
State Water Resources Control Board

NOTICE OF TERMINATION OF MEDIATION

The State Water Resources Control Board
Administrative Hearings Office
issues this notice
regarding the pending petition for change of
the City of Solvang
for water-right Permit 15878 (Application A022423),
which authorizes diversions of water from the Santa Ynez River (underflow)
in Santa Barbara County.

BACKGROUND

On March 30, 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 Call regarding the petitions filed by the City of Solvang (“Solvang”) for change and extension of time for water-right Permit 15878 (Application A0022423). The background facts, applicable statutes, hearing issues and previously proposed pre-hearing and hearing schedules are described in the March 30, 2020 notice and in the subsequent pre-hearing conference and status conference orders in this proceeding.

On April 29, 2020, the AHO held a pre-hearing conference. On June 29, September 24, and November 6, 2020, March 26, July 22 and December 16, 2021, and February 2 and August 30, 2022, the AHO held status conferences.

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On August 10, 2022, the AHO issued a Notice of New Status Conference, Proposed Mediation, and Planned Pre-Hearing and Hearing Schedule. The section on page 3 of that notice titled “PLANNED MEDIATION” described my planned mediation. The section on page 3 of the AHO’s September 2, 2022 Status Conference Order and Notice of Mediation confirmed that I would proceed with the planned mediation.

Following that notice and order I proceeded with the mediation, which was among Solvang, the National Marine Fisheries Service, California Trout and the California Department of Fish and Wildlife. Representatives of these parties and I signed a mediation agreement, which, among other things, provides that all communications made by any party in connection with the mediation process would be confidential and that, to the extent permitted by applicable law, all such communications would be and

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

would remain, subject to the provisions of California Evidence Code sections 1115-1128 and 703.5.

Pursuant to Evidence Code section 1125, subdivision (a)(3), I am notifying all mediation participants and Nicole Kuenzi, the AHO's Presiding Hearing Officer, that this mediation is terminated. The mediation did not resolve any pending issues and representatives of the parties to the mediation did not sign any settlement agreement. I will not disclose to Ms. Kuenzi or any other AHO hearing officer or staff member any confidential evidence, communications or writings circulated or made during the mediation.

Date: Feb. 14, 2023

/s/ ALAN B. LILLY
Alan B. Lilly, Senior Hearing Officer

Enclosure:

-Service List (all service by e-mail only)

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