

## State Water Resources Control Board

August 19, 2016

### VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST OF PARTICIPANTS

### **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 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.<sup>1</sup> 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](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/donovan/index.shtml)

### **Participants**

The Division of Water Rights Prosecution Team has indicated its intent to call witnesses to testify at the hearing. Nancy K. Donovan and California Department of Fish and Wildlife indicated their intent to present a policy statement only.

Nancy K. Donovan submitted an NOI indicating intent to provide a policy statement only, which suggests that Ms. Donovan does not want to offer any direct testimony or dispute any factual allegations in the above-referenced matter. This could render an adjudicatory hearing unnecessary and subject to cancellation.

In order to determine whether a hearing is necessary, Nancy K. Donovan must provide additional clarification regarding the extent of her participation, by **Noon, August 24, 2016**. Ms. Donovan must clarify, via submittal of a revised NOI, whether she also intended to participate by offering direct testimony at the hearing or participate by conducting cross-examination and/or rebuttal only. If so, the submitted NOI should be revised to indicate one of the following boxes:

- 1) "I/we plan to call the following witnesses to testify at the hearing" or
- 2) "I/we intend to participate by cross-examination or rebuttal only."

If Ms. Donovan plans to call witnesses (including herself), she must identify each witness on the NOI by providing his or her: name, subject of proposed testimony, estimated length of direct testimony, and any status as an expert witness.

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<sup>1</sup> 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](#) and August 11, 2016 [Hearing Team Letter](#).

**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](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/donovan/notice_donovan_peters.pdf)

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](mailto:samantha.olson@waterboards.ca.gov); or Staff Engineer Ernest Mona at (916) 341-5359, or by email to [ernie.mona@waterboards.ca.gov](mailto:ernie.mona@waterboards.ca.gov). (Gov. Code, § 11430.20, subd. (b).)

Sincerely,



Ernest Mona  
Hearings Unit

Enclosures: 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)**

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

**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., 16<sup>th</sup> Floor, Sacramento, 95814

Phone Number: 916-319-8577

Fax Number: 916-341-5896

E-mail: [Kenneth.petruzzelli@waterboards.ca.gov](mailto:Kenneth.petruzzelli@waterboards.ca.gov)

### 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

Rescheduled to commence  
Wednesday, October 12, 2016 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)

(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 95494

Phone Number: (707) 291-2262 Fax Number: ( )

E-mail: n.donovan@live.com

Optional:

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

Signature: Nancy K. Donovan Date: 8.18.2016

STATE WATER RESOURCES CONTROL BOARD

2016 JUL 29 AM 11:40

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: [X] 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)

Table with 4 columns: Name, Subject of Proposed Testimony, Estimated Length of Direct Testimony, Expert Witness (Yes/No). Row 1: 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

JUL/29/2016/FRI 12:04 PM DFG-HabCon FAX No. 707 441 2021 P. 002



