

**Jeanne M. Zolezzi**  
jzolezzi@herumcrabtree.com

October 5, 2015

VIA ELECTRONIC MAIL

Ms. Tam M. Doduc  
Hearing Officer  
State Water Resources Control Board  
Post Office Box 2000  
Sacramento, CA 95814-0100  
[Tam.Doduc@waterboards.ca.gov](mailto:Tam.Doduc@waterboards.ca.gov)  
[wrhearing.unit@waterboards.ca.gov](mailto:wrhearing.unit@waterboards.ca.gov)

Re: Request to Amend Notice of Intent to Appear

Dear Ms. Doduc:

The West Side Irrigation District hereby requests approval to file the attached *AMENDED* Notice of Intent to Appear in the hearing regarding Administrative Civil Liability against Byron-Bethany Irrigation District. This amendment is necessary because the parties are trying to streamline discovery so that it may affect not only the BBID hearing but also the Cease and Desist Hearing scheduled against The West Side Irrigation District ("**WSID**"). If WSID will be bound at all through legal or factual determination included in the BBID ACL Hearing, then it must be allowed to fully participate in that hearing.

We do not believe that any party is prejudiced by this action because (1) the hearing has been delayed, (2) BBID and CDWA have been given until October 22, 2015 to file their revised witness lists to identify all witness, and (3) time limits will be imposed by the Hearing Officer.

Thank you for your consideration.

Very truly yours,



JEANNE M. ZOLEZZI  
Attorney-at-Law

**SERVICE LIST OF PARTICIPANTS  
 BYRON-BETHANY IRRIGATION DISTRICT  
 ADMINISTRATIVE CIVIL LIABILITY HEARING  
 (09/02/15; Revised: 09/11/15)**

<p><b>Division of Water Rights</b>          Prosecution Team          Andrew Tauriainen, Attorney III          SWRCB Office of Enforcement          1001 I Street,          16th Floor          Sacramento, CA 95814  <a href="mailto:andrew.tauriainen@waterboards.ca.gov">andrew.tauriainen@waterboards.ca.gov</a></p>	<p><b>Byron Bethany Irrigation District</b>          Daniel Kelly          Somach Simmons &amp; Dunn          500 Capitol Mall, Suite 1000,          Sacramento, CA 95814  <a href="mailto:dkelly@somachlaw.com">dkelly@somachlaw.com</a></p>
<p><b>Patterson Irrigation District          Banta-Carbona Irrigation District          The West Side Irrigation District</b>          Jeanne M. Zolezzi          Herum\Crabtree\Suntag          5757 Pacific Ave., Suite 222          Stockton, CA 95207  <a href="mailto:izolezzi@herumcrabtree.com">izolezzi@herumcrabtree.com</a></p>	<p><b>City and County of San Francisco</b>          Johnathan Knapp          Office of the City Attorney          1390 Market Street, Suite 418          San Francisco, CA 94102  <a href="mailto:jonathan.knapp@sfgov.org">jonathan.knapp@sfgov.org</a></p>
<p><b>Central Delta Water Agency</b>          Jennifer Spaletta          Spaletta Law PC          PO Box 2660          Lodi, CA 95241  <a href="mailto:jennifer@spalettalaw.com">jennifer@spalettalaw.com</a></p> <p>Dante Nomellini and Dante Nomellini, Jr.          Nomellini, Grilli &amp; McDaniel  <a href="mailto:ngmplcs@pacbell.net">ngmplcs@pacbell.net</a>  <a href="mailto:dantejr@pacbell.net">dantejr@pacbell.net</a></p>	<p><b>California Department of Water Resources</b>          Robin McGinnis, Attorney          PO Box 942836          Sacramento, CA 94236-0001  <a href="mailto:robin.mcginnis@water.ca.gov">robin.mcginnis@water.ca.gov</a></p>
<p><b>Richard Morat</b>          2821 Berkshire Way          Sacramento, CA 95864  <a href="mailto:rjmorat@gmail.com">rjmorat@gmail.com</a></p>	<p><b>San Joaquin Tributaries Authority</b>          Valeri Kincaid          O'Laughlin &amp; Paris LLP          2617 K Street, Suite 100          Sacramento, CA 95814  <a href="mailto:vkinaid@olaughlinparis.com">vkinaid@olaughlinparis.com</a></p>
<p><b>South Delta Water Agency</b>          John Herrick, Esq.          4255 Pacific Ave., Suite 2          Stockton, CA 95207  <a href="mailto:jherrlaw@aol.com">jherrlaw@aol.com</a></p>	<p><b>State Water Contractors</b>          Stefani Morris, Attorney          1121 L Street, Suite 1050          Sacramento, CA 95814  <a href="mailto:smorris@swc.org">smorris@swc.org</a></p>

Submitted via email October 5, 2015 at 6:52 p.m.

**NOTICE OF INTENT TO APPEAR**

THE WEST SIDE IRRIGATION DISTRICT plans to participate in the water right hearing regarding

Administrative Civil Liability  
against  
Byron-Bethany Irrigation District

**scheduled to commence  
Monday, March 21, 2016, through Friday, March 25, 2016**

**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)
	<i>SEE ATTACHED</i>		

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

Name (Print): JEANNE M. ZOLEZZI, ESQ.; KARNA E. HARRIGFELD, ESQ.

Mailing

Address: Herum\Crabtree\Suntag, 5757 Pacific Avenue, Suite 222, Stockton, CA

95207

Phone Number: (209) 472-7700 Fax Number: (209) 472-7986

Email: jzolezzi@herumcrabtree.com; kharrigfeld@herumcrabtree.com

Optional:

We decline electronic service of hearing-related materials.

Signature:  Dated: 10/5/15

Attachment to  
NOTICE OF INTENT TO APPEAR

Public Hearing to Determine  
Whether to Impose Administrative Civil Liability  
Against Byron-Bethany Irrigation District

<b>NAME</b>	<b>SUBJECT OF PROPOSED TESTIMONY</b>	<b>ESTIMATED LENGTH OF DIRECT TESTIMONY</b>	<b>EXPERT WITNESS (YES/NO)</b>
Tom Burke, P.E.	Water Availability/Flow Downstream	30 min	YES
Nick Bonsignore, P.E.	Water Availability	30 min	YES
Kathy Mrowka	Water Availability	20 min	NO
Brian Coats	Water Availability	20 min	NO
Jeff Yeazel	Water Availability	10 min	NO
John O'Hagan	Water Availability	15 min	NO
Stephen NemethDWR	Full Natural Flow	15 min	NO
Michael George	Water Availability	10 min	NO
Tom Howard	Water Availability	10 min	NO

WSID reserves the right to amend or supplement this draft witness list any time prior to the hearing based upon relevant information discovered or developed subsequent to the submittal of this draft witness list.