



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

February 14, 2013

California Department of Fish and Wildlife  
Attn: Wendy Bogdan Esq.  
1416 9<sup>th</sup> Street, Suite 1341  
Sacramento, CA 95814

Dear Ms. Bogdan:

SUBPOENA OF FISH AND WILDLIFE EMPLOYEE, LAUREN MULLOY FOR A STATE WATER RESOURCES CONTROL BOARD ADJUDICATIVE HEARING: MILLVIEW REVOCATION OF LICENSE 5763 SCHEDULED FOR APRIL 2 AND 5, 2013.

Ms. Bogdan:

Enclosed, please find the State Water Resources Control Board Prosecution Team's subpoena of Ms. Lauren Mulloy for the above-mentioned adjudicative hearing. Ms. Mulloy, a former State Water Resources Control Board Division of Water Rights employee, will be a witness for the prosecution in the hearing.

Although the hearing is scheduled for two days in April, I anticipate that Ms. Mulloy's attendance will only be required on April 2.

Enclosed is a pre-addressed and stamped envelope for return of the proof of service of receipt of the subpoena.

If you have any questions regarding this matter, please contact me directly at (916) 341-5181 or by email at [Nathan.jacobsen@waterboards.ca.gov](mailto:Nathan.jacobsen@waterboards.ca.gov).

Thank you for your attention and cooperation in this matter and don't hesitate to contact me directly if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan".

Nathan Jacobsen  
Staff Attorney

BEFORE THE STATE WATER RESOURCES CONTROL BOARD

ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone no.):

FOR REGIONAL WATER BOARD USE ONLY

Nathan Jacobsen (SBN #252072)
State Water Resources Control Board, Office of Chief Counsel
1001 I Street,
Sacramento, CA 95814
(916) 341-5181

REPRESENTING: State Water Resources Control Board Division of Water Rights Prosecution Staff
TITLE OF THE PROCEEDING: Millview Proposed Revocation Hearing

- Subpoena, Re Hearing, Subpoena Duces Tecum, Re Deposition

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name): Lauren Mulloy, Department of Fish and Wildlife

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:

- a. Date: April 2 & 5, 2013 Time: 10:00 a.m.
b. Address: State Water Resources Control Board, 1001 I Street, 2nd Floor, Sacramento, CA 95814

2. AND YOU ARE:

- a. Ordered to appear in person.
b. Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561.
c. Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena.

3. IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

- a. Name: Nathan Jacobsen b. Telephone number: (916) 341-5181

(Gov. Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)

4. WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3.

5. If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash with the hearing officer assigned to your case. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached.

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW

(Wat. Code, §§ 1090-1097; Gov. Code, §§ 11450.20(b), 11455.10-11455.30, Title 23, Cal.Code Reg. § 648.8.)

Dated: February 14, 2013



(signature)

Handwritten signature of Philip Wyels

Name: Philip Wyels

Title: Assistant Chief Counsel, Office of Chief Counsel

Unless issued by an attorney pursuant to Code of Civil Procedure, Section 1985, subdivision (c), the original subpoena is embossed with this seal.

(See reverse for Endorsement on Subpoena, if used, and Proof of Service)

**PROOF OF SERVICE OF SUBPOENA**

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 1990, 1991, 1992, 1993, 2015.5.)

1. I served this  subpoena  subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name):	b. Date of delivery:
c. Address where served:	d. Time of delivery:
e. Witness fees and mileage both ways (check one):  (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service.  Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.  
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served:

California Resources Building, 1416 9<sup>th</sup> Street, Suite 1341, Sacramento, California 95814

2. I certify that I received this  subpoena  subpoena duces tecum for service on \_\_\_\_\_ Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:  
 Date \_\_\_\_\_ at (place) \_\_\_\_\_, California Signature \_\_\_\_\_

*(For California sheriff, marshal, or constable use only)*  
 I certify that the foregoing is true and correct and that this certificate is executed on:  
 Date \_\_\_\_\_ at (place) \_\_\_\_\_, California Signature \_\_\_\_\_

**NOTE: IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)**

**ENDORSEMENT ON SUBPOENA IN A PROCEEDING OTHER THAN AN ADJUDICATIVE PROCEEDING**

Pursuant to Water Code §1086 and upon affidavit of \_\_\_\_\_ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: \_\_\_\_\_  
 \_\_\_\_\_ (signature)  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 State Water Resources Control Board

**NOTE: This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)**

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

**OFFICIAL USE**

7001 0360 0001 4864 7096

Postage	\$	2-14-13 Mulloy Subpoena Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Postage California Department of Fish and Wildlife

Sent To Attn: Wendy Bogdan, Esq.  
 Street, Apt. No or PO Box No. 1416 9<sup>th</sup> Street, Suite 1341  
 City, State, ZIP Sacramento, CA 95814

PS Form 3800, January 2001 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 California Department of Fish and Wildlife  
 Attn: Wendy Bogdan, Esq.  
 1416 9<sup>th</sup> Street, Suite 1341  
 Sacramento, CA 95814

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery  
 C. Signature

X Kevin Freeman  Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below;  No



3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label) 7001 0360 0001 4864 7096

NSS

**PROOF OF SERVICE OF SUBPOENA**

(Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)

1. I served this  subpoena  subpoena duces tecum and supporting affidavit by:

personally delivering a copy to the person served as follows:

a. Person served (name): <i>Lauren Malloy</i>	b. Date of delivery: <i>2-19-13</i>
c. Address where served: <i>1416 9th St. Sacramento CA 95814</i>	d. Time of delivery: <i>~ 2:00pm</i>
e. Witness fees and mileage both ways (check one):  (1) <input type="checkbox"/> were paid. Amount: \$ _____ (2) <input type="checkbox"/> were not paid. (3) <input type="checkbox"/> were tendered to the witness's public entity employer as required by Government Code § 68097.2. The amount tendered was \$ _____	f. Fees for service.  Amount: \$ _____

delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.  
 delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.

Address where served:  
 California Resources Building, 1416 9<sup>th</sup> Street, Suite 1341, Sacramento, California 95814

2. I certify that I received this  subpoena  subpoena duces tecum for service on *Feb. 19, 2013* Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on:  
 Date *Way Boyer* at (place) *Sacramento*, California Signature *Way Boyer*

(For California sheriff, marshal, or constable use only)  
 I certify that the foregoing is true and correct and that this certificate is executed on:  
 Date \_\_\_\_\_ at (place) \_\_\_\_\_, California Signature \_\_\_\_\_

**NOTE:** IF THIS SUBPOENA IS ISSUED IN CONNECTION WITH A HEARING IN AN ADJUDICATIVE PROCEEDING UNDER GOVERNMENT CODE § 11400 ET SEQ., THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA **MUST** PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE STATE WATER RESOURCES CONTROL BOARD. THE COPY PROVIDED TO THE STATE WATER RESOURCES CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100.)

**ENDORSEMENT ON SUBPOENA IN A PROCEEDING  
OTHER THAN AN ADJUDICATIVE PROCEEDING**

Pursuant to Water Code §1086 and upon affidavit of \_\_\_\_\_ (copy attached) showing that the testimony of the witness ordered by the subpoena to appear is material and necessary to this proceeding, it is required that said witness attend this proceeding.

Dated: \_\_\_\_\_ (signature) \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 State Water Resources Control Board

**NOTE:** This ENDORSEMENT is required if the subpoena is in connection with a proceeding other than a hearing under Government Code § 11400 and the witness is being compelled to testify at a location that is both out of the witness's county of residence and 150 miles or more from the witness's place of residence. (Wat. Code, § 1086; Cal. Code Regs., tit. 23, § 649.6(c).)

**PROOF OF SERVICE**

I, Wanda Warriner, declare that I am over 18 years of age and not a party to the listed action. I am employed in Sacramento County at 1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California 95814. My mailing address is P.O. Box 100, Sacramento, CA 95812-0100. On this date, March 8, 2013 I served the following documents:

**SUBPOENA AND PROOF OF SERVICE OF SUBPOENA OF LAUREN MULLOY,  
DEPARTMENT OF FISH AND WILDLIFE IN THE MATTER OF HEARING ON PROPOSED  
REVOCATION OF LICENSE 5763 (APPLICATION 15679) –**

**MILLVIEW COUNTY WATER DISTRICT**

<b>X</b>	<b>BY ELECTRONIC MAIL:</b> I caused a true and correct copy of the document to be transmitted by computer compliant with rule 2003 of the California Rules of Court to the email addresses shown for the offices on the service list.
	<b>BY HAND DELIVERY:</b> I caused a true and correct copy of the document(s) to be hand-delivered to the person(s) as shown.
	<b>BY OVERNIGHT MAIL TO ALL PARTIES LISTED:</b> I am readily familiar with my employer's practice for the collection and processing of overnight mail packages. Under that practice, packages would be deposited with an overnight mail carrier that same day, with overnight delivery charges thereon fully prepaid, in the ordinary course of business.
	<b>BY FIRST CLASS MAIL TO ALL PARTIES LISTED:</b> I am readily familiar with my employer's practice for the collection and processing of mail. Under that practice, envelopes would be deposited with the U.S. Postal Service that same day, with first class postage thereon fully prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown in this proof of service.

By emailing said documents to the following parties:

MILLVIEW COUNTY WATER DISTRICT c/o Christopher J. Neary, Esq. 110 S. Main Street, Suite C Willits, CA 95490 <a href="mailto:cjneary@pacific.net">cjneary@pacific.net</a>	SONOMA COUNTY WATER AGENCY c/o Alan Lilly, Esq. Bartkiewicz, Kronick & Shanahan P.C. 1011 22 <sup>nd</sup> Street Sacramento, CA 95618-4907 <a href="mailto:abl@bkslawfirm.com">abl@bkslawfirm.com</a>	
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I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on March 8, 2013 at Sacramento, California.

*Wanda Warriner*  
\_\_\_\_\_  
Wanda Warriner  
Legal Secretary