic location of channels, sloughs, ditches, development of irrigated agriculture in WIC service area, crops grown in WIC service area over time, real estate transactions on Roberts Island from 1800's through 1920's, relationship of landowners on Roberts Island at different points in time	3 hours	Yes
Thomas Burke P.E.	Hydrology of the Delta and channels in and around Roberts Island	1 hour	Yes
Robert Wagner P.E., Wagner & Bonsignor	Custom and practice regarding diversion and measurement of pre-1914 appropriative rights	1 hour	Yes

1	Michael L. Quartaroli, Licensed Land Surveyor	Maps of WIC service area, patents and property transaction documents and illustrative maps reflecting properties at different periods of time on Roberts Island	2 hours	Yes
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4	Dr. Charles Burt and/or Dr. Daniel Howes, Cal Poly Irrigation Training and Resource Center	Custom and practice for historic irrigation delivery systems on Roberts Island, delivery and on-farm irrigation system efficiencies, crop water demand and season of use; Crop evapotranspiration analysis for crops grown on Roberts Island at different periods of time (testimony will not be duplicative between witnesses)	3 hours	Yes
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10	Kenneth R. Lajoie, Ph.D	Existence of streams, historic water courses/bodies in and around Roberts Island	2 hours	Yes
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12	Donald W. Moore, PG, CHG	Interpretation of aerial photos and maps identifying geological features of the Delta in and around Roberts Island	2 hours	Yes
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14				
15	Terry Prichard	Irrigation needs for agricultural crops	1 hour	Yes
16	Neal Colwell, P.E. KSN	Measurement of WIC diversions	1 hour	Yes
17	William L. Halligan P.G.	Water availability in Delta channels, the interconnections between ground and surface water, the impacts on total Delta supply and local impacts from changing diversions from surface water to ground water at various locations, the existence of old Delta sloughs and connection to surface water, depth of old sloughs in relation to ground water and if such old sloughs would fill with surface or ground water.	3 hours	Yes
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24	Mark Stretars	Investigation of WIC diversions	20 min	No
25	Chuck Arnold	Investigation of WIC diversions	20 min	No
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Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature:  Dated: 12/15/14

Name (Print): S. Dean Ruiz, Esq., Harris, Perisho & Ruiz
Mailing Address: 3439 Brookside Road, Suite 210; Stockton CA 95219

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PROOF OF SERVICE

I, Alison J. Foley, am over the age of eighteen years and employed in the County of San Joaquin, California; I am not a party to this action; my business address is c/o HARRIS, PERISHO & RUIZ, Attorneys at Law, 3439 Brookside Road, Suite 210, Stockton CA 95219.

On December 15, 2014, I served a true copy of the attached:

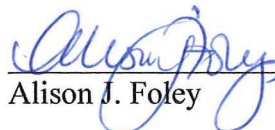
NOTICE OF INTENT TO APPEAR ON BEHALF OF WOODS IRRIGATION COMPANY

Addressed to: **SEE ATTACHED LIST**

- BY EMAIL [CCP §1010.6]** Based on a court order or an agreement of the parties to accept service by e-mail, I caused the documents to be sent to the e-mail addresses indicated *[above]* or *[in the attached Service List of Participants]*.
- BY MAIL [CCP §1013]** I enclosed the documents in a sealed envelope addressed to the following persons and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the business' practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage thereon fully prepaid at Stockton, California addressed as *[above]* or *[in the attached Service List of Participants]*.
- BY CERTIFIED MAIL:** Certified mail receipt No. _____ (attached) / Return Receipt Requested
- BY OVERNIGHT MAIL SERVICE [CCP §1013(c)]** I enclosed the documents in a sealed envelope provided by an overnight delivery carrier and addressed it to the persons identified below. I placed said envelope for collection at a regularly utilized drop box of the overnight carrier.
- BY FACSIMILE:** Based on prior consent, I caused the documents to be sent to the following persons via telecopier/facsimile machine a true copy thereof to the parties indicated *[above]* or *[in the attached Service List of Participants]*. Pursuant to California Rules of Court, rule 2005(i), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration. The facsimile machine I used complied with California Rules of Court, rule 2003(3). [C.R.C. §2008 & § 2003(3)]
- BY PERSONAL SERVICE [CCP §415.10]** I caused such envelope to be delivered by hand to the offices of the persons identified *[above]* or *[in the attached Service List of Participants]*.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 15, 2014 at Stockton, California.


Alison J. Foley

SERVICE LIST

<p>1</p> <p>2 Tim O'Laughlin Valerie Kincaid 3 O'Laughlin & Paris, LLP P.O. Box 9259 4 Chico, CA 92927 towater@olaughlinparis.com vkincaid@olaughlinparis.com</p> <p>5</p> <p>6 For: MODESTO IRRIGATION DISTRICT</p>	<p>David Rose John O'Hagan State Water Resources Control Board 1001 I Street Sacramento, CA 95814 David.Rose@waterboards.ca.gov John.O'Hagan@waterboards.ca.gov</p> <p>For: SWRCB, DIVISION OF WATER RIGHTS PROSECUTION TEAM</p>
<p>7</p> <p>8 Jon Rubin, Senior Staff Counsel San Luis & Delta-Mendota Water Authority 400 Capitol Mall, 27th Floor 9 Sacramento, CA 95814 Jon.Rubin@sldmwa.org</p> <p>10</p> <p>11 Daniel J. O'Hanlon Rebecca R. Akroyd Kronick, Moskovitz, Tiedemann & Girard 12 400 Capitol Mall, 27th Floor Sacramento, CA 95814 dohanlon@kmtg.com rakroyd@kmtg.com</p> <p>13</p> <p>14 For: THE SAN LUIS & DELTA-MENDOTA 15 WATER AUTHORITY</p>	<p>Stanley C. Powell Kronick, Moskovitz, Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 spowell@kmtg.com</p> <p>For: STATE WATER CONTRACTORS</p>
<p>16 James Mizell P.O. Box 942836 17 Sacramento, CA 94236-0001 James.Mizell@water.ca.gov</p> <p>18</p> <p>19 For: DEPARTMENT OF WATER RESOURCES</p>	<p>Bruce Blodgett 3290 North Ad Art Road Stockton, CA 95215 director@sjfb.org</p> <p>For: SAN JOAQUIN FARM BUREAU</p>
<p>20 John Herrick 4255 Pacific Avenue, Suite 2 21 Stockton, CA 95207 jherrlaw@aol.com</p> <p>22</p> <p>23 For: WOODS IRRIGATION COMPANY AND SOUTH DELTA WATER AGENCY</p>	<p>David J. Guy, President 4555 Capitol Mall, Suite 335 Sacramento, CA 95814 dguy@norcalwater.org</p> <p>For: NORTHERN CALIFORNIA WATER ASSOCIATION</p>
<p>24 Kurtis C. Keller Neumiller & Beardslee P.O. Box 20 25 Stockton, CA 95201-3020 kkeller@neumiller.com</p> <p>26</p> <p>27 For: SAN JOAQUIN COUNTY AND THE SAN JOAQUIN COUNTY FLOOD CONTROL AND WATER 28 CONSERVATION DISTRICT</p>	<p>Jennifer J. Spaletta Spaletta Law PC P.O. Box 2660 Lodi, CA 95241 Jennifer@spalettalaw.com</p> <p>For: VARIOUS LANDOWNERS</p>

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