
State Water Resources Control Board

August 24 2016

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST OF PARTICIPANTS

REVISED SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: Nancy K. Donovan and Stephen J. Peters – Administrative Civil Liability Complaint and Cease and Desist Order Hearing

A Revised 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 is enclosed.¹ Copies of the NOIs are attached. The NOIs and other documents related to this hearing are posted on the Division of Water Rights dedicated project website:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/donovan/index.shtml

Participants

In response to the Hearing Team's August 19, 2016 [Service List of Participants](#) letter, in which the Hearing Team directed Nancy K. Donovan to provide clarification regarding the extent of her participation, Ms. Donovan submitted a revised NOI indicating her intent to call witnesses to testify at the hearing.

Accordingly, the enclosed Service List of Participants has been revised to show that the Division of Water Rights Prosecution Team and Nancy K. Donovan have indicated their intent to call witnesses to testify at the hearing. California Department of Fish and Wildlife indicated its intent to present a policy statement only.

Reminder of Submittal Deadlines and Time Limits

As specified in the Notice of Rescheduled Hearing, the deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service is **12:00 Noon, Wednesday, September 14, 2016**. An Exhibit Identification Index form is attached. This is required for all parties that wish to call witnesses to testify at the hearing. Additional information regarding this submittal and the time limits is available in the [March 13, 2015 Notice of Public Hearing](#) enclosure entitled "Information Concerning Appearance at Water Right Hearings which is available at the following web page:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/donovan/notice_donovan_peters.pdf

¹ NOIs were submitted pursuant to instructions provided in State Water Resources Control Board's (State Water Board) March 13, 2015 [Notice of Public Hearing](#), July 21, 2016 [Notice of Rescheduled Public Hearing](#), August 11, 2016 [Hearing Team Letter](#) and August 19, 2014 [Service List of Participants](#) letter .

While the hearing team understands that not all parties are familiar with the State Water Board's administrative procedures, and may not be represented by an attorney, it is very important for parties to read, understand, and adhere to the procedural requirements specified in the Hearing Notices and enclosures. Compliance with specific forms and deadlines are necessary for the efficient administration of the hearing. Parties are encouraged to contact hearing staff with any procedural questions before submittals are due.

Ex Parte Communications

I would like to remind the parties that *ex parte* communications concerning substantive or controversial procedural issues relevant to this hearing are prohibited. Please be sure to copy the service list on any correspondence to me, the other Board Members, and the hearing team related to this matter.

Thank you for your continued cooperation. Questions regarding non-controversial procedural matters should be directed to Senior Staff Counsel Samantha Olson at (916) 327-8235, or by email to samantha.olson@waterboards.ca.gov; or Staff Engineer Ernest Mona at (916) 341-5359, or by email to ernie.mona@waterboards.ca.gov. (Gov. Code, § 11430.20, subd. (b).)

Sincerely,



Ernest Mona
Hearings Unit

Enclosures: Revised Service List, Notices of Intent to Appear, Exhibit Identification Index form

SERVICE LIST OF PARTICIPANTS
Nancy K. Donovan and Stephen J. Peters
Administrative Civil Liability Complaint and Cease and Desist Order
(August 19, 2016, Revised 08/24/16)

Participants	
THE FOLLOWING PARTICIPANTS HAVE INDICATED THEIR INTENT TO PRESENT WITNESSES TO TESTIFY AT THE HEARING	
THE FOLLOWING <u>MUST BE SERVED</u> WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)	
DIVISION OF WATER RIGHTS PROSECUTION TEAM Kenneth P. Petruzzelli, Attorney III State Water Resources Control Board Office of Enforcement 1001 I Street, 16th Floor Sacramento, CA 95814 kenneth.petruzzelli@waterboards.ca.gov John.Praeger@Waterboards.ca.gov	NANCY K. DONOVAN 21451 Hwy 128 Yorkville, CA 95494. n.donovan@LIVE.COM (Revised 08/24/16)
THE FOLLOWING PARTICIPANTS HAVE INDICATED THEIR INTENT TO PRESENT A POLICY STATEMENT ONLY	
<u>DO NOT</u> SERVED THE FOLLOWING WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS (All have AGREED TO ACCEPT electronic service, pursuant to the rules specified in the hearing notice.)	
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, Northern Region Jane Arnold 619 Second Street, Eureka, CA 95501 Jane.Arnold@wildlife.ca.gov	

NOTICE OF INTENT TO APPEAR

(revised August 18, 2016)

The 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
Nancy K. Donovan and Stephen J. Peters

**Rescheduled to commence
Wednesday, October 12, 2016 at 9:00 a.m.**

1) 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.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Kyle Wooldridge, P.E., Senior Water Resource Control Engineer	Key Issues 1 and 2	20	Yes
Matthew McCarthy, Senior Environmental Scientist (Supervisory)	Key Issues 1 and 2	20	Yes
Jane Arnold, Senior Environmental Scientist (Specialist) Department of Fish & Wildlife	Key Issues 1 and 2	20	Yes
Shay Richardson, Environmental Scientist	Key Issues 1 and 2, available for cross-examination only		Yes
Arron Miller, P.E., Senior Engineer, Water Resources, Department of Water Resources	Key Issues 1 and 2, available for cross-examination only		Yes
Jeff Wetzel, Senior Water Resource Control Engineer	Key Issues 1 and 2, available for cross-examination only		Yes

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Rebuttal Witnesses TBD	The Prosecution Team will call rebuttal witnesses as necessary		

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

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

Signature: 

Dated: August 18, 2016

Name (Print): Kenneth Petruzzelli, Attorney III, Office of Enforcement

Mailing Address: State Water Resources Control Board
1001 I St., 16th Floor, Sacramento, 95814

Phone Number: 916-319-8577

Fax Number: 916-341-5896

E-mail: Kenneth.petruzzelli@waterboards.ca.gov

REVISED

NOTICE OF INTENT TO APPEAR

Nancy K. Donovan plans to participate in the water right hearing regarding
(Name of party or participant)

Draft Cease and Desist Order
and Administrative Civil Liability
against
Nancy K. Donovan and Stephen J. Peters

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)
Nancy Donovan	FACTS SPECIFIC TO ACL/CDO	30 MINUTES	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): Nancy K. Donovan

Mailing Address: 21451 HIGHWAY 128
YORKVILLE, CA 95499

Phone Number: (408) 291-2262 Fax Number: ()

E-mail: n.donovan@lwr.com

Optional:

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

Signature: Nancy K. Donovan Date: 8-23-2016

STATE WATER RESOURCES
CONTROL BOARD

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DIV OF WATER RIGHTS
SACRAMENTO

NOTICE OF INTENT TO APPEAR

Jane Arnold plans to participate in the water right hearing regarding
(Name of party or participant)

Draft Cease and Desist Order
and Administrative Civil Liability
against

Nancy K. Donovan and Stephen J. Peters

Rescheduled to commence
Wednesday, October 12, 2016 at 9:00 a.m.

- 1) Check only one (1) of the following:
 - We intend to present a policy statement only.
 - We intend to participate by cross-examination or rebuttal only.
 - 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)
Jane Arnold	Dept. of Fish and 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: Department of Fish and Wildlife
1019 Second Street, California 95501

Phone Number: (707) 441-5671 Fax Number: (707) 441-2021

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

Optional:

- We decline electronic service of hearing-related materials.

Signature: Jane Arnold Date: 7/29/2016

