



# State Water Resources Control Board



## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300

P.O. Box 2000 ♦ Sacramento, California 95812-2000

Fax: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)

Linda S. Adams

Secretary for

Environmental Protection

Arnold Schwarzenegger

Governor

July 23, 2007

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

**SERVICE LIST OF PARTICIPANTS: WATER RIGHT HEARING ON MONTEREY PENINSULA WATER MANAGEMENT DISTRICT'S PETITIONS FOR CHANGE (PERMITS 7130B AND 20808 (A011674B AND 27614 - MPWMD'S PROPOSED ASR PROJECT))**

In accordance with the State Water Resources Control Board's (State Water Board) Notice of Public Hearing and Pre-Hearing Conference dated June 27, 2007, enclosed is a Service List of Participants who have submitted a Notice of Intent to Appear (NOI) and who have indicated an intent to appear and present evidence during the above referenced hearing. Copies of the submitted NOIs are also attached. The hearing is scheduled for September 24, 2007, to be continued if necessary, on September 25, 2007.

***Please note, the Pre-Hearing Conference scheduled for Tuesday, August 21, 2007, at 10:00 a.m., has been rescheduled to begin at 1:00 p.m.***

As instructed by the notice and in item #4 of the notice's attachment entitled, "Information Concerning Appearance at Water Right Hearing", no later than **noon, Friday, August 31, 2007**, each participant shall submit to the State Water Board either: seven paper copies of each of its exhibits or five paper copies and one electronic copy of each of its exhibits (total email attachment limitation: <15 MB). Each participant shall also serve a copy of each exhibit on every participant on the service list. Participants may serve those participants who agree to electronic service with an electronic copy of exhibits. Participants must serve paper copies of exhibits on those participants who do not agree to electronic service.

The Notices of Intent to Appear and all other documents related to this hearing will also be posted on the "Carmel River Hearing" web site:

<http://www.waterrights.ca.gov/Hearings/carmelriver.html>.

If you have any questions, please call me at (916) 341-5359 or email me at [emona@waterboards.ca.gov](mailto:emona@waterboards.ca.gov).

Sincerely,

Ernest Mona  
Hearings and Special Projects Section

Enclosures

*California Environmental Protection Agency*



Recycled Paper

**SEPTEMBER 24-25, 2007 HEARING  
MPWMD'S PROPOSED ASR PROJECT  
(CHANGE PETITIONS – PERMITS 11674B AND 20808 (A011674B AND 27614))**

**SERVICE LIST OF PARTICIPANTS  
(July 23, 2007)**

**PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS  
AND OTHER DOCUMENTS.**

**(Note: The participants whose E-mail addresses are listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)**

Monterey Peninsula Water Management  
District  
c/o David C. Laredo  
606 Forest Avenue  
Pacific Grove, CA 93950  
[dave@laredolaw.net](mailto:dave@laredolaw.net)

California-American Water  
c/o Stuart L. Somach / Sandra K. Dunn  
813 Sixth Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
[ssomach@lawssd.com](mailto:ssomach@lawssd.com)  
[sdunn@lawssd.com](mailto:sdunn@lawssd.com)

California Department of Fish and Game  
Office of General Counsel  
c/o Chandra Ferrari  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814  
[Cferrari@dfg.ca.gov](mailto:Cferrari@dfg.ca.gov)

National Marine Fisheries Service  
c/o Joyce Ambrosius  
777 Sonoma Ave., Room 325  
Santa Rosa, CA 95404  
[joyce.ambrosius@noaa.gov](mailto:joyce.ambrosius@noaa.gov)

Carmel River Steelhead Association  
c/o Bob Baiocchi, Agent  
P.O. Box 1790  
Graeagle, CA 96103  
[baiocchi@psln.com](mailto:baiocchi@psln.com)

## NOTICE OF INTENT TO APPEAR

Monterey Peninsula Water Management District plans to participate in the water right hearing regarding

**Monterey Peninsula Water Management District's (MPWMD) Petition to Add Points of  
Diversion and Place of Storage Under Permits 7130B and 20808  
(Applications 11674B and 27614)**

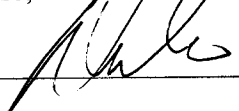
**Scheduled for**

Monday, September 24, 2007, and continuing  
if necessary, on Tuesday, September 25, 2007

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept 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)
David A. Berger	See Attached – Attachment A	20 Min.	Yes
Andrew M. Bell		20 Min.	Yes
Darby W. Fuerst		20 Min.	Yes
Joe Oliver		20 Min.	Yes
Kevan Uqhart		20 Min.	Yes
Larry Hampson		15 Min.	Yes
Henrietta Stern		20 Min.	Yes
Kent Turner		20 Min.	Yes
Steve Leonard		20 Min.	Yes
Tom Bunosky		20 Min.	Yes
Clive Sanders		10 Min.	Yes

Name, Address, Phone Number and Fax Number of Attorney or Other Representatives

Signature:  Dated: 7/19/2007

Name (Print) David C. Laredo

Mailing

Address: 606 Forest Avenue  
Pacific Grove, CA 93950

Phone Number: (831) 646-1502

Fax Number: (831) 646-0377

E-mail Address: dave@laredolaw.net

## ATTACHMENT A

### WITNESSES, SCOPE OF TESTIMONY & LENGTH OF TIME

1. David A. Berger, General Manager for the Monterey Peninsula Water Management District (Water Management District, or MPWMD), shall provide a brief overview of MPWMD's legislated functions and program activities, its inter-relationship with California American Water (CAW), the manner in which the Seaside Groundwater Basin Aquifer Storage and Recovery (ASR) Project shall complement CAW's mission, and MPWMD's relationship with the Seaside Groundwater Basin Watermaster Board. Time estimate: 20minutes.

2. Andrew M. Bell, District Engineer and Manager of Planning and Engineering for the Monterey Peninsula Water Management District, shall provide an overview of MPWMD water rights and the pending change petitions. He has participated in planning, engineering, and environmental impact investigations for near-term and long-term water supply projects to expand available supplies. These projects include New San Clemente Dam and Reservoir, New Los Padres Dam and Reservoir, Cañada Reservoir, Carmel River Dam and Reservoir, California Public Utilities Commission's Carmel River Dam Alternative (Plan B) Project, Cal-Am's Coastal Water Project, various seawater desalination projects, various wastewater recycling projects, and the ASR Project. He is familiar with local, state, and federal regulations regarding construction and operation of water supply projects, and is also familiar with the Water Management District's management responsibility and practice with respect to CAW's water supply operations in the Monterey Peninsula area. Time estimate: 20 minutes.

3. Darby W. Fuerst, Water Resources Manager for the Monterey Peninsula Water Management District, shall provide an overview of water availability and constraints relating to

the pending change petitions. He has knowledge of the limitations of existing developed water supplies and is aware of dry weather patterns and past mandatory water rationing requirements that affect CAW customers. He has participated in the environmental review regarding impacts caused by present water supply practices and the planning for near-term projects to expand available water supplies. Mr. Fuerst shall testify to the development, maintenance, and application of the Water Management District's computer simulation model of the water resources of the Monterey Peninsula area. This computer model is the Water Management District's principal analytical tool for assessing the performance of the water resources system under varying physical, structural, and operational conditions. Time estimate: 20 minutes.

4. Joe Oliver, Senior Hydrogeologist for the Monterey Peninsula Water Management District, shall provide technical details regarding ASR Project operations, its effects upon the Seaside Groundwater Basin, and the manner in which the recovered water shall be coordinated with CAW's other water supplies. He has knowledge of water constraints imposed upon the Carmel River and the Seaside Groundwater Basin. Time estimate: 20 minutes.

5. Kevan Uqhart, Senior Fisheries Biologist for the Monterey Peninsula Water Management District, shall provide an evaluation of impacts to Carmel River fisheries and other resources, and the effects of the ASR Project upon instream flow requirements. Time estimate: 20 minutes.

6. Larry Hampson, Water Resources Engineer for the Monterey Peninsula Water Management District, is familiar with flood and erosion potential for the Carmel River, and shall provide an overview of the effects of the ASR Project. Time estimate: 15 minutes.

7. Henrietta Stern, Project Manager/Public Information Representative for the Monterey Peninsula Water Management District, shall provide an overview of the evaluation of water supply alternatives undertaken by the Water Management District in accord with state and federal environmental review requirements. Time estimate: 20 minutes.

8. Kent Turner, President of California American Water (CAW), shall provide an overview of CAW, its inter-relationship with MPWMD, and the manner in which the ASR Project shall complement CAW's mission. Time estimate: 20 minutes.

9. Steve Leonard, Vice-President and Manager, Coastal Division, California American Water (CAW) Monterey District, shall testify as to the manner in which the ASR Project shall work within the CAW system. Time estimate: 20 minutes.

10. Tom Bunosky, Operations Manager, Coastal Division, California American Water (CAW) Monterey District, shall testify regarding CAW system operations. Time estimate: 20 minutes.

11. Clive Sanders, Carmel River Watershed Conservancy, will provide testimony regarding the Sierra Club position on the ASR Project, and benefits the project shall provide to the Carmel River. Time estimate: 10 minutes.

U:\General (NEW)\MPWMD - Main\PUC - ASR\Witness List.doc

NOTICE OF INTENT TO APPEAR **JUL 23 AM 11: 59**

DIV. OF WATER RIGHTS  
SACRAMENTO

California American Water plans to participate in the water right hearing regarding  
(name of party or participant)

**Monterey Peninsula Water Management District's (MPWMD) Petition to Add Points of Diversion and Place of Storage Under Permits 7130B and 20808 (Applications 11674B and 27614)**

scheduled for  
Monday, September 24, 2007, and continuing,  
if necessary, on Tuesday, September 25, 2007.

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept 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)
Kent Turner	See Attachment A hereto	20 minutes	Yes
Steve Leonard	See Attachment A hereto	20 minutes	Yes
Tom Bunosky	See Attachment A hereto	20 minutes	Yes

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

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

Signature:  Dated: July 23, 2007

Name (Print): Stuart L. Somach, Sandra K. Dunn

Mailing Address: Somach, Simmons & Dunn

813 Sixth Street, 3rd Floor, Sacramento, CA 95814

Phone Number: (916) 446-7979 Fax Number: (916) 446-8199

E-mail Address: ssomach@lawssd.com  
sdunn@lawssd.com

NOTICE OF INTENT TO APPEAR (continued)  
California American Water  
July 23, 2007

ATTACHMENT A

1. Kent Turner, President of California American Water (CAW), will provide an overview of CAW, its relationship with the Monterey Peninsula Water Management District (MPWMD), and the manner in which the Aquifer Storage Recovery (ASR) Project will be integrated with CAW operations in order to further CAW's "mission."
2. Steve Leonard, Vice President and Manager, Coastal Division, CAW Monterey District, will testify about how the ASR Project will work as part of the CAW water supply system.
3. Tom Bunosky, Operations Manager, Coastal Division, CAW Monterey District, will testify generally with respect to CAW operations.

CAW will coordinate its presentation with the MPWMD, including the presentations of the above named witnesses who are also listed on MPWMD's Notice of Intent to Appear. CAW, however, intends to fully participate in the hearing as a Party, including cross-examination and rebuttal testimony.



**NOTICE OF INTENT TO APPEAR**

California Department of Fish & Game plans to participate in the water right hearing regarding:

**Monterey Peninsula Water management District's (MPWMD) Petition to Add Points of Diversion and Place of Storage Under Permits 7130B and 20808 (Applications 11674B and 27614) scheduled for**

Monday, September 24, 2007, and continuing, if necessary, on Tuesday, September 25, 2007.

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept 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)
William Loudermilk	Status of Protest	15-20 minutes	
Robert Titus	Fisheries and Instream Flow Protection	15-20 minutes	Y
Dean Marston	Fisheries Impacts, Basis of Protest	15-20 minutes	Y
Robert Hughes	Hydrology and Flows, Basis of Protest	15-20 minutes	Y
Linda Hanson	Status of protest resolution terms	15-20 minutes	

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

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

Signature:  Dated: 7/23/2007

Name (Print): Chandra Ferrari  
 Department of Fish & Game  
 Office of the General Counsel  
 Mailing Address: 1416 Ninth Street, 12<sup>th</sup> Floor  
 Sacramento, CA 95814

Phone Number: (916) 654-3819 Fax Number: (916) 654-3805

E-mail Address: Cferrari@dfg.ca.gov

EM  
11674B  
27614

**NOTICE OF INTENT TO APPEAR**

2007 JUL 13 PM 2:12

National Marine Fisheries Service plans to participate in the water right hearing regarding  
(name of party or participant)

**Monterey Peninsula Water Management District's (MPWMD) Petition to Add Points of  
Diversion and Place of Storage Under Permits 7130B and 20808  
(Applications 11674B and 27614)**

**scheduled for**

Monday, September 24, 2007, and continuing,  
if necessary, on Tuesday, September 25, 2007.

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept 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)
Dr. William Hearn	Basis of protest + bypass flow guidelines	15 min	Y
Joyce Ambrosius	Status of protest	15 min	Y

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

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

Signature: Joyce Ambrosius Dated: 7/11/07

Name (Print): Joyce Ambrosius

Mailing Address: 777 Sonoma Ave. Rm 325  
Santa Rosa, CA 95404

Phone Number: (707) 575-6064 Fax Number: (707) 578-3435

E-mail Address: joyce.ambrosius@noaa.gov

**NOTICE OF INTENT TO APPEAR**

**Carmel River Steelhead Association** \_\_\_\_\_ plans to participate in the  
 water right hearing regarding  
 (name of party or participant)

**Monterey Peninsula Water Management District's (MPWMD) Petition to Add Points of  
 Diversion and Place of Storage Under Permits 7130B and 20808  
 (Applications 11674B and 27614)**

scheduled for  
 Monday, September 24, 2007, and continuing,  
 if necessary, on Tuesday, September 25, 2007.

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

**The agent will be making an opening statement; putting on CRSA witnesses; cross examination of other witnesses; making verbal objections if necessary; and preparing a closing statement; and may file an appeal on any decision by the SWRCB.**

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Dr. Roy Thomas	Carmel River Steelhead, Rescuing Carmel River Steelhead annually, Carmel River Lagoon, Carmel River Environment, Over Appropriated Carmel River Water, Rejected New Los Padres Dam and Reservoir Project, CRSA Standing, Public Interest	1 hour	Yes
Felix Smith	Steelhead Life cycle. Carmel River Steelhead and their habitat, Lagoon Steelhead Habitat; Low Water Years Effects to Steelhead; Over Appropriated Carmel River Environment; Public Trust Doctrine, Public Trust Resources and Assets, Public Interest	1 Hour	Yes

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

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

Signature: Bob Baiocchi, via E-Mail Dated: July 09, 2007

Name (Print): Bob Baiocchi, Agent

Mailing Address: P.O. Box 1790 Graeagle, CA 96103

Phone Number: ( 530 ) 836.1115 Fax Number: ( ) N/A

E-mail Address: [baiocchi@psln.com](mailto:baiocchi@psln.com)

Monterey Peninsula Water Management District's (MPWMD) Petition to Add Points of Diversion  
and Place of Storage Under Permits 7130B and 20808  
(Applications 11674Band 27614)

**Exhibit Identification index**

**Participant Carmel River Steelhead Association**

Exhibit No.	Description	Status as Evidence	
		Introduced	Accepted
NONE			
	<b>The Carmel River Steelhead Association is not submitting any exhibits, however we reference all hearing records and hearing decisions by the State Water Resources Control Board regarding the Carmel River Watershed, including all existing Petitions filed by the Monterey Peninsula Water Management District. We also reference the Americans With Disabilities Act, and all state laws pertaining to the accessible for the disabled. We also reference the SWRCB policy of administrating the Americans With Disabilities Act in the hearing process for providing accessibility to the disabled. We also reference the SWRCB policy for discrimination against any parties.</b>		

**The Agent for the Carmel River Steelhead Association is disabled and will not travel to Sacramento. He will need special accommodations by the SWRCB for the pre-hearing conference pursuant to the Americans With Disabilities Act of 1990. He request teleconference devices that accommodate the hearing impaired, with the cost of the teleconference call being funded by the SWRCB.**

**The Agent for the Carmel River Steelhead Association is disabled. Felix Smith, a witness for the Carmel River Steelhead Association, is also disabled. They will not travel to the hearing. The Agent and the Witness will need special accommodations for the hearing process such as audio and video assistance pursuant to the American With Disabilities Act of 1990.**

**Bob Baiocchi, Agent  
July 9, 2007**