

Draft Cease and Desist Order Hearing

Thomas Hill, Steven Gomes, and
Millview County Water District
Russian River and Russian River Underflow
In Mendocino County

January 26, 2010

EVIDENTIARY OBJECTIONS
MILLVIEW COUNTY WATER DISTRICT

CHRISTOPHER J. NEARY
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Millview County Water District submits the following objections:

1. RT, 60:15-17. This testimony is inadmissible hearsay and should not be considered by the Board.

2. RT, 63:14-22. This testimony is inadmissible hearsay.

3. RT, 65:10-13. QUESTION.

“Q: And do you agree that it constitutes evidence that alfalfa was being grown on the Waldteufel Property as it existed in 1914?”

RT, 66:18-25; RT, 67:1-7.

The answer is non-responsive to the question and should be stricken as such.

4. Millview objects to PT-14 on the ground of lack of foundation, hearsay, failure to serve by the January 5, 2010 deadline, and for lack of opportunity to cross-examine (RT, 128:19-28).

DATED: April 5, 2010

CHRISTOPHER J. NEARY
Attorney for Respondent
MILLVIEW COUNTY WATER DISTRICT

PROOF OF SERVICE

I, JENNIFER M. O'BRIEN, declare that:

I am employed in the County of Mendocino, State of California. I am over the age of eighteen and not a party to the within entitled action; my business address is 110 South Main Street, Suite C, Willits, California 95490. On this date I served the attached

EVIDENTIARY OBJECTIONS - Millview County Water District
Re: Millview et al. CDO Hearing

on the parties in said cause via e-mail addressed as follows:

State Water Resources Control Board
email: wrhearing@waterboards.ca.gov

Division of Water Rights Prosecution Team
David Rose
email: Drose@waterboards.ca.gov

Thomas Hill and Steve Gomes
email: jaredcarter@pacific.net
bcarter@pacific.net
mknight@pacific.net

Sonoma County Water Agency
Alan B. Lilly
email: abl@bkslawfirm.com

and, on April 3, 2010, five copies, via Federal Express, overnight delivery, postage prepaid, deposited in the Ukiah, California Federal Express drop off box, addressed as follows:

Tracking No.
8715 0671 6417

Attention: Ernest Mona
State Water Resources Control Board
Division of Water Rights
1001 I Street, 2nd Floor
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 5th day of April, 2010 at Willits, California.

JENNIFER M. O'BRIEN