



State Water Resources Control Board



Linda S. Adams

Secretary for
Environmental Protection

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300

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

Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger

Governor

June 11, 2009

VIA ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION: WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF PERMITS 19164 AND 19165 (APPLICATIONS 26306 AND 26307) – EMMERSON INVESTMENT, INC. - SCHEDULED TO COMMENCE ON JULY 20, 2009

In accordance with the State Water Resources Control Board's (State Water Board) Notice of Public Hearing (Notice), dated May 29, 2009, regarding the above subject hearing, enclosed is 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. Copies of the NOIs are attached. If any participant has objection to any of the submitted NOIs, please submit your objection no later than **4:00 p.m. Monday, June 15, 2009**.

As instructed in Section 4 of the May 29th Notice's attachment entitled, "Information Concerning Appearance at Water Right Hearings," 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 no later than **12 Noon, Wednesday, June 24, 2009**. Please see Section 5 of the Notice's attachment for details regarding electronic submissions. With exhibits, each participant must submit to the State Water Board and serve on the other participants a completed "Exhibit Identification Index". Please submit the "Exhibit Identification Index" to the State Water Board in either Microsoft Word or Excel format. **All of the required copies must be received by the noon, June 24, 2009, deadline.** 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. For this hearing, all participants have agreed to accept electronic service of hearing-related materials.

All written testimony and other exhibits submitted to the State Water Board should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
Attention: Ernest Mona
P.O. Box 2000
Sacramento, CA 95812-2000

Email: wrhearing@waterboards.ca.gov
With Subject of "Emmerson Revocation Hearing"

California Environmental Protection Agency

Emmerson Revocation Hearing
Service List of Participants
June 11, 2009

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The NOIs and other documents related to this hearing will also be posted on the Division of Water Rights website at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/emmerson/

Due to budget constraints, the State Water Board will not provide a court reporter at the hearing and no transcript will be prepared. We will prepare an audio and video recording of the hearing, which will be available for purchase. If any party wishes to provide a court reporter at their own expense, they are welcome to do so. We request you notify the hearing team and all the parties, if you intend to hire a court reporter.

If you have any questions, please contact me at (916) 341-5359 or by email at emona@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest Mona". The signature is written in a cursive, flowing style.

Ernest Mona
Hearings and Special Projects

Enclosures

**HEARING REGARDING PROPOSED REVOCATION OF PERMITS 19164 AND 19165
(APPLICATIONS 26306 AND 26307) – EMMERSON INVESTMENT, INC. -
SCHEDULED TO COMMENCE ON JULY 20, 2009**

**SERVICE LIST OF PARTICIPANTS
(June 10, 2009)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

EMMERSON INVESTMENT, INC.
c/o Janet K. Goldsmith
Kronick, Moskovitz, Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
jgoldsmith@kmtg.com

DIVISION OF WATER RIGHTS PROSECUTION TEAM
c/o David Rose
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
DRose@waterboards.ca.gov

MONTAGUE WATER CONSERVATION DISTRICT
c/o Robert E. Donlan
Ellison, Schneider & Harris
2600 Capitol Ave, Suite 400
Sacramento, CA 95816
RED@eslawfirm.com

DO NOT SERVE THE FOLLOWING PARTICIPANTS WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME
c/o Stephen Puccini, Senior Staff Counsel
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
spuccini@dfg.ca.gov

NOTICE OF INTENT TO APPEAR

Emmerson Investment, Inc. plans to participate in the water right hearing regarding:

Proposed Revocation of Permits 19164 and 19165 (Applications 26306 and 26307)
Scheduled for July 20, 2009 at 1:00 p.m.

X + I/we agree to accept electronic service of hearing related materials (**except large maps**):
X 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? |
|-----------------|--|--------------------------------------|-----------------|
| Dan Tomascheski | Management of P.O.U.; ownership history | 5 minutes | No. |
| Keith Dick | DWR Watermaster Management of Shasta River diversions, determination of surplus water, records of diversion, maintenance of bypass flows prior to 2004 | 20 minutes | Yes |
| Jack Frost | Diversions, bypass and water usage prior to current ranch ownership | 15 minutes | No |
| Pete Scala | Diversions, bypass and water usage under current ownership of place of use. | 15 minutes | No |
| Julie Kelley | Fish bypass flows; DFG coordination | 15 | Yes |
| Joe Scott | Watermaster diversion records since 2000 and bypass flows | 5 | Yes |
| Ira Alexander | Current watermaster diversion records | 5 | 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: June 10, 2009

Name (Print): Janet K. Goldsmith

Mailing Address: 400 Capitol Mall, 27th Floor,
Sacramento, CA 95814

Phone Number: (916) 321-4500 .

Fax Number: (916) 321-4555.

E-mail Address: jgoldsmith@kmtg.com

NOTICE OF INTENT TO APPEAR STATE WATER RESOURCES CONTROL BOARD

09 JUN 10 AM 8:53

Division of Water Rights Prosecution Team plans to participate in the water right hearing regarding:
(name of party or participant) DIVISION OF WATER RIGHTS
SACRAMENTO

Proposed Revocation Hearing

**Emmerson Investment, Inc.
Shasta River Tributary to Klamath River in
Siskiyou County
Permits 19164 and 19165 (Applications 26306 and 26307)**

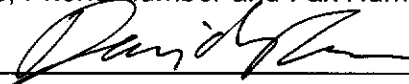
scheduled to commence
Monday, July 20, 2009
no earlier than 1:00 p.m.

- 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) |
|---|--|--------------------------------------|-------------------------|
| Kathy Mrowka – Senior Water Resource Control Engineer | Evidence Supporting Proposed Revocation. | 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: June 10, 2009

Name (Print): David Rose

Mailing Address: State Water Resources Control Board
1001 I Street, Sacramento, California 95814

Phone Number: (916) 341-5196 Fax Number: (916) 341-5199

E-mail: DRose@waterboards.ca.gov

Amended

NOTICE OF INTENT TO APPEAR

Montague water
conservation District

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

Proposed Revocation Hearing

Emmerson Investment, Inc.
Shasta River Tributary to Klamath River in
Siskiyou County
Permits 19164 and 19165 (Applications 26306 and 26307)

scheduled to commence
Monday, July 20, 2009
no earlier than 1:00 p.m

Check all that apply:

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| NAME | SUBJECT OF PROPOSED TESTIMONY | ESTIMATED LENGTH OF DIRECT TESTIMONY | EXPERT WITNESS (YES/NO) |
|-------------------|---------------------------------------|--------------------------------------|-------------------------|
| Gary Black | water rights, operations fisheries | 20 min | NO |
| MWCD Manager | Background, operations | 20 min | NO |
| MWCD Board member | Background, operations, policy | 20 min | NO |
| | | | |

(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: Robert E. Donlan Dated: 6/10/09

Name (Print): Robert E. Donlan, Ellison Schneider & Harris

Mailing Address: 2600 Capitol Ave., Ste 400
Sacramento, CA 95816

Phone Number: (916) 447-2164 Fax Number: (916) 447-2463512

E-mail: RED@eslawfirm.com

NOTICE OF INTENT TO APPEAR

Department of Fish and Game plans to participate in the water right hearing regarding
(name of party or participant)

Proposed Revocation Hearing

**Emmerson Investment, Inc.
Shasta River Tributary to Klamath River in
Siskiyou County
Permits 19164 and 19165 (Applications 26306 and 26307)**

scheduled to commence
Monday, July 20, 2009
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| NAME | SUBJECT OF PROPOSED TESTIMONY | ESTIMATED LENGTH OF DIRECT TESTIMONY | EXPERT WITNESS (YES/NO) |
|------|-------------------------------|--------------------------------------|-------------------------|
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Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: *Stephen Puccini* Dated: June 9, 2009

Name (Print): Stephen Puccini, Senior Staff Counsel

Mailing Address: 1416 Ninth Street, 12th Floor

Sacramento, CA 95814

Phone Number: (916) 653-6590 Fax Number: (916) 651-7643

E-mail: spuccini@dfg.ca.gov