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5 Attorneys for
6 See client list on next page

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BEFORE THE STATE WATER RESOURCES CONTROL BOARD

IN THE MATTER OF THE
RECONSIDERATION OF ORDER WR
2011-0005

**NOTICE OF INTENT TO APPEAR ON
BEHALF OF VARIOUS LANDOWNERS**

1 Spaletta Law Client List:

2 R.D.C. FARMS, INC.

3 RONALD & JANET DEL CARLO

4 EDDIE VIERRA FARMS, LLC

5 DIANNE E. YOUNG

6 BERNIECE SILVA TR ET AL.

7 LARRY AND DONETTE D'ALONZO TR

8 RENZO AND EVELYN MENCONI

9 PATRICK J & PATRICIA KENNEDY

10 MARCHINI LAND CO.

11 LILLIAN MAZZANTI SURVIVORS TRUST

12 JOHN ROBERT SANGUINETTI

13 SINGH FARMS INC

14 KELLY PELLEGGRI, TRUSTEE

15 DINO AND NICOLE DEL CARLO

16 MARY PEREIRA COELHO TR

17 RELM PROPERTIES, LLC

18 MARIE PETERS TR ET AL.

19 MUSSI AG

20 ANTONIOLLI FAMILY LTD PTP

21 ARIANA ANTONIOLLI TR

22 RONNIE AND JANET DEL CARLO TR

23 GEORGE AND PAMELA VIERRA

24 CURTIS GRUNSKY

25 HELEN COSTA TR ET AL.

26 KEVEN AND DENISE JONES

27 VICKY PIERINI

28 LARRY VIERRA ET AL.

29 TIMOTHY AND LYNN GRUNSKY

30 EVO AND ANGELA DEL CARLO

31 MARY PERRY

32 MICHAEL VIERRA

33 SCHMIDT HIGHWAY 4 RANCH LLC

34 LORRAINE DEL SOLDATO-SWANY AND LORETTA MOULDING

35 ISONE INC

36 NATHAN MUSSI

37 EMILY MARIE CABRAL

38 PATRICIA HAMM, TRUSTEE, LOUIS MELLO TR AND HELEN BALCAO TR

39 JOHN T. BERTILACCHI ET AL.

40 RICHARD KLEIN

41 MANUEL RODGERS

42 JUDITH BALCAO TR ET AL.

43 JUDITH BALCAO TR

44 PATRICIA BOWLES ET AL.

45 JACK KLEIN TRUST PTP

46 ROBINSON DIVERSIFIED FARMS, LP

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HEATHER ROBINSON TANAKA
HONKER LAKE RANCH LP
PAK, YONG KIL & YOUNG SUN C/O CELLI RANCHES
A ROSSI INC
ANDREW M. HARRAGON TR ET AL.
AUGUST & LILLIAN TR MAZZANTI
MARIO JAQUES TR
RICHARD AND VINCENT MARCHINI
RICHARD AND DEBBIE MARCHINI TR
LINDA A. LEHMANN-KITZMILLER C/O MARCHINI LAND CO PTP
JOHN E. AND DIXIE L. BRASS TRUST C/O MARCHINI LAND CO PTP

1 The Landowners listed on Exhibit A hereto submit this Notice of Intent to Appear in
2 response to the State Water Resources Control Board (öBoardö) Notice of Supplemental Hearing
3 Rehearing dated November 10, 2014. The Exhibit A Landowners are appearing with respect to
4 the properties listed next to their names on Exhibit A, which properties receive irrigation water
5 through the Woods Irrigation Company facilities.

6 The Landowners listed on Exhibit B hereto submit this Notice of Intent to Appear in
7 response to the Board Notice of Supplemental Hearing Rehearing dated November 10, 2014.
8 The Exhibit B Landowners plan to appear with respect to the properties listed next to their
9 names on Exhibit B, which properties DO NOT receive irrigation water through the Woods
10 Irrigation Company facilities, only if the Board does not clarify that the scope of the rehearing
11 will not involve these properties and their associated water rights. If the Board issues the
12 limiting clarification requested in the Joint Petition To Clarify Scope Of Proceedings And
13 Remove From Proceedings Landowners Not Receiving Water From Woods Irrigation Company,
14 the Exhibit B Landowners will not need to appear.

15 The Exhibit A (and Exhibit B, if necessary) Landowners plan to participate in the
16 hearing for all purposes and plan to call the witnesses listed on Exhibit C. The Landowners also
17 reserve the right to call for direct or cross-examination any witness listed or called by another
18 party, and any and all witnesses who previously testified in the 2010 hearing. Landowners
19 further reserve the right to update and amend their witness list as a result of discovery of other
20 relevant evidence or issues as they prepare for the hearing and in response to the witness lists
21 filed by other parties.

22 The Landowners have listed witnesses and times for testimony that exceed the normal
23 time limits allowed by the Board at hearings. Landowners submit that given the nature of the
24 water rights involved in this hearing, the number of Landowners involved, the expert nature of
25 much of the testimony and the requirement that the Board satisfy due process, particularly when
26 making decisions impacting water rights, the Board should permit the extended time for
27 testimony. Landowners intend to work closely and diligently with the other parties to the hearing
28 to streamline the presentation of evidence and reach stipulations of fact whenever possible.

Submittal of this notice is not a waiver of any of the Landowners' defenses related to the

1 procedural or substantive defects associated with the Board's rehearing process. The Landowners
2 continue to submit that the Board is depriving the Landowners of due process by:

- 3 • Failing to undertake a proper investigation of the Landowners' water rights before proceeding
4 to a hearing;
- 5 • Failing to give the Landowners sufficient notice and time to present information to the Board
6 in defense of their water rights in advance of a hearing process;
- 7 • Failing to give the Landowners sufficient time to prepare for a hearing involving their water
8 rights, which hearing will require voluminous evidence that is more than one-hundred years
9 old and expert testimony from several experts that need more time to sufficiently prepare;
- 10 • Failing to provide any draft Cease and Desist Order to the Landowners that explains what
11 type of flaw the Board finds in their current diversions or what type of order the Board intends
12 to issue against the Landowners such that the Landowners can have a coherent understanding
13 of what issues they must be prepared to address at a hearing.
- 14 • Failing to set aside in its entirety, Order WR 2011-0005.

15 Respectfully submitted,

16 Dated: December 15, 2014

SPALETTA LAW PC

17
18 By:



19 JENNIFER L. SPALETTA
20 Attorney for R.D.C. Farms, Inc., et al.
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**EXHIBIT A - LANDOWNERS WHO RECEIVE IRRIGATION WATER THROUGH
THE WOODS IRRIGATION COMPANY FACILITIES**

Acreage	Fee Title Holder	APN
155.88	Silva, Berniece L. Tr Et Al	131-260-05
16.67	Silva, Berniece L. Tr Et Al	131-360-09
36.67	Silva, Berniece L. Tr Et Al	131-360-08
114.39	Silva, Berniece L. Tr Et Al	131-360-13
130.88	Kennedy, Patrick J & Patricia A Tr	131-360-12
138.46	Kennedy, Patrick J & Patricia A Tr	162-040-23
35.43	D Alonzo, Larry & Donette Tr	162-050-10, 11
98.23	Menconi, Renzo & Evelyn	162-050-12
100	Marchini Land Co	162-050-15
39.99	Menconi, Renzo & Evelyn	162-050-14
221.15	Schmidt Highway 4 Ranch LLC	162-050-09
150.33	Lillian Mazzanti Survivors Trust	162-050-02, 03, 04, 05, 08
83.92	Sanguinetti, John Robert	162-050-01
1.14	Del Soldato-Swany, Lorraine; Loretta Moulding	162-050-06
63.31	Del Soldato-Swany, Lorraine; Loretta Moulding	162-050-07
330.85	Gurdip Singh and Guljinder Kaur, Singh Farm Inc.	131-350-01
124.78	Pellegrini, Kelly Trustee	131-270-05
365.93	Ison Inc	131-270-04
35.88	Ison Inc	131-180-03
95.99	Ison Inc	131-180-03
98.53	Eddie Vierra Farms LLC	131-180-05
165.57	Eddie Vierra Farms LLC	131-180-05
72.47	Del Carlo, Ronnie & Janet	131-280-02
126.76	RDC Farms	131-280-03
1.83	Nathan Mussi	131-280-05
1.62	Del Carlo, Ronnie G & Janet Tr.	131-280-04

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160	Vierra, Larry et al.	131-280-01
153.67	George Vierra and Pamela L. Joaquin Vierra	131-340-01
153.57	Grunsky, Curtis	131-340-03
2.08	Grunsky, Timothy & Lynn	131-340-04
83.13	Del Carlo, Evo & Angela	162-060-01
34.82	Helen Costa Tr, Randall Costa Tr	162-060-04
80	Vieira, Michael, c/o Dan Rosa	162-060-03
39.18	Perry, Mary	162-060-05
18.17	Del Carlo, Dino and Nicole	162-060-06
39.2	Del Carlo, Dino and Nicole	162-060-08
39.26	Coelho, Mary Pereira Tr	162-060-12
5	John T. Bertilacchi et al.	162-110-05
235.5	Relm Properties LLC	162-080-03
49.95	Menconi, Renzo & Evelyn	162-070-10
5	Pierini, Vicky	162-070-11
39.36	Jones, Kevin & Denise	162-070-09
37.54	Cabral, Emily Marie	162-070-05
39.29	Peters, Marie Tr et al.	162-070-03
30	Patricia Hamm, Trustee of the Mello, Louis Tr and Balcao, Helen Tr	162-070-02
30	Mussi Ag	162-070-08
40.27	Klein, Richard	162-070-12
18.57	Rodgers, Manuel	162-080-02
93.09	Balcao, Judith Tr et al.	162-080-05
0.59	Balcao, Judith Tr	162-080-04
38	Patricia Bowles and Benjamin Burgess	162-090-01
1.08	Rico, Jaime & Maria	162-080-06
461.58	Jack Klein Trust PTP	162-070-01, 162-080-01
359.3	Young, Dianne	131-330-01, 02
155.56	Antoniolli Family LTD PTP	131-390-06

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10.62	Antionioli Family LTD PTP	131-390-02
1.31	Antionioli, Ariana Tr	131-390-07
4.86	Del Carlo, Ronald G. & Janet M. Tr	131-320-07
188.97	Young, Dianne	131-290-03
68.68	Young, Dianne	131-290-03

**EXHIBIT B - LANDOWNERS WHO DO NOT RECEIVE IRRIGATION WATER
THROUGH THE WOODS IRRIGATION COMPANY FACILITIES**

Acres	Owner	APN
203.66	Robinson Diversified Farms, LP	131-310-03
106	Tanaka, Heather Robinson	131-310-02
139.63	Del Carlo, Ronnie G. & Janet Tr	131-290-04
71.53	Del Carlo, Dino & Nicole	131-310-01
62.03	Honker Lake Ranch LP	131-180-04
362.81	Honker Lake Ranch LP	131-180-08
40	Pak, Yong Kil & Young Sun, c/o Celli Ranches	131-180-07
54.66	A Rossi Inc	131-360-06
32.11	A Rossi Inc	131-360-20
1.7	A Rossi Inc	131-360-19
6.16	Harragon, Andrew M. Tr Et al	162-040-02
95.47	Harragon, Andrew M. Tr Et al	162-040-03
33.31	Mazzanti, August & Lillian Tr	162-040-25
61.72	Mazzanti, August & Lillian Tr	162-040-24
77.86	Mario Jaques Tr	162-130-01
57.17	Richard and Vincent Marchini	162-130-07
158.97	Marchini Land Co PTP	162-130-08
10	Richard and Debbie Marchini Tr	162-130-09
7.7	Linda A. Lehmann-Kitzmiller c/o Marchini Land Co PTP	162-150-03
7.68	John E. and Dixie L. Brass Trust c/o Marchini Land Co PTP	162-150-04

**EXHIBIT C
NOTICE OF INTENT TO APPEAR**

(See lists Exhibits A and B) _____ plans to participate in the water right hearing regarding
(name of party or participant)

Woods Supplemental Hearing

**scheduled to commence
June 8, 2015 at 9:00 a.m.
and continuing, if necessary,
on June 9, 10, and 11, 2015**

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.

The landowners intend to fully participate in the hearing in all respects and maintain a continuing objection to the hearing proceeding in a manner that violates their due process rights.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Lorey Mussi	Operations of WIC system	20 min	No
Timothy Grunsky	WIC records, customers	20 min	No
Dino Del Carlo	Landowner water use in WIC	20 min	No
Douglas R. Littlefield, Ph.D.	History of Roberts Island, historic location of channels, sloughs, ditches, development of irrigated agriculture in WIC service area, crops grown in WIC service area over time, real estate transactions on Roberts Island from 1800 through 1920, relationship of landowners on Roberts Island at different points in time	3 hours	Yes
Thomas Burke P.E.	Hydrology of the Delta and channels in and around Roberts Island	1 hour	Yes
Robert Wagner P.E., Wagner & Bonsignor	Custom and practice regarding diversion and measurement of pre-1914 appropriative rights	1 hour	Yes

Michael L. Quartaroli, Licensed Land Surveyor	Maps of WIC service area, patents and property transaction documents and illustrative maps reflecting properties at different periods of time on Roberts Island	2 hours	Yes
Dr. Charles Burt and/or Dr. Daniel Howes, Cal Poly Irrigation Training and Resource Center	Custom and practice for historic irrigation delivery systems on Roberts Island, delivery and on-farm irrigation system efficiencies, crop water demand and season of use; Crop evapotranspiration analysis for crops grown on Roberts Island at different periods of time (testimony will not be duplicative between witnesses)	3 hours	Yes
Kenneth R. Lajoie, Ph.D	Existence of streams, historic water courses/bodies in and around Roberts Island	2 hours	Yes
Donald W. Moore, PG, CHG	Interpretation of aerial photos and maps identifying geological features of the Delta in and around Roberts Island	2 hours	Yes
Terry Prichard	Irrigation needs for agricultural crops	1 hour	Yes
Neal Colwell, P.E. KSN	Measurement of WIC diversions	1 hour	Yes
William L. Halligan P.G.	Water availability in Delta channels, the interconnections between ground and surface water, the impacts on total Delta supply and local impacts from changing diversions from surface water to ground water at various locations, the existence of old Delta sloughs and connection to surface water, depth of old sloughs in relation to ground water and if such old sloughs would fill with surface or ground water.	3 hours	Yes
Mark Stretars	Investigation of WIC diversions	20 min	No
Chuck Arnold	Investigation of WIC diversions	20 min	No

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature:  _____ Dated: 12/15/14 _____

Name (Print): Jennifer L. Spaletta, Esq., Spaletta Law PC _____

Mailing

Address: PO Box 2660, Lodi, CA 95241 _____

Phone Number: (209)224-5568 _____ Fax Number: (209)224-5589 _____

E-mail: jennifer@spalettalaw.com; david@spalettalaw.com _____

PROOF OF SERVICE

I am employed in the County of San Joaquin; my business address is 225 West Oak Street, Lodi, California; I am over the age of 18 years and not a party to the foregoing action.

On December 15, 2014, I served a true and correct copy of:

NOTICE OF INTENT TO APPEAR ON BEHALF OF VARIOUS LANDOWNERS

BY ELECTRONIC MAIL (EMAIL). By sending the document(s) to the person(s) at the email address(es) listed below.

<p>WOODS IRRIGATION COMPANY S. Dean Ruiz, General Counsel HARRIS, PERISHO & RUIZ ATTORNEYS AT LAW Brookside Corporate Center 3439 Brookside Road, Suite 210 Stockton CA 95219 dean@hprlaw.net</p> <p>WOODS IRRIGATION COMPANY John Herrick, Co-Counsel 4255 Pacific Avenue, Suite 2 Stockton, CA 95207 jherrlaw@aol.com</p>	<p>DIVISION OF WATER RIGHTS PROSECUTION TEAM David Rose John O’Hagan State Water Resources Control Board 1001 I. Street Sacramento, CA 95814 David.Rose@waterboards.ca.gov John.O’Hagan@waterboards.ca.gov</p>
<p>MODESTO IRRIGATION DISTRICT Tim O’Laughlin O’Laughlin & Paris LLP PO. Box 9259 Chico, CA 92927 towater@olaughlinparis.com vkincaid@olaughlinparis.com</p>	<p>STATE WATER CONTRACTORS Stanley C. Powell Kronick, Moscovitz, Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 spowell@kmtg.com</p>
<p>THE SAN LUIS & DELTA-MENDOTA WATER AUTHORITY Jon Rubin, Senior Staff Counsel San Luis & Delta-Mendota Water Authority 400 Capitol Mall, 27th Floor Sacramento, CA 95814 Jon.Rubin@sldmwa.org</p> <p>THE SAN LUIS & DELTA-MENDOTA WATER AUTHORITY Daniel J. O’Hanlon Rebecca R. Akroyd Kronick, Moskovitz, Tiedemann & Girard</p>	<p>CENTRAL DELTA WATER AGENCY S. Dean Ruiz, Esq. Harris, Perisho & Ruiz 3439 Brookside Road, Suite 210 Stockton, CA 95219 dean@hprlaw.net</p>

1	400 Capitol Mall, 27th Floor Sacramento, CA 95814 dohanlon@kmtg.com	
3	SAN JOAQUIN COUNTY AND THE SAN JOAQUIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT Kurtis Keller Neumiller & Beardslee P.O. Box 20 Stockton, CA 95201-3020 kkeller@neumiller.com	Eileen M. Diepenbrock, Esq. Diepenbrock Elkin LLP 500Capitol Mall, Suite 2200 Sacramento, CA 95814 ediepenbrock@diepenbrock.com
9	SOUTH DELTA WATER AGENCY John Herrick, Esq. 4255 Pacific Avenue, Suite 2 Stockton, CA 95207 jherrlaw@aol.com	Mark A. Pruner Attorney-at-Law 1206 "Q" Street, Suite 1 Sacramento, CA 95811 mpruner@prunerlaw.com
13	SOUTH DELTA WATER AGENCY S. Dean Ruiz, Esq. 3439 Brookside Road, Suite 210 Stockton, CA 95219 dean@hprlaw.net	
16	SAN JOAQUIN FARM BUREAU Bruce Blodgett 3290 North Ad Art Road Stockton, CA 95215-2296 director@sjfb.org	Shane E. Conway McCoin Ellison, Schneider & Harris 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816-5931 sec@eslawfirm.com
19	NORTHERN CALIFORNIA WATER ASSOCIATION David J. Guy, President 455 Capitol Mall, Suite 335 Sacramento, CA 95814 dguy@norcalwater.org	Department of Water Resources James Mizell P.O. Box 942836 Sacramento, CA 94236-0001 James.Mizell@water.ca.gov
23	RUDY M MUSSI INVESTMENT LP ET AL. LORRY MUSSI TR ET AL. LORY C MUSSI INVESTMENT LP ELYSE RODGERS VIEIRA AND ELYSE RODGERS VIEIRA SEPARATE PROPERTY TR ELYSE RODGERS VIEIRA SEPARATE PROPERTY TR CECIL J. & SANDRA J. RODGERS	

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RUDY M. & TONI MUSSI ET AL. Kurtis Keller Neumiller & Beardslee P.O. Box 20 Stockton, CA 95201-3020 kkeller@neumiller.com	
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____