

**NOTICE OF INTENT TO APPEAR**

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

**Kern River FAS Petition Hearing**

**scheduled to commence  
Monday, October 26, 2009**

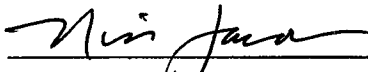
**Check all that apply:**

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we 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) |
|----------------|---|--------------------------------------|-------------------------|
| Marc Van Camp  | Kern River flow, diversions and unmet water demands | 20 min.                              | Yes                     |
| Dan Easton     | Kern River flow, diversions and unmet water demands | 20 min.                              | Yes                     |
| Darren Cordova | Kern River flow, diversions and unmet water demands | 20 min.                              | Yes                     |
| Robert Tull    | Kern River flow, diversions and unmet water demands | 20 min.                              | Yes                     |
| Ed Winkler     | Kern River flow, diversions and unmet water demands | 20 min.                              | Yes                     |
| Curtis Creel   | Kern County Water Agency operations                 | 20 min.                              | Yes                     |
| Holly Melton   | Kern County Water Agency operations                 | 20 min.                              | 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: 9/14/09

Name (Print): Nicholas Jacobs Somach Simmons & Dunn

Mailing Address: 500 Capitol Mall, Suite 1000  
Sacramento, CA 95814

Phone Number: (916) 469-3826 Fax Number: (916) 446-8199

E-mail: njacobs@somachlaw.com

\*Kern County Water Agency is identifying its witnesses for the FAS hearing scheduled to commence on October 26, 2009. If the FAS status is revoked and a subsequent hearing is necessary to address the various water rights applications, Kern County Water Agency reserves the right to identify additional witnesses for that proceeding.

## KERN RIVER FAS ATTORNEY SERVICE LIST

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On September 14, 2009, I served a true and correct copy of:

### NOTICE OF INTENT TO APPEAR

X (by mail) on all parties in said action listed below, by placing a true copy thereof enclosed in a sealed envelope sent certified mail, return receipt requested, in a designated area for outgoing mail, addressed as set forth below. At Somach Simmons & Dunn, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Sacramento, California.

X (by electronic mail) on all parties in said action at the electronic mail address listed below.

|  |  |
|--|--|
| Kevin M. O'Brien<br>Downey Brand LLP<br>621 Capitol Mall, 18th Floor<br>Sacramento, CA 95814<br>Email: <a href="mailto:kobrien@Downey.Brand.com">kobrien@Downey.Brand.com</a>                                | For Kern Water Bank Authority          |
| Scott K. Kuney<br>The Law Offices of Young Wooldridge<br>LLP<br>1800 30th Street, Fourth Floor<br>Bakersfield, CA 93301<br>Email: <a href="mailto:skuney@youngwooldridge.com">skuney@youngwooldridge.com</a> | For North Kern Water Storage District  |
| Eric L. Garner<br>Best, Best and Krieger, LLP<br>3750 University Avenue, Suite 400<br>Riverside, CA 92501<br>Email: <a href="mailto:Eric.Garner@bbklaw.com">Eric.Garner@bbklaw.com</a>                       | For City of Shafter                    |
| Gene R. McMurtrey<br>McMurtrey, Hartsock & Worth<br>2001 22nd Street, Suite 100<br>Bakersfield, CA 93301-3831<br>Email: <a href="mailto:gene@mcmurtreyhartsock.com">gene@mcmurtreyhartsock.com</a>           | For Buena Vista Water Storage District |

|  |                         |
|--|-------------------------|
| Colin L. Pearce<br>Duane Morris<br>One Market Street<br>Spear Tower, Suite 2000<br>San Francisco, CA 94105-1104<br>Email: clpearce@duanemorris.com | For City of Bakersfield |
|--|-------------------------|

\_\_\_ (by overnight delivery service) via Federal Express addressed to the person at the address set forth above:

\_\_\_ (by personal delivery) by causing to be personally delivering a true copy thereof to the person and at the address set forth above:

\_\_\_ Via facsimile transmission.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on September 14, 2009, at Sacramento, California.



Marlene Martin