



State Water Resources Control Board

NOTICE OF PRE-HEARING CONFERENCE

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.

**The Pre-Hearing Conference will be held on
April 27, 2023, beginning at 10:00 a.m.**

Anyone participating in this hearing shall use the following Zoom meeting link:
<https://waterboards.zoom.us/j/92786481140?pwd=b2xXK2ErbTdyenh3ZTFUUEJvSHdZQT09> with Meeting ID: 927 8648 1140 and Passcode: 786867
or call-in information:
+16699009128,,92786481140#,,,,*786867# US (San Jose)

Any person interested in observing this pre-hearing conference without participating may do so by accessing the Live Stream on the AHO YouTube channel with the following link: <https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8I-C7Nig/videos?view=57>. If this link does not work, then any interested person may use the above Zoom meeting link to observe this pre-hearing conference.

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

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 22423). 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 notices and orders.

As discussed in the October 2, 2020 Status Conference Order and Notice of New Status Conference, Solvang withdrew its petition for extension of time on August 7, 2020. This proceeding now concerns only Solvang's water-right change petition, as modified by Solvang on August 7, 2020, and protests to that petition.

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

Between October 18, 2022, and February 14, 2023, the AHO hearing officer conducted mediation among Solvang, the National Marine Fisheries Service, California Trout, and the California Department of Fish and Wildlife. The AHO hearing officer reported in a February 14, 2023 Notice of Termination of Mediation that the mediation did not resolve any pending issues and representatives of the parties to the mediation did not sign any settlement agreement. To maintain the confidentiality of the mediation proceedings, the Presiding Hearing Officer re-assigned this matter to herself for the purpose of conducting a hearing and preparing a proposed order for the Board's consideration.

PRE-HEARING CONFERENCE

The AHO will hold a pre-hearing conference in this proceeding on the date and at the time listed on the first page of this notice. During this pre-hearing conference, the hearing officer will discuss the following issues with the parties' representatives:

1. When should the AHO conduct a hearing on Solvang's petition to change Permit 15878? When should the AHO conduct the rebuttal portion of the hearing? How many days of hearing should the hearing officer schedule for the case-in-chief portion of the hearing and the rebuttal portion of the hearing?
2. What time limits should the hearing officer impose on the presentation of oral summaries of witnesses' written testimony during the hearing? Should the hearing officer impose a time limit on cross-examination of witnesses? If so, what should that time limit be?

3. What deadlines should the hearing officer set for the parties to submit Notices of Intent to Appear (including witness lists), case-in-chief exhibits, and rebuttal exhibits?
4. Should the hearing officer set deadlines for the parties to submit written evidentiary objections in advance of the hearing?
5. Are there any other pre-hearing deadlines that the hearing officer should set?
6. When should the AHO conduct a second pre-hearing conference?
7. What deadline should the hearing officer set for submission of closing briefs?
8. Are there any other issues that any of the parties want to address during this pre-hearing conference?

The parties do not need to file pre-hearing conference statements but may if they want to. Any party that wants to file a pre-hearing conference statement shall file it by e-mail to the AHO at adminhrgoffice@waterboards.ca.gov, and shall include all the e-mail addresses in the service list for this proceeding in the e-mail's cc line.

The AHO will not order a court reporter for this pre-hearing conference. Any party may order a court reporter at that party's own expense.

Date: March 24, 2023

/s/ Nicole Kuenzi
Nicole Kuenzi
Presiding Hearing Officer

Enclosure:

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

SERVICE LIST

B. Tilden Kim
Richards Watson Gershon
350 South Grand Ave., 37th Floor
Los Angeles, CA 90071
tkim@rwglaw.com
Attorney for City of Solvang

Chelsea O'Sullivan
847 Monterey Street, Suite 206
San Luis Obispo, CA 93401
co'sullivan@rwglaw.com
Attorney for the City of Solvang

Stephanie Osler Hastings
Jessica L. Diaz
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101
SHastings@bhfs.com
jdiaz@bhfs.com
Attorneys for Alisal Guest Ranch

Gary M. Kvistad
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101
Gkvistad@bhfs.com
Attorney for Santa Ynez River Water
Conservation District, ID No. 1

Elisabeth L. Esposito
Brownstein Hyatt Farber Schreck, LLP
1415 L Street, Suite 800
Sacramento, CA 95814
Eesposito@bhfs.com
Attorney for Santa Ynez River Water
Conservation District, ID No. 1

Laurie K. Beale
NOAA Office of General Counsel
GCNW, 7600 Sand Point Way NE
Seattle, WA 98115
laurie.beale@noaa.gov
Attorney-Advisor for NOAA Fisheries

Rick Bush
NOAA Fisheries
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802
Rick.Bush@noaa.gov

Maggie Hall
Linda Krop
California Trout
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101
mhall@environmentaldefensecenter.org
lkrop@environmentaldefensecenter.org
Attorneys for California Trout

Steven M. Torigiani
Brett A. Stroud
Young Wooldridge, LLP
1800 30th St., 4th Floor
Bakersfield, CA 93314
storigiani@youngwooldridge.com
bstroud@youngwooldridge.com
Attorneys for Santa Ynez River Water
Conservation District

Paeter Garcia, General Manager
Santa Ynez River Water Conservation
District, ID No. 1
P.O. Box 157
Santa Ynez, CA 93460
pgarcia@syrwd.org

Lena Germinario
Kathleen Miller
Office of General Counsel
California Department of Fish and
Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090
lena.germinario@wildlife.ca.gov
kathleen.miller@wildlife.ca.gov
Attorneys for California Department of
Fish and Wildlife

Jose Acosta
Xenia Bradford
City of Solvang
1644 Oak Street
Solvang, CA 93463
xeniab@cityofsolvang.com
jacosta@cityofsolvang.com

Administrative Hearings Office
adminhrgoffice@waterboards.ca.gov