
State Water Resources Control Board

NOTICE OF PUBLIC HEARING AND PRE-HEARING CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
will hold a Pre-Hearing Conference and a Public Hearing
on the pending water-right application (A030531B) of

The City of Stockton

for a permit to appropriate water from the
San Joaquin River originating from wastewater discharges by the City.

**The Pre-Hearing Conference will begin on
September 24, 2021, at 9 a.m.**
and will be held by Zoom teleconference

**The Public Hearing will begin on
November 9, 2021, at 9 a.m.,
and continue on November 10 and November 12, beginning at 9 a.m.,
and will be held by Zoom teleconference.**

Representatives of parties and other people who want to participate in this pre-hearing conference or this hearing may access these Zoom teleconferences by using the following link and call-in information

Please access Zoom by using the link:

<https://waterboards.zoom.us/j/99445673949?pwd=eGczd0ptMkNWeHJtWVptV25sZW1Qdz09> with Meeting ID: 994 4567 3949 and Passcode: 620828

or by calling in at:

+16699009128,,99445673949#,,,,*620828# US (San Jose)

Interested members of the public who would like to watch this hearing without participating may do so through the Administrative Hearings Office YouTube channel at:

<https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8I-C7Nig/videos?view=57>

PURPOSE OF HEARING

The purpose of this hearing is to receive evidence that the Administrative Hearings Office (AHO) and State Water Resources Control Board (State Water Board or Board) will consider when determining whether: (1) to cancel, reject or deny water-right Application 30531B under Water Code section 1276 or section 1335, or California Code of Regulations, title 23, sections 683 or 840; or (2) to establish a time schedule for the applicant to submit information necessary for the State Water Board's Division of Water Rights (Division) to process Application 30531B.

BACKGROUND

A030531

On April 18, 1996, the City of Stockton (City) filed water-right Application 30531 (A030531) with the State Water Resources Control Board (State Water Board) Division of Water Rights (Division). This application asked the State Water Board to issue a water-right permit to appropriate up to 125,900 acre-feet/year (af/yr), at a maximum diversion rate not to exceed 317 cubic-feet per second (cfs), from the San Joaquin River for municipal and industrial uses. The application stated that the water to be diverted from the proposed source would be: (a) treated wastewater discharged into the San Joaquin River at the City's Regional Wastewater Control Facility, and (b) additional water. The City proposed to appropriate treated wastewater discharged into the San Joaquin River pursuant to Water Code section 1485, and to appropriate additional amounts under a claim of seniority pursuant to Water Code section 11460.

On December 19, 1997, the Division issued its public notice of Application 30531. The U.S. Department of the Interior, Bureau of Reclamation (Reclamation), the California Department of Water Resources (DWR) and the San Joaquin River Group Authority (SJRGA) filed protests to Application 30531. Each protestant agreed that its protest could be dismissed if the State Water Board included in any permit issued pursuant to Application 30531: (a) a term ensuring that the City would adequately account for all appropriations of water from San Joaquin River flows derived from the City's treated wastewater discharges, under Water Code section 1485, and (b) standard Permit Terms 80, 90 and 91 for all diversions of water made from the flow of the San Joaquin River that would not be made under Water Code section 1485. In accordance with the stipulations and agreements made by the parties, the State Water Board dismissed the protests of Reclamation, DWR and SJRGA on March 24, 2005, May 17, 2005 and November 16, 2005, respectively.

The City is proposing to use the permit or permits issued on Application 30531 for the Delta Water Supply Project (DWSP), which will provide a new supplemental water supply for the City's service area.

On April 29, 2005, the City issued its Draft Program Environmental Impact Report (DPEIR) for the Stockton Delta Water Supply Project. The DPEIR contains a project-level impact and mitigation analyses for the initial 33,600 af/yr Phase I of the DWSP, but only a program-level analysis for future expansion phases of the DWSP, up to the entire 125,900 af/yr requested under Application 30531.

On July 1, 2005, the City sent the Division a letter requesting that Application 30531 be split into two applications. The City stated that it was seeking a permit only for the initial phase of the project (to be issued on the first of the two applications resulting from the split) at that time.

On June 29, 2005, the Division split Application 30531 into two applications, Application 30531A and Application 30531B. Under Application 30531A the annual amount of water applied for is limited to 33,600 af/yr. Under A030531B, the annual amount of water applied is limited to 92,300 af/yr. All other provisions of A030531, including the 317 cfs diversion rate and the proposed points of diversion, place of use and purpose of use, remained unchanged in each of these applications.

Permit 21176 (A030531A)

On December 20, 2005, the Division issued Permit 21176 to the City on Application 30531A. This permit authorizes the direct diversion of water from the San Joaquin River at rates not to exceed 317 cfs between January 1 and December 31, with total annual diversions not to exceed 33,600 af/yr, for municipal and industrial uses within the City's service area. Term 15.a.2. of this permit provides that the 15-day running average of diversions under the permit shall be less than or equal to the 15-day running average of the City's discharges of properly treated effluent into the San Joaquin River.

A030531B

On September 11, 2007, the Division sent the City a letter requesting a schedule for completion of the City's project-level California Environmental Quality Act (CEQA) document for Application 30531B. The Division informed the City that the City's schedule should include dates for the preparation of all biological resource studies, preparation of the Draft EIR, responses to comments on the Draft EIR, and certification of the Final EIR. The Division informed the City that the EIR should consider all impacts related to diversion of 317 cfs, not to exceed 92,300 af/yr, under Application 30531B. (This is the remaining amount after the 33,600 af/yr under Permit 21176 is subtracted from the 125,900 af/yr in Application 30531.) The Division requested this information under Water Code section 1275 and directed the City to submit it within 30 days. The Division noted that failure to timely provide the requested information could result in cancellation of the application under Water Code section 1276.

The City's October 11, 2007 response stated that a Notice of Preparation would be circulated in 2014 and the CEQA document would be completed in 2017. The City's letter stated that, concurrent with the CEQA work, the City would ask the Division to

issue the public notice for A030531B. The City anticipated that it would expand its Delta Water Supply Project and begin diversions under the permit to be issued on Application 30531B sometime between 2020 and 2025.

On December 1, 2008, the Division sent the City a letter, which stated that Division staff was prepared to recommend cancellation of A030531B because of the City's failure to exercise due diligence.

On November 7, 2013, the Division sent the City a letter requesting information regarding when water diversions under Permit 21176 would be fully developed. The Division's letter also asked the City to provide a schedule for preparation of the CEQA document for A030531B.

On November 26, 2013, the City responded with a letter, which stated that the City's 2015 Urban Water Management Plan update would more clearly describe the development schedule for Application 30531B.

On June 22, 2020, the Division sent the City a letter requesting an update regarding the specific actions the City had been taking to pursue Application 30531B since 2013, including the status of the City's preparation of a CEQA document for this application.

On August 25, 2020, the City sent the Division a letter, which stated that the City projected that its demands for Delta water diversions would not exceed the amounts authorized for diversion under Permit 21176 until after 2040, when the City might need to start using the water the City proposes to divert under a permit to be issued on Application 30531B. Regarding the estimated schedule for the City to prepare the CEQA document for Application 30531B, the City stated:

"Assuming that current [Endangered Species Act] pumping restrictions for Permit 21176 remain in place, and the City needs the water it has applied for under Application 30531B between 2055-2060, the City estimates that planning and CEQA efforts related to Application 30531B will start between 2040 and 2045."

ASSIGNMENT OF PETITIONS TO THE ADMINISTRATIVE HEARINGS OFFICE

Water Code section 1110 established the Administrative Hearings Office (AHO) within the State Water Board. Water Code section 1112, subdivision (c)(2), provides that the State Water Board may assign adjudicative hearings to the AHO. Subdivision (c)(3) of this section provides that an AHO hearing officer may perform additional work requested by the Board.

On February 17, 2021, Erik Ekdahl, Deputy Director of the State Water Board's Division of Water Rights (Division), sent a memorandum to Eileen Sobeck, the State Water Board's Executive Director, proposing to transfer Application 30531B to the AHO. On February 26, 2020, Ms. Sobeck issued a memorandum assigning the application to the AHO. The AHO issued a Notice of Assignment in this matter on March 29, 2021.

STATUS CONFERENCE

The AHO issued a Notice of Status Conference on April 28, 2021 and issued a Supplemental and Amended Notice of Status Conference on May 6, 2021. The AHO held a status conference in this matter on July 15, 2021. Representatives of the City, Contra Costa Water District, the Department of Water Resources, San Luis & Delta-Mendota Water Authority and the Westlands Water District all filed Notices of Intent to Appear at the status conference and made appearances.

In its status conference statement and during the status conference, the City indicated it wants to pursue Application 30531B. The City explained that while it does not believe a hearing is necessary, it would like to have one “if the AHO is inclined to cancel Application 30531B.” (2021-06-22 City of Stockton Status Conference Statement [Stockton’s Status Conference Statement]; 2021-07-15 Status Conference Video Recording 8:15-8:51.)

In its status conference statement, the City explained that the 2020 Urban Water Management Plan “does not specify a plan and schedule for construction of facilities to divert water under the water right permit that might be granted under Application 30531B.” (Stockton’s Status Conference Statement, p. 2.) The City explained: “Assuming planning and CEQA efforts start between 2040-2045, and the City needs water the permit that might be granted under Application 30531B between 2055-2060, construction of facilities may occur between 2045-2055.” (*Id.*) The City then presented several arguments in favor of not canceling, rejecting, or denying Application 30531B. (*Id.*, pp. 4-11.)

The San Luis & Delta-Mendota Water Authority and the Westlands Water District submitted status conference statements and appeared at the status conference. During the status conference, these entities referred to their status conference statements, both of which stated that a public hearing is not required to cancel the City’s pending application.

Stockton East Water District submitted a status conference statement and appeared at the conference. Stockton East’s status conference statement explained that while Stockton East “encourages procurement of additional surface water supplies such as those requested under Application 30531B,” Stockton East wanted to highlight what it perceived as “factual errors and misleading statement[s]” in the City’s status conference statement. (2021-07-06 Stockton East Water District Status Conference Statement, p. 2.) The City submitted written objections to Stockton East’s participation in the status conference on the grounds that Stockton East had not filed a Notice of Intent to Appear.

During the status conference, Stockton East did not offer additional substantive comments and stated there was no “prejudice” to its participation because the City sent its status conference statement to the service list (which included Stockton East). (2021-07-15 Status Conference Video Recording 9:19-10:30.) The AHO hearing officer explained Stockton East filed its status conference statement before the deadline and stated that the AHO would accept this document into the record. (*Id.*)

The Department of Water Resources and Contra Costa Water District did not submit conference statements and did not offer additional comments at the status conference.

DECISION TO HOLD HEARING

Based on the information in the administrative record, the status conference statements, and the statements of the City's and other participants' representatives during the status conference, the AHO concludes that it is appropriate to hold a hearing in this matter to consider whether Application 30531B should be cancelled, rejected or denied, or whether the AHO should set a time schedule for the City to submit information necessary for the Division to process its application.¹ A hearing before the AHO will provide a public process in which the City and interested parties may participate and submit the evidence and information on which the AHO may prepare a proposed decision for the Board's consideration.

APPLICABLE STATUTES AND REGULATIONS

After a water-right application has been filed by an applicant, Water Code section 1275 provides that the Board "may request additional information reasonably necessary to clarify, amplify, correct, or otherwise supplement the information required to be submitted under Article 2 (commencing with Section 1260) or Article 3 (commencing with Section 1270)." This additional information may include, but is not limited to: (a) information demonstrating that unappropriated water is available for appropriation; (b) information demonstrating compliance with applicable requirements of the Fish and Game Code or the federal Endangered Species Act of 1973; and (c) information demonstrating compliance with Division 13 (commencing Section 21000) of the Public Resources Code. "If, within the period provided, the applicant does not provide the information requested under Section 1275, the application shall be canceled unless for good cause shown the board allows additional time in which to submit the requested information." (Wat. Code, § 1276.)

Water Code section 1335 provides: "The board may cancel a[n]...application for failure to provide information requested by the board under this article, within the period provided." (Wat. Code, § 1335.)

California Code of Regulations, title 23, section 683, subdivision (a), provides, "the board may, in the course of processing the application, and at any time prior to rendering a decision on the application," request the applicant provide supplemental information as required in or by (a) "this Subchapter," which we interpret as Division 3, Chapter 2, Article 3 of Title 23 of the California Code of Regulations, or (b) Public

¹ In its status conference statement and during the hearing, the City indicated it would like a hearing if the AHO was considering cancellation of the application. The AHO's decision to hold a hearing should in no way be interpreted as an indication of the AHO's, the Division's, or the Board's future actions, if any, on Application 30351B or on the validity or merits of Application 30531B.

Resources Code section 21000 et seq. Section 683, subdivision (b) provides that failure to do so “within a reasonable time and in a responsive manner may be cause for the board to cancel or reject the application.” (Cal. Code Regs., tit. 23, § 683.)

Water Code section 1255 directs the Board to reject an application when in its judgment the proposed appropriation would not best conserve the public interest. California Code of Regulations, title 23, section 840, states, with a reference to Water Code section 1255:

An application will be denied when it appears after hearing or a proceeding in lieu of hearing that (a) the applicant does not intend to initiate construction of the works required for the contemplated use of water within a reasonable time and thereafter diligently prosecute the construction and use of water to completion, or (b) the applicant will not be able to proceed within a reasonable time, either because of absence of a feasible plan, lack of the required financial resources, or other cause.

Water Code sections 1276 and 1335 and California Code of Regulations, title 23, sections 683 and 840, thus provide four independent bases on which the Board may cancel or deny a water-right application if the applicant fails to submit information requested the Board requests or if the applicant fails to diligently pursue the application.

HEARING ISSUES

The purpose of this hearing is to receive evidence relevant to the following issues:

1. Should the Board cancel Application 30531B under Water Code section 1276?

- a. Has the Applicant failed to provide information requested by the Board to demonstrate that unappropriated water is available for appropriation?
- b. Has the Applicant failed to provide information requested by the Board to demonstrate compliance with all applicable requirements of the Fish and Game Code and the federal Endangered Species Act of 1973?
- c. Has the Applicant failed to provide information requested by the Board to comply with Division 13 (commencing with Section 21000) of the Public Resources Code?
- d. Has the Applicant failed to provide other information requested by the Board that is reasonably necessary to clarify, amplify, correct, or otherwise supplement information required to be submitted under Article 2 (commencing with section 1260) or Article 3 (commencing with section 1270)?
- e. Has the Applicant shown good cause for the Board to allow additional time for the Applicant to submit the requested information?

- 2. Should the Board cancel Application 30531B under Water Code section 1335?**
 - a. Has the Applicant failed to provide information requested by the Board?
 - b. Has the Applicant shown good cause for the Board to allow additional time for the Applicant to submit the requested information?

- 3. Should the Board cancel or reject Application 30531B under California Code of Regulations, title 23, section 683?**
 - a. Has the Applicant failed to provide supplemental information requested by the Board as required in or by the Subchapter known as Article 3, Chapter 2, Division 3, of Title 23 of the California Code of Regulations or Public Resources Code section 21000 et seq.?
 - b. Has the Application failed to provide this information within a reasonable time?
 - c. Has the Applicant failed to provide this information in a responsive manner?

- 4. Should the Board deny Application 30531B under California Code of Regulations, title 23, section 840?**
 - a. Does the Applicant intend to initiate construction of the works required for the contemplated use of water within a reasonable time and thereafter diligently prosecute the construction and use of water to completion?
 - b. Will the Applicant be unable to proceed within a reasonable time because of absence of a feasible plan, lack of required financial resources, or other cause?

- 5. Should the Board establish a time schedule for the Applicant to submit information necessary for the Division to process Application 30531B?**

HEARING OFFICER AND HEARING TEAM

An AHO hearing officer will preside during the pre-hearing conference and the hearing. Other AHO staff members may be present and may assist the hearing officer during the pre-hearing conference and the hearing and throughout these proceedings. The hearing officer and other AHO staff members may consult with staff of the Division of Water Rights, staff of the Board's Office of Chief Counsel, members of the executive management of the State Water Board, and State Water Board members, to discuss or deliberate on matters relevant to this proceeding.

PRE-HEARING CONFERENCE

The hearing officer will hold a pre-hearing conference on the date and at the time listed on the first page of this notice. To participate in the pre-hearing conference, please use the Zoom teleconference information provided on the first page of this notice. Because of the current COVID-19 pandemic, no in-person appearances will be allowed for this pre-hearing conference.

To facilitate a clear understanding of who is speaking, the hearing officer will ask each person to identify himself or herself as necessary during the conference. The pre-hearing conference will be electronically recorded by Zoom teleconference. The hearing officer will prepare a pre-hearing conference order after the conference.

The pre-hearing conference will address the following issues:

1. The deadlines for submitting exhibits and testimony, and the hearing dates, are listed below. Should the hearing officer change any of these deadlines or hearing dates or make other changes to the hearing schedule?
2. Should the hearing officer set a deadline for submission of rebuttal evidence and require rebuttal testimony to be submitted in writing in advance of the hearing?
3. What time limits should apply to policy statements, opening statements, oral summaries of written testimony, cross-examination, and rebuttal testimony during the hearing?
4. Are there any other procedural issues concerning the hearing that the participants want raise? If so, what are those issues?

Parties do not need to file pre-hearing conference statements. If any party wants to file a pre-hearing conference statement, then the party shall file the pre-hearing conference statement with the AHO, and serve copies of it on the other parties listed in the attached service list, by the deadline listed below. Any pre-hearing conference statement may address any of the issues listed above. After the deadline to submit pre-hearing conference statements, the AHO will post the statements on the Water Board AHO FTP site (FTP site) in the folder for this matter. Because the AHO will be posting all filed pre-hearing conference statements, parties do not need to serve copies of their pre-hearing conference statements on other parties.

NOTICES OF INTENT TO APPEAR

Any person or entity who wants to participate in the pre-hearing conference or the hearing in this matter must file a Notice of Intent to Appear (NOI) with the AHO, using the form in this notice, before the deadline listed below. The AHO encourages parties to agree to accept electronic e-mail service of all documents regarding this hearing. If a party is not willing to do this, then the party may check the appropriate box on the NOI form. Parties not agreeing to accept electronic service of documents will experience delays as paper copies of documents are transmitted by U.S. Mail. If this box is not checked, then the AHO will assume that the party agrees to accept electronic service.

After the deadline to submit NOIs, the AHO will post the NOIs on the FTP site in the folder for this matter and include the updated service list with any pre-hearing

conference order. Because the AHO will be posting all filed NOIs, parties do not need to serve copies of their NOIs on other parties.

HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline for any party who wants to participate in the hearing to file an NOI.	September 14, 2021, 12:00 p.m.
Deadline for filing optional pre-hearing conference statements.	September 14, 2021, 12:00 p.m.
Pre-hearing conference.	September 24, 2021, 9:00 a.m.
Deadline for all parties to file exhibits and exhibit identification indices with AHO and serve copies on all other parties	October 8, 2021, 12:00 p.m.
Hearing begins.	November 9, 2021, 9:00 a.m.
Additional hearing days (as necessary)	November 10 and November 12, 2021, 9:00 a.m., and additional dates as necessary.

SUBMITTALS OF DOCUMENTS TO AHO AND OTHER PARTIES

All documents submitted to the AHO, including NOIs and status conference statements, shall be addressed and submitted by one of the following methods (with proofs of service, as discussed below):

Method	Address
By e-mail (preferred method for documents other than exhibits):	AdminHrgOffice@waterboards.ca.gov With subject line “City of Stockton Application 30531B”
By Uploading to FTP site (preferred method for exhibits):	https://ftp.waterboards.ca.gov Please send an e-mail to AdminHrgOffice@waterboards.ca.gov with “Request for AHO-FTP download password” in the subject line. The AHO will reply with the party’s username and password, which the party then can use to upload the party’s exhibits.
By Mail:	State Water Resources Control Board Administrative Hearings Office P.O. Box 100 Sacramento, CA 95812-0100
By Hand-Delivery (see note below):	Joe Serna Jr. CalEPA Building Administrative Hearings Office 1001 I Street Sacramento, CA 95814

Service of documents by hand-delivery may be more difficult or delayed due to closures of the CalEPA Building during the COVID-19 pandemic. Please plan ahead if you wish to hand deliver documents and e-mail AHO staff in advance at AdminHrgOffice@waterboards.ca.gov to arrange for hand-delivery of documents.

Please see the part of this notice below titled “PROCEDURES FOR THIS WATER-RIGHT HEARING” for more information regarding hearing procedures and submittals of exhibits.

DIVISION OF WATER RIGHTS PUBLIC RECORDS

The AHO has copied documents from the public records the State Water Board’s Division of Water Rights Records Unit has maintained that may be relevant to this proceeding. The AHO has included these documents in the initial administrative record for this hearing. The AHO has posted files of these documents on the FTP site in the folder for this matter. Instructions on how to access the FTP site are listed in Section 8 below. The parties may review the Division of Water Rights Records Unit’s public files and may submit as exhibits copies of other relevant documents in these files.

AHO WEBPAGE AND NOTICES

Subject to legal limitations, including the requirements for Internet website accessibility in Government Code section 11546.7, the AHO will post all notices and other documents regarding these proceedings on the AHO’s Internet webpage at https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/

HEARING LIVE-STREAM AND RECORDING

The pre-hearing conference and hearing will be live-streamed through the Administrative Hearings Office YouTube channel, accessible by clicking on the link provided below. The live-stream will consist of a morning session and an afternoon session. Each session may be accessed through the appropriate link on the Administrative Hearings Office YouTube channel. To view the morning session, click the link identified as “morning.” The morning session will conclude at the lunch break. To view the afternoon session, click the link identified as “afternoon.” The afternoon session will begin after the lunch break.

After the conclusion of the hearing, a recording of the morning and afternoon YouTube live-stream sessions will be available on the Administrative Hearings Office YouTube channel. These recordings will include automatic captions for accessibility.

The live-stream and recordings may be accessed at the following link: <https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57>

SEPARATION OF FUNCTIONS; PROHIBITION ON EX PARTE COMMUNICATIONS

All parties are prohibited from having any *ex parte* communications with any members of the AHO hearing team. (See Wat. Code, § 1110, subd. (c); Gov. Code, §§ 11430.10-11430.80.) The AHO has posted a discussion of *ex parte* communications on the AHO's webpage at https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2021/2021-07-06_webpage_faq.pdf. (See response to FAQ 16.)

If any party wants to communicate with the AHO at any time regarding any procedural or substantive issue regarding these proceedings, including any issue regarding the pre-hearing conference, hearing procedures or filing of documents, then that party shall make such communication to the AHO in writing (by e-mail or letter) and serve all other parties with copies of the communication and include a proof of service demonstrating such service of the written communication to the AHO. A party may provide this proof of service through a formal proof of service or by other verification. For e-mails, the verification shall be a list of the e-mail addresses of the parties or their representatives in an electronic-mail "cc" (carbon copy) list. For letters, the verification shall be a list of the names and mailing addresses of the other parties or their representatives in the cc portion of the letter.

Before the AHO circulates the list of parties described below, any party submitting any document to the AHO for this proceeding (except for the party's NOI and any pre-hearing conference statement, discussed above) shall transmit copies of the document to all of the other parties listed in the attached service list. After the AHO circulates the list of parties that have filed NOIs, any party submitting any document to the AHO shall transmit copies of the document to all of the other parties on the NOI list. This transmittal may be by e-mail to parties for whom e-mail addresses are listed in the service list. For other parties, this transmittal shall be by U.S. Mail. Whenever any party files any document with the AHO for this proceeding, the party shall include a proof of service using one of the methods described above that confirms that the party has transmitted copies of the document to all other parties and that describes the method of service.

Please do not attempt to communicate by telephone or in person with any AHO hearing team member regarding any procedural or substantive issue concerning this hearing, because other parties would not be able to participate in such communications. If oral communications with any members of the AHO hearing team are necessary to discuss any procedural or substantive issue, then the AHO will set up a conference call in which representatives of all parties may participate. Any party may request such a conference call at any time using the written communications protocols described above.

PROCEDURES FOR THIS WATER-RIGHT HEARING

The following procedures apply to this hearing. The hearing officer may amend these procedures before, during or after the hearing as he or she deems appropriate.

- 1. HEARING PROCEDURES:** The Administrative Hearings Office (AHO) will conduct this hearing according to the procedures for hearings set forth in California Code of Regulations, title 23, sections 648-648.8, 649.6 and 760. Copies of these regulations are posted on the Board's website at the following link: http://www.waterboards.ca.gov/laws_regulations. If there is any conflict between any provision of this notice and any provision of these regulations or any applicable statute, then the provision of the regulation or statute shall apply to this proceeding.

Consistent with California Code of Regulations, title 23, section 648.5, unless the hearing officer determines otherwise before or during the hearing, each party may make an opening statement, present witnesses and exhibits, cross-examine opposing parties' witnesses, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if that witness were under cross-examination. The hearing officer may allow parties to present closing arguments or submit closing briefs. These procedures are described in more detail in section 10. The hearing officer may issue rulings regarding these procedures before or during the hearing.

The AHO encourages parties with common interests to work together to make unified presentations and to take other actions to make the hearing process more efficient.

Parties may file any requests for exceptions to these hearing procedures in writing with the AHO and must serve any such requests on the other parties. To provide time for parties to respond, the hearing officer normally will not rule on procedural requests filed in writing until at least five days after receiving the request, unless the hearing schedule requires an earlier ruling.

- 2. SETTLEMENTS:** In water-right permitting matters, the parties normally include the applicant or petitioner and protestants. The applicant or petitioner and protestants may engage in private settlement discussions, and may, or may not, include any other persons in those discussions. No representative of the AHO will participate in such settlement discussions. If the parties or their representatives sign a written settlement agreement, then they shall promptly file a copy of the signed agreement with the AHO.

Although the AHO may authorize other persons to participate in the hearing as parties, such authorizations do not necessarily allow those persons to participate in any settlement discussions between the applicant or petitioner and protestants in water-right permitting matters.

The State Water Board, or the Executive Director under State Water Board Resolution No. 2012-0061, may issue an order approving a settlement agreement between the applicant or petitioner and some or all of the protestants in water-right permitting matters, even if other parties to the proceeding have not approved the

settlement agreement. The hearing officer normally will give all parties opportunities to comment on any settlement agreement submitted to the AHO before the AHO transmits a proposed order approving the settlement agreement to State Water Board or Executive Director, unless all parties to the hearing or their representatives have signed the settlement agreement.

- 3. PARTIES:** As provided in California Code of Regulations, title 23, section 648.1, subdivision (b), the City of Stockton, Contra Costa Water District, Department of Water Rights, San Luis & Delta Mendota Water Authority, Stockton East Water District, and Westlands Water District are parties to this proceeding.

The hearing officer may allow any other person or entity that timely files a Notice of Intent to Appear to participate in the hearing as a party, and not just to present a policy statement. (See Cal. Code Regs., tit. 23, § 648.1, subd. (a) & (b).) A person or entity that has not been identified as a party in this notice that wants to participate as a party in this hearing shall file a Notice of Intent to Appear with the AHO no later than the deadline specified in this notice. The person or entity shall include in the Notice of Intent to Appear information demonstrating good cause as to why the hearing officer should allow the person or entity to participate in the hearing as a party rather than as an interested person presenting a policy statement.

The hearing officer may impose limitations on any party's participation in the hearing. (See Gov. Code, § 11440.50, subd. (c).) The hearing officer also may designate persons or entities that do not file timely Notices of Intent to Appear as parties, for good cause shown and subject to appropriate conditions. Except as specifically provided in this notice or by ruling of the hearing officer, only parties will be allowed to present evidence, make objections, and examine witnesses.

- 4. POLICY STATEMENTS BY INTERESTED PERSONS:** As provided in California Code of Regulations, title 23, section 648.1, subdivision (d), the hearing officer normally will allow interested persons who are not designated as parties to present or submit non-evidentiary policy statements. Policy statements may be submitted in writing in advance of the hearing or presented orally during the hearing. The hearing officer will not permit a person or entity that appears and presents only a policy statement to make objections, offer evidence, conduct cross-examination, make legal arguments, or otherwise participate in the evidentiary hearing. The AHO will not add such persons or entities to the service list.

Policy statements are not subject to the pre-hearing requirements for testimony or exhibits, except that interested persons who want to make oral policy statements during the hearing are requested to file a Notice of Intent to Appear indicating an intent to make only a policy statement. The hearing officer may impose time limits on presentations of oral policy statements or oral summaries of written policy statements.

The AHO requests that interested persons and entities who file written policy statements with the AHO serve copies of their statements on all parties before the person or entity presents such statements or summaries of them during the hearing. See section 8 for details regarding electronic submittals of documents.

- 5. NOTICES OF INTENT TO APPEAR:** As provided in California Code of Regulations, title 23, section 648.4, all people and entities that intend to participate in the hearing as parties must file either an electronic copy or a paper copy of a Notice of Intent to Appear with the AHO no later than the deadline specified in this notice. The AHO may interpret a failure to file a Notice of Intent to Appear by this deadline as a decision not to appear. In matters regarding water-right applications, the requirement to file a Notice of Intent to Appear by the deadline is a request for additional information pursuant to Water Code section 1334. The Board may cancel an application if the applicant or protestant does not file an NOI by the deadline.

The AHO requests that any interested person who will not be participating as a party, but will be presenting only a non-evidentiary policy statement, file a Notice of Intent to Appear by the deadline and specify in the notice that the person only will be presenting a policy statement.

As provided in California Code of Regulations section 648.4, subdivision (b), the Notice of Intent to Appear for parties (but not for people only presenting policy statements) must state the name and address of the participant. For parties, the Notice of Intent to Appear also must state: (1) the name of each witness whom the party intends to call at the hearing; (2) a brief description of the subject of each witness's proposed testimony; and (3) an estimate of the time that the party requests for each of its witnesses to present an oral summary of his or her written testimony. (See section 6 for requirements that apply to written testimony.) The total time requested for summaries of all of each party's witnesses shall not to exceed the total time limit for oral summaries of written testimony described in section 10, part b.ii. If a party intends to call any expert witnesses, the party shall designate each expert witness as an expert witness in the party's Notice of Intent to Appear.

Parties that do not intend to present cases-in-chief but want to cross-examine witnesses or present rebuttal testimony should so indicate on their Notices of Intent to Appear.² A party that decides not to present a case-in-chief after having submitted a Notice of Intent to Appear should notify the AHO and the other parties as soon as possible.

Parties that are not willing to accept electronic service of hearing documents must check the appropriate box on the Notice of Intent to Appear. Because service of

² A party is not required to present evidence as part of a case-in-chief. The hearing officer will allow parties not presenting evidence as cases-in-chief to participate through opening statements, cross-examination, and rebuttal, and to present closing statements or briefs, if the hearing officer allows other parties to present such closing statements or briefs.

documents to such parties normally will be by U.S. Mail, such parties will experience delays in receiving hearing documents.

The AHO will e-mail or mail an updated service list with the names of parties and their contact information to each person or entity that has submitted a Notice of Intent to Appear or asked to be on the updated service list. The service list will indicate if any party is not willing to accept electronic service. If there is any change in the hearing schedule, the hearing officer will send a notice of such change to the parties on the service list and interested persons who have filed Notices of Intent to Appear expressing their intentions to present policy statements.

6. WRITTEN TESTIMONY AND OTHER EXHIBITS: Exhibits include all written testimony, statements of qualifications of expert witnesses, and other documents to be submitted as evidence. As provided in California Code of Regulations, title 23, section 648.4, subdivision (c), each party that wants to offer testimony into evidence shall submit written proposed direct testimony of each witness by the deadline for filing exhibits. The hearing officer will not permit a witness to give oral testimony that goes beyond the scope of the witness's written proposed testimony absent good cause.

Each party shall designate each of its witness's written proposed testimony as a separate exhibit. Each party must submit all its witnesses' written proposed testimony with the party's other exhibits before the exhibit filing deadline. A party who offers expert testimony must submit an exhibit containing a statement of each expert witness's qualifications, in addition to a separate exhibit with the expert witness's written proposed testimony.

The AHO encourages all parties to prepare and submit as a separate exhibit for each witness a set of slides that summarize each witness's testimony. During the hearing, the party may use the exhibit with the slides to facilitate each of the party's witness's oral summary of his or her written proposed testimony. The parties must label the slides for each witness as a separate exhibit and submit it by the exhibit submittal deadline.

Unless the hearing officer orders otherwise, parties do not need to submit rebuttal testimony or exhibits before the hearing. See section 10, part c. for more information about rebuttal evidence.

7. EXHIBIT FORMATTING AND ORGANIZATION: A party submitting evidence must file with the AHO both the exhibits and an Exhibit Identification Index, which is a list of exhibits in Excel format.

Each party should label exhibits with a short version of the party's name and sequential numbers. For example, the City of Stockton's exhibits should be numbered Stockton-1, Stockton-2, etc., Contra Costa Water District's exhibits should be numbered CCWD-1, CCWD-2; DWR's exhibits should be numbered DWR-1,

DWR-2, etc.; San Luis & Delta-Mendota Water Authority's exhibits should be labeled SLDMWA-1, SLDMWA-2, etc. and Westlands Water District's exhibits should be labeled WWD-1, WWD-2, etc. Do not use any sub-letters like 1a, 1b, etc. for exhibit numbers.

Each party should number each paragraph of each witness's written testimony sequentially, 1, 2, 3, etc. (This paragraph numbering will make it easier for the hearing officer and representatives of other parties to ask each witness questions about his or her written testimony.) Witnesses should not use any sub-paragraph letters like 1a, 1b, etc. in their written testimony. A witness may include headings like "Background," "Introduction," etc. for different sections of the witness's proposed written testimony but should not number or letter these headings and should not re-start the paragraph numbering in each section.

Parties may use pleading paper with line numbers in the left margins for their witnesses' written proposed testimony.

Each party must submit to the AHO the exhibits and exhibit identification indices for this hearing before the deadline specified in the Hearing Notice.

The AHO may treat a party's failure to submit exhibits before this deadline as a waiver of the party's right to submit exhibits for the hearing and a waiver of the party's status as a party.

- a. Parties submitting exhibits based on complex technical analyses also must submit sufficient information so that a qualified independent expert could reproduce the results.

Parties submitting exhibits based on models or technical studies (such as reports, recommendations, or requirements) also must submit sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the models or studies, so that a qualified independent expert could reproduce the model or technical study and use it to obtain the same results.

- b. Consistent with California Code of Regulations, title 23, section 648.3, the hearing officer has discretion to decide whether to receive into evidence by reference any relevant, otherwise admissible, public records of the State Water Board and any documents or other evidence that a public agency has prepared or published, provided that the original or a copy was in the possession of the State Water Board before the hearing officer issued this notice. A party offering such an exhibit by reference shall advise the other parties and the AHO of the title of the document, the particular portions of the document, including page and paragraph numbers, that the party will ask the hearing officer to consider, the purpose for which the party will use the portions of the exhibit if it is accepted into evidence, and the specific file folder or other exact location in the State Water Board's files where the document may be found.

- c. The hearing officer normally will exclude exhibits that rely on unpublished technical documents unless the hearing office has admitted the unpublished technical documents into evidence.
- d. Parties submitting large-format exhibits such as maps, charts, and other graphics shall provide the originals for the hearing record in a form that can be folded to 8 ½ x 11 inches. Parties also shall file, for the hearing record, a reduced copy of a large-format original exhibit. The hearing officer will determine whether the large-format version or the reduced copy, or both, will be admitted into evidence.

8. SUBMISSIONS OF DOCUMENTS: To expedite the exchange of documents, reduce paper use, and lower the cost of participating in the hearing, all participants must submit hearing documents by uploading them to the State Water Board's FTP site in electronic form (in addition to filing two paper copies of each exhibit with the AHO) unless the hearing officer authorizes submission of exhibits in different formats.

The State Water Board's FTP site may be accessed at <https://ftp.waterboards.ca.gov/>. All parties may use the shared account on this site to access and download documents in the administrative record for this hearing. This shared account is referred to in this notice as the "AHO-FTP download folders". The AHO will provide each party a unique account to upload the party's documents for this hearing. These accounts are referred to in this hearing notice as the parties' "upload accounts".

a. AHO-FTP Download Folders:

The AHO will create a folder for each proceeding on the State Water Board's FTP site. The folder for each proceeding will contain all administrative record documents related to that proceeding and may contain various subfolders, including subfolders for background documents and hearing documents. Only AHO personnel may upload files to this folder. The AHO will post each party's hearing exhibits, exhibit identification indices and closing briefs to this folder promptly after each filing deadline. The AHO may add other administrative record documents to this folder during this proceeding (including recordings of hearings). The documents in this folder will be the AHO's administrative record for this proceeding. Anyone may download documents from the AHO-FTP download folder for any proceeding at any time.

If any party believes that the AHO should add documents to, or remove any documents from, this folder for this proceeding, then the party may file a request to the hearing officer for such action (by e-mailing the request to the AHO e-mail inbox), and shall transmit copies of the request to all other parties on the service

list. The hearing officer will issue rulings or take other actions on such requests as the hearing officer deems appropriate.

b. Upload Folders:

The AHO will create a separate upload account for each party that files an NOI as a party for this hearing, so that the party may upload the party's exhibits and other documents to the folder for that account. In most cases, these accounts will be specific for each party and each hearing and the AHO will close the accounts for each hearing after the hearing and related proceedings have been completed.

Any party to this proceeding may upload documents for this proceeding (primarily exhibits and exhibit identification indices and closing briefs) using the party's upload account. Only the party may upload files to the party's folder, and only the AHO may view, transfer and download files from this folder. After the applicable filing deadline, AHO staff will move documents uploaded by each party to the administrative record in the AHO-FTP download folder for the proceeding, so all other parties may view and download the documents.

Documents uploaded by the parties normally must be in Adobe Portable Document Format (PDF), except that spreadsheets may be submitted in Microsoft Excel format, slide presentations may be submitted in Microsoft PowerPoint format, and exhibit identification indices must be submitted in Microsoft Excel format.

If a party wants to submit an exhibit in any other format, then the party shall submit a written request to the hearing officer, and serve copies of the request on all other parties on the service list, at least 14 days before the deadline for submitting exhibits. The request shall describe the other format, explain what software is necessary for the hearing officer and other parties to be able to review the exhibit in that format, and explain why the party believes it is appropriate for the party to submit the exhibit in that format. The hearing officer normally will rule on such requests before the exhibit submittal deadline.

Each party shall upload its exhibits and exhibit identification index to the party's folder on the State Water Board's FTP site before the exhibit filing deadline specified in this notice. A party that uploads hearing documents to the FTP site does not need to serve copies of the documents on the other parties, except that, if another party has not agreed to accept electronic service of documents, then the party uploading hearing documents to the Board's FTP site also shall serve paper copies of all such documents on that other party and shall file a proof of this service with the AHO. **When a party has uploaded all of the party's exhibits to the Board's FTP site, the party or party's representative shall send an email the AHO at AdminHrgOffice@Waterboards.ca.gov, with copies to the other parties on the service list, notifying the AHO that the party has uploaded the documents.**

Each party also shall mail or hand-deliver two paper copies of all its exhibits and exhibit identification index to one of the AHO's two addresses listed below, with a proof of service of these paper copies. A party may provide this proof of service of these paper copies by sending an e-mail or letter to the AHO, with the transmittal of copies of the e-mail or letter to the other parties shown in the e-mail "cc" (carbon copy) list or the cc portion of the letter. The party shall make this mailing of the paper copies of the party's exhibits by the exhibit filing deadline, but the AHO does not need to receive the mailed paper copies of the exhibits by this deadline.

After the exhibit filing deadline, the AHO will move all filed exhibits and Exhibit Identification Indices from the parties' upload folders to the administrative record folder and advise the parties that these documents are available for downloading from that folder. The AHO may rename or renumber exhibits that do not have proper exhibit names or numbers. If the AHO does this, then the AHO may create an electronic folder of documents that the party has submitted and a separate electronic folder of any documents the AHO has renamed or renumbered, in the administrative record folder.

If a party cannot upload exhibits to the FTP site, then the party may mail two paper copies of all its exhibits to the AHO at:

State Water Resources Control Board
Administrative Hearings Office
P. O. Box 100
Sacramento, CA 95812-0100

Alternatively, a party may send paper copies of its exhibits to the AHO by overnight delivery to:

Joe Serna Jr. CalEPA Building
State Water Resources Control Board, Administrative Hearings Office
1001 I Street
Sacramento, CA 95814

If a party uses either of these alternative means of filing paper copies of its exhibits with the AHO in lieu of electronically filing the exhibits, then the party shall complete the filing of the paper copies by the exhibit filing deadline specified in this notice.

9. PRE-HEARING CONFERENCE: The hearing officer will conduct a pre-hearing conference before the hearing to discuss the pre-hearing and hearing schedules, the scope of the hearing, the status of any protests, the formats of exhibits, opening statements and policy statements, methods of service, and any other appropriate procedural issues. This notice states the date and time of the pre-hearing conference. The hearing officer may issue notices of subsequent pre-hearing conferences. The hearing officer may issue a pre-hearing conference order after each pre-hearing conference.

10. ORDER OF PROCEEDING: The hearing officer will follow the order of proceedings specified in California Code of Regulations, title 23, section 648.5, unless the hearing officer decides to modify the order of proceeding before or during the hearing. The hearing officer will set time limits for each element of the proceeding specified below before or during the hearing.

- a. **Policy Statements:** The hearing officer will allow interested persons to present policy statements at the start of the hearing before the presentations of cases-in-chief. **Oral policy statements and oral summaries of written policy statements will be limited to 5 minutes.**
- b. **Presentation of Cases-In-Chief:** Each party that so indicates in its Notice of Intent to Appear may present a case-in-chief addressing the key issues in the hearing notice. Each case-in-chief will consist of an opening statement, if the party decides to make one, and oral summaries of the witnesses' written testimony. The hearing officer then will allow other parties to cross-examine the witnesses who have presented written testimony or oral summaries of their written testimony. The hearing officer may allow re-direct examination and re-cross examination. The hearing officer will decide whether to accept the party's exhibits into evidence upon the party's request or motion after completion of all examinations of the party's witnesses.

Unless otherwise specified, documents such as written testimony, motions, written comments, and briefs shall be submitted to the AHO on pleading paper (with each line numbered in the left margin) using 12-point font and one-inch margins. If pleading paper is not available, the documents described above shall be double-spaced. For either format, the party shall sequentially number the paragraphs in the written testimony.

- i. **Opening Statements:** At the beginning of each party's case-in-chief, the party or the party's attorney or other representative may make an opening statement that briefly and concisely states the objectives of the case-in-chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues. **Oral opening statements will be limited to 5 minutes per party.** A party may submit a written opening statement before the hearing or during the hearing before the party's case-in-chief and then, if desired, may provide an oral summary of the written opening statement. A party should include any policy-oriented statements in the party's opening statement.
- ii. **Oral Summaries of Written Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, all witnesses shall swear or affirm that the written and oral testimony they will present will be true and correct. A witness shall not read written testimony into the record, but instead shall just provide a summary. A witness provides his or her direct testimony when he or she confirms that a designated exhibit or exhibits is or are his or her written testimony. The hearing officer may allow additional time for oral summaries or clarifying testimony, and the parties may discuss the need for additional time for such summaries or clarifications during the pre-hearing conference, if one is held, or during the party's presentation of the party's witnesses.
- iii. **Cross-Examination:** The hearing officer will permit other parties to cross-examine a party's witnesses on the witnesses' written submittals, oral summaries and clarifying testimony, and other relevant matters not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) If a party presents multiple witnesses, the hearing officer will decide whether the party's witnesses will be cross-examined individually or as a panel or panels. The hearing officer may allow additional time for cross-examination if the cross-examining party demonstrates in an offer of proof good cause to take additional time for cross-examination. Ordinarily, only a party or the party's representative will be permitted to cross-examine a witness, but the hearing officer may allow a party to designate a person technically qualified in the subject being considered to cross-examine a witness.
- iv. **Re-Direct and Re-Cross Examination:** The hearing officer may allow re-direct and re-cross examination of each party's witnesses. Any re-direct examination and re-cross examination permitted may not exceed the scope of the cross-examination and the re-direct examination, respectively. The hearing officer may establish time limits for any permitted re-direct and re-cross examination.
- v. **Hearing Officer's Questions:** Consistent with California Code of Regulations, title 23, section 648.5, subdivision (b), the hearing officer may ask any witness questions and may cross-examine any witness at any time.

- c. **Rebuttal:** After all parties have presented their cases-in-chief and their witnesses have been cross-examined, the hearing officer may allow parties to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence another party has presented in its case-in-chief.

Unless the hearing officer orders otherwise, parties do not need to submit rebuttal testimony or exhibits before the hearing. The hearing officer may set a schedule for submittal of written rebuttal testimony or exhibits after the parties have presented their cases-in-chief. The hearing officer may require written rebuttal testimony to specify the previously submitted testimony that is being rebutted. Cross-examination of witnesses offering rebuttal evidence normally will be limited to the scope of the rebuttal evidence.

- d. **Closing Briefs:** The hearing officer will set a schedule for the parties to file written closing briefs. The parties shall follow the procedures described above for uploading exhibits to the parties' folders on the State Water Board's FTP site when they upload their closing briefs, and shall file two paper copies with the AHO. Each party shall mail a paper copy of its closing brief to any party that has not agreed to accept electronic service of documents and shall indicate this service in a proof of service filed with the AHO. No party may attach any documents of an evidentiary nature to the party's closing brief unless the hearing officer already has admitted the document into evidence or the document is the subject of an offer of proof made during the hearing. After the deadline for filing closing briefs, the AHO will post all closing briefs to the FTP site.

11. RULES OF EVIDENCE: Government Code section 11513 shall apply to all evidence offered during the hearing. Consistent with Government Code section 11513, subdivision (d), a party may use hearsay evidence to supplement or explain other evidence, but over timely objection such evidence will not be sufficient by itself to support a finding unless the evidence would be admissible over objection in a civil action.

12. TELECONFERENCE HEARING: Due to the on-going COVID-19 pandemic and the associated closure of the Joe Serna Jr. CalEPA Building to the public, the AHO currently is conducting all hearings and conferences by Zoom teleconference. New users of Zoom may want to review Zoom's support guide: <https://support.zoom.us/hc/en-us/categories/200101697>.

The AHO may continue to conduct some or all of its hearings by Zoom teleconference after this pandemic and associated closure end. The hearing notice specifies the method by which this hearing will be conducted.

Before the hearing, the AHO will provide a Zoom meeting link for people who want to participate in the hearing or pre-hearing conference to all parties and interested persons who have filed NOIs. To facilitate a clear understanding of who is speaking, the hearing officer will ask each person to identify himself or herself as necessary during the teleconference hearing. The hearing officer prefers that parties participate by both audio and video through the Zoom meeting link. If this is not possible, then the hearing officer will accept audio-only participations.

The AHO will not order a court reporter for videoconference pre-hearing conferences or hearings. Any interested party may order a court reporter at the party's own expense. The AHO will record the teleconference pre-hearing conference and hearing and will post an audio-plus-video file and a Zoom-generated transcript of the hearing on the AHO-FTP site as part of the administrative record for this matter.

Parties should test their devices' video and audio functions before the start of the hearing or pre-hearing conference. At the lower left-hand side of the Zoom window is a microphone and a video camera symbol. If there is a red line across the symbols, your microphone is on mute and video camera is off.

Please plan to call into the video conference at least 10 minutes before the scheduled hearing or pre-hearing conference time to ensure you can resolve any technical issues before the hearing or pre-hearing conference begins. You will initially be in a virtual waiting room and will be admitted to the hearing by a member of the AHO office. When you speak, please turn your video on and unmute your microphone by clicking on the symbols in the lower left-hand side of the Zoom window. During the hearing, please be respectful and patient, raising your hand on-screen to get the hearing officer's attention.

To reduce acoustic background noise, please remain on mute if you are not speaking. If you have other devices that are tuned into the meeting, please turn off the speaker volume of those devices. Other participants will be able to see your name, depending on your Zoom account settings. Other participants may also see the last three digits of your phone number unless you have called in anonymously. During the hearing, AHO staff may add designations of participants' names to the Zoom display.

If the device you are using freezes, please notify staff at AdminHrgOffice@Waterboards.ca.gov or by calling (916) 341-6940 and leaving a voicemail message and restart the device. AHO staff will be monitoring the e-mail inbox and voicemail and will notify the hearing officer. If restarting the device does not work, try calling into the hearing using the phone number provided to you with the Zoom meeting information.

In lieu of participating in the Zoom hearing, anyone may watch past or present AHO hearings by clicking "Watch AHO Hearings" on https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office.

People watching AHO hearings by this method will not be able to participate in the hearing and will not be identified to anyone else.

Date: August 16, 2021

SIGNATURE ON FILE
Megan S. Knize, Hearing Officer

Attachments:

- Notice of Intent to Appear Form
- Exhibit Identification Index
- Service List

NOTICE OF INTENT TO APPEAR

(Name of Participant or Party) _____ plans to participate in the water right hearing regarding City of Stockton Application 30531B Hearing

Scheduled to begin on November 9, 2021

1) Check only one of the following boxes:

- Option 1:** I/we intend to present a policy statement only and, therefore, not to participate as a party in this hearing.
- Option 2:** I/we intend to participate as a party by presenting any of the following: an opening statement, direct testimony, cross-examination or rebuttal, and intend to participate as a party in this hearing.

Reason for Requesting Party Status. If you are not identified as a party in the Hearing Notice, describe why you should be allowed to participate as a party:

2) If you selected Option 2 above and intend to provide direct testimony, complete the witness table below. If not, skip to item 3 below.

Witness Name	Expert Witness?		Subject of Proposed Testimony	Estimated Length of Oral Direct Testimony (minutes)
	Yes	No		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

(If more space is required, please add additional pages.)

3) Fill in the following information of the participant, party, attorney, or other representative:

Name (type or print):

Represented party (if applicable):

Mailing Address:

Telephone Number:

E-mail Address:

Optional:

I/we decline electronic service of hearing-related materials.

Signature: _____

Date: _____

UPDATED SERVICE LIST

By Email Only:

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