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## State Water Resources Control Board

### **STATUS CONFERENCE ORDER AND NOTICE OF NEW STATUS CONFERENCE**

The State Water Resources Control Board  
Administrative Hearings Office  
issues this status conference order and  
notice of new status conference  
regarding the pending petitions for change and extension of time 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 new Status Conference will be held on  
November 5, 2020, beginning at 9:30 am.**

#### **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 notice.

On April 29, 2020, the AHO held a pre-hearing conference. On June 29 and September 24, 2020, the AHO held status conferences.

#### **WITHDRAWAL OF PETITION FOR EXTENSION OF TIME; AMENDMENTS TO CHANGE PETITION**

On August 7, 2020, Solvang’s attorney filed a letter with the AHO, which advised the AHO that Solvang was withdrawing its May 7, 2015 petition for extension of time. Accordingly, the AHO will not conduct any further proceedings on that petition.

The August 7, 2020 letter from Solvang's attorney also stated that Solvang was modifying its May 7, 2015 petition for change in points of diversion as shown on the map enclosed with the letter. That map shows a "PROPOSED REACH OF DIVERSION," which the map states is 9,789 feet between a "POINT F" and a "POINT E", both of which are depicted on the map. The AHO's further proceedings on Solvang's May 7, 2015 petition for change will consider this petition to be amended to limit current and future points of diversion to locations in this modified reach of potential diversions.

### **POTENTIAL NEW MAXIMUM MONTHLY DIVERSION AMOUNTS AND MAXIMUM PUMPING RATES**

On September 18, 2020, Solvang's attorney filed a letter with the AHO with an enclosed table, which the letter calls a "discussion draft" of a potential operations plan for all of Solvang's current and future Santa Ynez River wells. The potential plan is described in a table that lists potential maximum monthly diversion amounts, a potential annual diversion limit, and potential maximum pumping rates. During the September 24 status conference, Solvang's attorney stated that Solvang's City Council would be considering approving an amendment to Solvang's May 7, 2015 change petition that would add the proposed operations plan's diversion and pumping limits to the petition.

### **NEW STATUS CONFERENCE ORDER**

As discussed during the September 24 status conference, the hearing officer directs the parties to take the following actions by the following deadlines:

Between the date of this order and October 19, 2020: Solvang's representatives shall confer with the representatives of the other parties to discuss Solvang's proposed new amendments to its change petition and how these proposed amendments may be edited or expanded before Solvang files them with the AHO to address some or all of other parties' questions and concerns.

October 19, 2020: Solvang shall file and serve a document describing its new amendments to its May 7, 2015 change petition. This document shall describe Solvang's proposed new maximum diversion rates and pumping limits, proposed maximum number of wells, proposed coordinated operations plan, and all other proposed permit terms.

October 26, 2020: Solvang shall file and serve copies of its permittee progress reports for its 1995 and 2002 diversions and use, or, if either of these reports is not available, tables of the amounts of water Solvang diverted and used under water-right Permit 15878 during each month of the year or years for which these reports are not available.

October 26, 2019: Solvang shall file a status conference statement describing the supplemental hydrological, environmental and other analyses that Solvang plans to conduct for its amended change petition, the new California Environmental Quality Act

document that Solvang will be preparing for its amended change petition, and Solvang's proposed schedule for completing these analyses and documents.

**NEW STATUS CONFERENCE**

The AHO will hold a status conference in this matter on November 5, 2020, beginning at 9:30 am. During the status conference, the hearing officer will discuss Solvang's amendments to its change petition, the elements of and process for analyses and documentation of related potential environmental impacts, and a schedule for future actions.

Any person interested in observing this status conference without participating may do so by accessing the Live Stream on the AHO YouTube channel with the following link: [https://www.youtube.com/watch?v=z8itZ\\_PK3aA](https://www.youtube.com/watch?v=z8itZ_PK3aA). If this link does not work, then any interested person may use the Zoom meeting link listed in the following paragraph to observe this status conference.

Anyone participating in this hearing may do so with the following Zoom meeting link: <https://waterboards.zoom.us/j/98421123870?pwd=eDI5eGRJVVJhYm9lNFJiVmDKzB MUT09> with Meeting ID: 984 2112 3870 and Passcode: 408590 or by calling in at: +16699009128,,98421123870#,,,,,0#,,408590#

The hearing officer requests that participants participate by both video and audio, if possible. If this is not possible, then the hearing officer will allow audio-only participation.

Except as explicitly stated in this order and notice, all provisions of the prior notices and orders described in the first paragraph of this order and notice remain in effect.

Date: October 2, 2020

SIGNATURE ON FILE  
Alan B. Lilly, Presiding Hearing Officer

Enclosure:  
-Service List

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