

January 14, 2019

VIA MAIL

TO: ENCLOSED SERVICE LIST OF PARTICIPANTS

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: Timothy W. Cusick - Hearing to determine whether to impose Administrative Civil Liability

Service List of Participants to Exchange Information

On December 20 2018, the State Water Resources Control Board (State Water Board) issued a [Notice of Public Hearing](#) (Hearing Notice), regarding administrative civil liability complaints for failing to file Annual Water Use Reports for 2016 & 2017. In accordance with the Hearing Notice, enclosed is a Service List of Participants to Exchange Information (Service List) that lists parties that have submitted a Notice of Intent to Appear (NOI) and indicated their intent to participate in the hearing through direct testimony, cross-examination, or rebuttal. A copy of each NOI form that the State Water Board has received for this hearing is also attached. This service list includes the contact information of all participants and their selected service types. Any corrections to the Service List should be addressed to the State Water Board as shown below.

Any communications to the State Water Board regarding substantive or controversial procedural matters, including but not limited to submittals of evidence, briefs, and motions, must include a statement of service. A statement of service is a document demonstrating that all parties on the Service List have been served a copy of the communication or submittal via their selected manner of service (electronic service or mail service). An example statement of service can be found on the last page of https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/cachuma/comments_draftorder/michael_jackson.pdf. If the Service List is updated, we will provide you with a copy of the updated list.

Hearing materials submitted to the State Water Board should be addressed as follows:

By Email:	wrhearing@waterboards.ca.gov With Subject of “ Timothy W. Cusick Failure to File Annual Reports Hearing ”
By Fax:	(916) 341-5400
By Mail:	State Water Resources Control Board Division of Water Rights Attention: Michael Buckman, Hearings Unit Supervisor PO Box 2000 Sacramento, CA 95812-2000
By Hand Delivery (see note below):	Joe Serna Jr. CalEPA Building Water Rights Records Room 1001 I Street, 2 nd Floor Sacramento, CA 95814

General Reminder of Hearing Requirements

Hearing material requirements are described in the “Information Concerning Appearance at Water Right Hearings” section of your hearing notice. Hearing materials (including your hearing notice) are posted at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/acl_2016/cusick.html.

Reminder of Submittal Copies (unless Amended by the Hearing Officer)

You must submit to the State Water Board **3 paper copies** and **1 electronic copy** of each of your exhibits. For hand delivery, courtiers must first check in with lobby security, then deliver the submittals to the Water Rights’ Records Room to be date and time stamped.

Reminder of Time Limits (unless Amended by the Hearing Officer)

- **Opening Statements**: 5 minutes per party.
- **Direct Oral Testimony**: 10 minutes total per party to summarize or emphasize all of its written testimony. As parties must submit all direct evidence in writing prior to the hearing, oral testimony serves to highlight or explain the key points in the evidence already submitted.¹
- **Cross-Examination**: Initial limit of 15 minutes per witness or witness panel per party.

Requests for Additional Time

The hearing officer may, for good cause, approve a party’s request for additional time to present direct testimony during the party’s case-in-chief. The hearing officers also have discretion to allow additional time for cross-examination if there is good cause demonstrated in an offer of proof.

These limits remain in force and effect.

Ex Parte Communications

Ex parte communications with State Water Board members or members of the Hearing Team are prohibited. Therefore, any communication concerning substantive or controversial procedural issues relevant to this hearing must be copied to all parties on the enclosed service list.

Contact Information

If you have any questions concerning non-controversial matters, please contact Lisa Hong at (916) 323-5175, or by e-mail at lisa.hong@waterboards.ca.gov; or Amanda Pearson at (916) 324-0145, or by e-mail at amanda.pearson@waterboards.ca.gov. If you have any legal or technical questions, or wish to discuss settlement, please contact John Prager, at (916) 341-5542, or by email at john.prager@waterboards.ca.gov.

¹ The hearing officers may make an exception to this rule if the witness is adverse to the party presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement.

SERVICE LIST OF PARTICIPANTS
Timothy W. Cusick
Failure to File 2016 & 2017 Reports Evidentiary Hearing
(1/14/2019)

PARTIES

THE FOLLOWING PARTY MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The party listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

Division of Water Rights Prosecution Team John Prager, Staff Counsel Kenneth Petruzzelli, Staff Counsel State Water Resources Control Board Office of Enforcement 1001 I Street, 16 th Floor Sacramento, CA 95814 john.prager@waterboards.ca.gov kenneth.petruzzelli@waterboards.ca.gov	
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THE FOLLOWING PARTY MUST BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The party listed below must be served a hard copy, pursuant to the rules specified in the hearing notice.)

Timothy W. Cusick PO Box 181 Zamora, CA 95698	
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NOTICE OF INTENT TO APPEAR FORM

(Name of Participant or Party) Division of Water Rights Prosecution Team plans to participate in the water right hearing regarding the (Name of Respondent and Enforcement Action) Administrative Civil Liability for Failure to File (a) Annual Water Use Report(s) upon Timothy W. Cusick ,

Scheduled to commence on ONE of the following dates:

February 7, 2019 February 8, 2019
March 11, 2019 March 12, 2019

1) Check only one of the following boxes:

- Option 1:** I/we intend to present a policy statement only and, therefore, to not participate as a party.
- Option 2:** I/we intend to participate as a party by presenting any of the following: an opening statement, direct testimony, cross-examination, and/or rebuttal.

2) If you selected Option 2 above and intend to provide direct testimony, complete the witness table below. If not, skip to instruction #3 below.

Witness Name	Expert Witness?		Subject of Proposed Testimony	Estimated Length of Oral Direct Testimony (minutes)
	Yes	No		
Kyle Ochenduszko	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Comprehensive testimony re: Failure to File Enf. Program	4
Brian Coats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Specific testimony re: Respondent's water rights, notice, and liability	3
Jeffrey Yeazell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Comprehensive testimony re: eWRIMS and compliance data analysis	3
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

(If more space is required, please add additional pages.)

3) Fill in the following information of the participant, party, attorney, or other representative:

Name (type or print): John Prager, Kenneth Petruzzelli

Mailing Address: 801 K Street, Sacramento Ca 95814

Phone Number: (916) 341-5542, (916) 319-8577 Fax Number: _____

E-mail Address: John.Prager@waterboards.ca.gov, Kenneth.Petruzzelli@waterboards.ca.gov

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

Signature:  Date: 1/10/2019

MB/JF

SMRCB - DWR
19 JAN 10 AM 11:30

NOTICE OF INTENT TO APPEAR FORM

(Name of Participant or Party) Tim Lusick plans to participate in the water right hearing regarding the (Name of Respondent and Enforcement Action) 3812 A ~ 3811 A

Scheduled to commence on ONE of the following dates:

February 7, 2019 February 8, 2019
March 11, 2019 March 12, 2019

1) Check only one of the following boxes:

Option 1: I/we intend to present a policy statement only and, therefore, to not participate as a party.

Option 2: I/we intend to participate as a party by presenting any of the following: an opening statement, direct testimony, cross-examination, and/or rebuttal.

2) If you selected Option 2 above and intend to provide direct testimony, complete the witness table below. If not, skip to instruction #3 below.

Witness Name	Expert Witness?		Subject of Proposed Testimony	Estimated Length of Oral Direct Testimony (minutes)
	Yes	No		
<u>Tim Lusick</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>abandonment Request</u>	<u>10</u>
<u>" "</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Location of rights</u>	<u>10</u>
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

(If more space is required, please add additional pages.)

3) Fill in the following information of the participant, party, attorney, or other representative:

Name (type or print): Tim Lusick

Mailing Address: PO. Box 181 Zamora Ca 95899

Phone Number: 570-701-4292 Fax Number: _____

E-mail Address: _____

Optional:

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

Signature: [Signature] Date: 1/8/19

EXHIBIT IDENTIFICATION INDEX