

Mona, Ernie@Waterboards

From: Tauriainen, Andrew@Waterboards
Sent: Wednesday, September 02, 2015 11:27 AM
To: Unit, Wr_Hearing@Waterboards
Subject: BBID ACL Hearing
Attachments: pt_notice_of_intent.pdf

Hearing Team:

Attached please find an electronic copy of the Prosecution Team's Notice of Intent to Appear in the Byron-Bethany Irrigation District (BBID) ACL Hearing. An original copy will follow.

The Prosecution Team notes that BBID's Hearing Request indicates that BBID will seek to conduct discovery in this matter. Correspondence from the Hearing Team earlier today indicates that at least one other party seeking designated party status will request discovery. The Prosecution Team is open to conducting limited discovery in this matter, and requests that the parties and the Hearing Team discuss the scope and extent of discovery in a pre-hearing conference as soon as possible.

The Prosecution Team also notes that the Hearing Team has scheduled the West Side Irrigation District (WSID) CDO matter for hearing in November. There is some commonality of issues between the BBID and WSID matters, particularly with respect to the Division of Water Rights' methodology to determine water availability in the Delta. It is reasonable to assume that some or all of the parties seeking discovery in the BBID matter may also seek discovery in the WSID matter on the common issues. The Prosecution Team initially requests that any discovery on the common issues should be coordinated for administrative efficiency. The parties and the Hearing Team should also discuss the possibility of coordinating the proceedings on the common issues in a manner that would promote efficiency in resolving both matters.

Andrew Tauriainen, Attorney III
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
tel: (916) 341-5445
fax: (916) 341-5896
andrew.tauriainen@waterboards.ca.gov

***CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

NOTICE OF INTENT TO APPEAR

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

Administrative Civil Liability
against
Byron-Bethany Irrigation District

**scheduled to commence
Wednesday, October 28, 2015 and continue, if necessary,
on October 29 and 30, 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:

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Brian Coats, Sr. WRCE	Water availability determination; Key Issues 1 and 2	15	Yes
Paul Wells, Sr. WRCE	BBID diversions; Key Issues 1 and 2	15	Yes
Jeff Yeazel, WRCE	Water availability determination; Key Issues 1 and 2	15	Yes
Kathy Mrowka, Sr. WRCE	Water availability determination; Key Issues 1 and 2	10	Yes
Stephen Nemeth, Department of Water Resources	Department of Water Resources stream flow data and full natural flow calculations used in water availability determinations; CDEC.	5	Yes
Rebuttal Witnesses TBD	The Prosecution Team will call rebuttal witnesses as necessary to address legal argument, evidence or testimony presented by the other parties.		

(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): Andrew Tauriainen, Attorney III

Mailing Address: SWRCB Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814


Phone Number: (916) 341-5445

Fax Number: (916) 341-5896

E-mail: Andrew.Tauriainen@waterboards.ca.gov

Optional:

I/we decline electronic service of hearing-related materials. **[PT accepts electronic service]**

Signature:  Dated: September 2, 2015