

NOTICE OF INTENT TO APPEAR

San Luis & Delta-Mendota Water Authority plans to participate in the water right hearing regarding (name of party or participant)

Supplemental Public Hearing for Order WR 2011-0005
Cease and Desist Order against Woods Irrigation Company

scheduled to commence

June 8, 2015 at 9:00 am, and June 9, 10, and 11, 2015 (if necessary)

Check all that apply:

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

| NAME | SUBJECT OF PROPOSED TESTIMONY | ESTIMATED LENGTH OF DIRECT TESTIMONY | EXPERT WITNESS (YES/NO) |
|------------------|---|--------------------------------------|-------------------------|
| Stephen Wee | Historic Delta development; historic water use; chains of title, and acquisition of land and alleged water rights; changes in land use and cropping patterns over time. | 20 minutes | Yes |
| To be identified | Water use consistent with alleged/asserted water rights. | 20 minutes | Yes |
| To be identified | Reports of use, including usage monitoring and reporting. | 20 minutes | Yes |
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(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: December 15, 2014

Name (Print): Eileen M. Diepenbrock / Jonathan R. Marz

Mailing Address: Diepenbrock Elkin LLP
500 Capitol Mall, Suite 2200, Sacramento, CA 95814

Phone Number: (916) 492-5000 Fax Number: (916) 446-2640

E-mail: emd@diepenbrock.com jmarz@diepenbrock.com

**Attachment to Notice of Intent to Appear
Of San Luis & Delta-Mendota Water Authority
December 15, 2014**

** The scope of the proceedings will dictate the witnesses, scope of testimony, and evidence to be offered. San Luis & Delta-Mendota Water Authority reserves the right to augment or modify this witness list as warranted by the scope of the proceedings, party participants, and proposed testimony and/or evidence offered by other parties, as well as request additional time to present direct testimony during its case-in-chief.

San Luis & Delta-Mendota Water Authority intends to coordinate efforts as practicably as possible with Westlands Water District, Modesto Irrigation District, and State Water Contractors.

San Luis & Delta-Mendota Water Authority is also represented by:

Jon D. Rubin, Esq.
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1 Re: *State Water Resources Control Board*
2 *Cease and Desist Order Against Woods Irrigation District*

3 **PROOF OF SERVICE**

4 I, the undersigned, declare:

5 I am a citizen of the United States, employed in the City and County of Sacramento,
6 California. My business address is 500 Capitol Mall, Suite 2200, Sacramento, California 95814. I
am over the age of 18 years and not a party to the within action.

7 On December 15, 2014, I caused to be served a copy of the following document(s):

8 **NOTICE OF INTENT TO APPEAR**
9 **(San Luis & Delta-Mendota Water Authority)**

10 on the following interested parties in the above-referenced case number to the following:

11 **SEE ATTACHED SERVICE LIST**

- 12 BY MAIL [CCP 1013]
By following ordinary business practice, placing a true copy thereof enclosed in a sealed
13 envelope, for collection and mailing with the United States Postal Service where it would be
deposited for first class delivery, postage fully prepaid, in the United States Postal Service
that same day in the ordinary course of business.
- 14 CERTIFIED MAIL
Certified Mail Return Receipt Requested; Receipt No. [] (attached)
- 15 BY FACSIMILE [CRC 2.306]
16 at _____ a.m./p.m. to the fax number(s) listed above. The facsimile machine I used
17 complied with California Rules of Court, rule 2.300 and no error was reported by the
machine. Pursuant to CRC rule 2.306, a copy of the transmission record is attached to this
18 declaration.
- 19 BY OVERNIGHT DELIVERY
Depositing copies in an envelope or package of the above documents in a box or other
20 facility regularly maintained by Federal Express, with delivery fees paid.
- 21 PERSONAL SERVICE
I arranged for personal delivery at the address through a service that customarily delivers
22 documents in a sealed envelope to the address printed on the envelope.
- 23 ELECTRONIC SERVICE [CRC rule 2.251]
I emailed at the address listed above, provided to me by that counsel and in which that
24 counsel has agreed upon for this type of service of documents.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct and that this declaration was executed on December 15, 2014 at
Sacramento, California.

27 
28 SERENA ALBAECK

SERVICE LIST

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|---|--|
| <p><i>Attorneys For Modesto Irrigation District</i> Tim O’Laughlin, Esq. William C. Paris, Esq. Valerie C. Kincaid, Esq. O’LAUGHLIN & PARIS, LLP P.O. Box 9259, Chico, CA 95927 117 Meyers Street, Suite 110 Chico, CA 95928 Telephone: (530) 889-9755 Facsimile: (530) 899-1367 Email: towater@olaughlinparis.com vkincaid@olaughlinparis.com tbrooks@olaughlinparis.com</p> | <p><i>Attorneys For Westlands Water District</i> Craig Manson, Esq. General Counsel Phillip A. Williams, Esq. Deputy General Counsel Westlands Water District 400 Capitol Mall, 29th Floor Sacramento, CA 95814 Telephone: (916) 321-4207 Facsimile: (916) Email: cmanson@westlandswater.org pwilliams@westlandswater.org</p> |
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| <p><i>Attorneys for Woods Irrigation Company; South Delta Water Agency; and Central Delta Water Agency</i> S. DEAN RUIZ, Esq. HARRIS PERISHO & RUIZ 3439 Brookside Road, Suite 210 Stockton, CA 95219 Telephone: (209) 957-4254 Facsimile: (209) 957-5338 Email: deanf@hprlaw.net</p> | <p><i>Attorneys for Woods Irrigation Company and South Delta Water Agency</i> John H. Herrick, Esq. LAW OFFICE OF JOHN HERRICK 4255 Pacific Ave., Suite 2 Stockton, CA 95207 Telephone: (209) 956-0150 Facsimile: (209) 956-0154 Email: jherrlaw@aol.com</p> |

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| <p>1 San Joaquin County and the San Joaquin 2 County Flood Control and Water 3 Conservation District 4 DeeAnne M. Gillick 5 Kurtis C. Keller 6 Neumiller & Beardslee 7 P.O. Box 20 8 Stockton, CA 95201-3020 9 Email: dgillick@neumiller.com 10 kkeller@neumiller.com</p> | <p>San Joaquin Farm Bureau Bruce Blodgett 3290 North Ad Art Road Stockton, CA 95215-2296 Email: director@sjfb.org</p> |
| <p>7 Attorney for Dianne E. Young, Ronald and 8 Janet Del Carlo, RDC Farms, Inc., Eddie 9 Vierra Farms, LLC, Howard Schmidt, 10 Trustee of the Schmidt Family Revocable 11 Trust 12 SPALETTA LAW PC 13 Jennifer J. Spaletta 14 P.O. Box 2660 Lodi, CA 95241 15 Email: Jennifer@spalettalaw.com</p> | <p>Mark A. Pruner Attorney-at-Law 1206 "Q" Street, Suite 1 Sacramento, CA 95811 Email: mpruner@prunerlaw.com</p> |
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| <p>15 Department of Water Resources 16 James Mizell 17 P.O. Box 942836 18 Sacramento, CA 94236-0001 19 Email: James.Mizell@water.ca.gov</p> | <p>Division of Water Rights Prosecution Team David Rose John O'Hagan State Water Resources Control Board 1001 I Street Sacramento, CA 95814 Telephone: 0 Facsimile: 0 Email: David.Rose@waterboards.ca.gov John.O'Hagan@waterboards.ca.gov</p> |

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