
State Water Resources Control Board

NOTICE OF EXTENSION OF DEADLINE FOR TRANSMITTAL OF PROPOSED ORDER

The State Water Resources Control Board
Administrative Hearings Office
held a Public Hearing on July 17, 30, 31 and September 9 and 16, 2020
to determine whether to adopt
a proposed cease-and-desist and administrative civil liability order to

Kevin Gonzalves

for alleged unauthorized diversions of water within the San Joaquin River Watershed
in Merced County

On March 12, 2020, the Administrative Hearings Office (AHO) of the State Water Resources Control Board (State Water Board or Board) issued a Notice of Public Hearing and Pre-Hearing Conference regarding issues described in the Draft Cease-and-Desist Order (CDO) in this matter. The applicable statutes, hearing issues and pre-hearing and hearing schedules are described in detail in the March 12 notice. On April 17, the AHO held the pre-hearing conference described in the March 12 notice.

On May 5, 2020, the AHO received copies of a transmittal of an Administrative Civil Liability Complaint (ACL Complaint) that the State Water Board's Division of Water Rights issued to Mr. Gonzalves.

On May 15, 2020, the AHO issued a Supplemental Notice of Public Hearing and Pre-Hearing Conference Order. This Supplemental Notice added additional hearing issues for hearing on the ACL Complaint, assuming Mr. Gonzalves would request a hearing on the ACL. On May 26, 2020, Mr. Gonzalves requested a hearing on the ACL Complaint.

On July 17, 30, and 31, 2020, and September 9 and 16, 2020, the AHO held its public hearing on the Draft CDO and the ACL Complaint via Zoom teleconference. On July 21, 2020 and on August 3, 2020, the AHO issued Supplemental Notices of Public Hearing. The Presiding Hearing Officer and AHO staff held a site visit on August 7, 2020.

On September 23, 2020, the AHO issued its post-hearing order.

On November 6, 2020, the deadline for filing post-hearing closing briefs, the AHO deemed the matter submitted under Water Code section 1114, subdivision (c)(1).

Under Water Code section 1114, subdivision (c)(1), the AHO is to prepare a proposed order in this matter within 90 days of this submittal deadline, that is, by February 4, 2021, unless the AHO extends this deadline.

As authorized by Water Code section 1114, subdivision (c)(1), the AHO extends this deadline by 30 days to March 8, 2021. This extension is necessary because of the delays the AHO has experienced due to COVID-19 related orders that have limited the ability of AHO staff to work in their offices.

Date: February 2, 2021

SIGNATURE ON FILE
Alan B. Lilly, Presiding Hearing Officer

Enclosure:
-Service List

SERVICE LIST

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