



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARING and PRE-HEARING CONFERENCE

Carmel River in Monterey County

The State Water Resources Control Board (State Water Board)
will hold a Pre-Hearing Conference and Hearing
to consider Monterey Peninsula Water Management District's (MPWMD)
Petitions to Change Permits 7130B and 20808
(Applications 11674B and 27614)

A Pre-Hearing Conference will commence on

Tuesday, August 21, 2007, at 10:00 a.m.

The Hearing will commence on
Monday, September 24, 2007, at 9:00 a.m.
and continue, if necessary,
on Tuesday, September 25, 2007, at 9:00 a.m.

at
Joe Serna, Jr./Cal EPA Building
1001 I Street, Second Floor, Coastal Hearing Room
Sacramento, CA

PRE-HEARING CONFERENCE

The hearing officer will conduct a pre-hearing conference to discuss the scope of the hearing and any other appropriate procedural issues on **Tuesday, August 21, 2007, at 10:00 a.m.** The goal of the pre-hearing conference is to ensure that the hearing proceeds in an orderly and expeditious manner. The pre-hearing conference will not be used to hear arguments on, or determine the merits of, any hearing issues, other than procedural matters, unless the parties agree to resolve a hearing issue by stipulation. Following the pre-hearing conference, the State Water Board may, at its discretion, modify the hearing procedures or issues set forth in this notice in whole or in part. **All parties to the hearing must attend the pre-hearing conference.** Failure to attend the pre-hearing conference may result in exclusion from participation in the hearing.

California Environmental Protection Agency

PURPOSE OF HEARING

The purpose of this hearing is to receive evidence to be considered by the State Water Board in determining whether to approve MPWMD’s petitions to change Permits 7130B and 20808 (Applications 11674B and 27614). State Water Board approval of these petitions would authorize the direct diversion of up to 7,300 acre-feet per annum (afa) of water from the Carmel River for the MPWMD Aquifer Storage and Recovery Project (ASR Project) in the Seaside Groundwater Basin.

BACKGROUND

On September 12, 2003, MPWMD filed petitions to change Permits 7130B and 20808.¹ These petitions were submitted to facilitate development of a full-scale groundwater injection and recovery project in the Seaside Groundwater Basin. If approved, MPWMD will be authorized to directly divert water from the Carmel River via the San Clemente Dam and 32 wells for the ASR Project. On April 15, 2005, the State Water Board issued a Notice of Petition for the 2003 petitions. In response to the notice, the following persons filed protests:

Protestant	Basis of Protest	Status of Protest
Chugach and Company (A030034), Aloyse and Novella Nicolson (A030046), Rancho Sin Frenos, LLC (A030075-A030110), Bruce and Beth Sterten (A030070), John and Alice Randazzo (A030281)	<ul style="list-style-type: none"> • Injury to Prior Rights 	Not accepted
NOAA – National Marine Fisheries Service (NMFS)	<ul style="list-style-type: none"> • Environmental Considerations, Public Trust, Public Interest and Other Issues 	Accepted – Unresolved
California Department of Fish and Game	<ul style="list-style-type: none"> • Environmental Considerations, Public Trust, Public Interest and Other Issues 	Accepted – Unresolved
Carmel River Steelhead Association	<ul style="list-style-type: none"> • Environmental Considerations, Public Trust, Public Interest and Other Issues 	Not accepted
California-American Water Company	<ul style="list-style-type: none"> • Environmental Considerations, Public Trust, Public Interest and Other Issues • Injury to Prior Rights 	Not Accepted

¹ For purposes of operating this project, the petitioner seeks to change Permits’ 7130B and 20808: (1) Season of Diversion, (2) Place of Storage, (3) Points of Diversion and (4) Permit Conditions 2, 7, 17, as well as, remove Permit Conditions 8, 18, 20-30, 32-38, 41-43, 45 and 48-50 from Permits 7130B and 20808.

Project Description

MPWMD is proposing to construct and operate an ASR Project that would allow direct diversion of a limited amount of surplus Carmel River flow for storage in, and later recovery from, the Seaside Groundwater Basin. The objective of the proposed ASR Project is to allow for changes in water supply operations in the Carmel River and Seaside Groundwater Basin that will:

(1) benefit the natural resources of the Carmel River and the groundwater resources of the Seaside Groundwater Basin, and (2) improve the short-term reliability of the domestic water supply system in the Seaside area.

MPWMD seeks to change the place of storage, of up to 7,300 afa authorized under Permits 7130B and 20808, to the Seaside Groundwater Basin.² The proposed direct diversion of water to offstream storage at the Seaside Groundwater Basin would occur in three phases: (1) Phase 1 - MPWMD proposes to directly divert up to 2,426 afa of water, (2) Phase 2 - MPWMD proposes to directly divert up to 3,234 afa of water, and (3) Phase 3 - MPWMD proposes to directly divert up to 7,300 afa of water. The proposed direct diversion of water from the Carmel River will occur from December 1 to May 31 of the following year.³

Surplus flow from the Carmel River will be conveyed through the California-American Water Company's (Cal-Am) municipal water supply system for injection in the Seaside Groundwater Basin. Cal-Am owns 32 wells and additional diversion facilities that MPWMD proposes to use for this project. Cal-Am's wells that are located along the Carmel River would be used to extract the water for this proposed project.⁴ MPWMD seeks to change Permits 7130B and 20808 to describe the 32 wells as Points of Diversion to offstream storage at the Seaside Groundwater Basin.

Cal-Am owns the San Clemente Dam.⁵ MPWMD seeks to change Permits 7130B and 20808 to describe the San Clemente Dam as a Point of Diversion to offstream storage at the Seaside Groundwater Basin. Cal-Am currently diverts surface flows at the San Clemente Dam, and for the proposed injection/recovery project, it may continue to be used as a point of diversion during high flow periods.

Under the proposed ASR Project, a portion of the stored water will be recovered by dual-purpose injection/recovery wells for municipal purposes within the MPWMD boundary during dry periods, and the remaining portion of the injected stored water will remain in the basin for recharge purposes. If the State Water Board approves MPWMD's 2003 petitions for change to Permits 7130B and 20808, MPWMD will be authorized to directly divert up to 7,300 afa of water from the Carmel River for the proposed ASR Project in the Seaside Groundwater Basin.

Environmental Information

MPWMD is lead agency under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). On August 21, 2006, MPWMD Board of Directors

² Under Permits 7130B and 20808, the petitioner is authorized to divert up to 15,970 afa and 24,000 afa, respectively, of water to storage at the proposed New Los Padres Dam.

³ Under Permits 7130B and 20808, the petitioner is authorized to divert water during the seasons of October 1 to May 31 and November 1 to June 30, respectively.

⁴ Under Permit 20808, Cal-Am's 32 wells are described as authorized Points of Diversion and Rediversion.

⁵ Under Permits 7130B and 20808, the San Clemente Dam is currently described as an authorized Point of Rediversion for stored water released from the proposed New Los Padres Dam.

certified the Final Environmental Impact Report/Environmental Assessment (FEIR/FEA) for the Phase 1 - ASR Project.⁶ MPWMD filed its Notice of Determination (NOD) on August 30, 2006.⁷ A copy of the EIR/EA can be viewed at MPWMD's website: <http://www.mpwmd.dst.ca.us/>.

KEY ISSUE

Should the State Water Board approve MPWMD's Petitions for Change to Permits 7130B and 20808 and, if so, under what, if any, conditions?

HEARING PARTICIPATION

IF YOU WANT TO TAKE PART IN THIS HEARING, you should carefully read the enclosure entitled "Information Concerning Appearance at Water Right Hearings." As stated in that enclosure, all parties intending to present evidence at the hearing must submit a **Notice of Intent to Appear**, which must be **received** by the State Water Board no later than the deadline listed below. About one week after the deadline for Notices of Intent to Appear, the State Water Board will mail out a list of those parties who have indicated an intent to participate in the hearing and a copy of all Notices of Intent to Appear that were timely received by the State Water Board. The list is provided in order to facilitate exchange of written testimony, exhibits and witness qualifications in advance of the hearing. Copies of witnesses' proposed **testimony, exhibits, lists of exhibits, and qualifications** must be **received** by the State Water Board and served on each of the parties who have indicated their intent to appear, no later than the deadline listed below.

Noon, July 23, 2007	Deadline for receipt of Notice of Intent to Appear.
Noon, August 31, 2007	Deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, and qualifications.

PARKING, ACCESSIBILITY, AND SECURITY

The enclosed maps show the location of the Joe Serna Jr./Cal-EPA Building and public parking sites in Sacramento. The Joe Serna Jr./Cal-EPA Building is accessible to people with disabilities.

Due to enhanced security precautions at the Cal-EPA Headquarters Building, all visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor's badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any

⁶ In accordance with CEQA requirements, project-level CEQA review is required before an approval can be issued for the full amount requested under MPWMD petitions. Consequently, the State Water Board can only use MPWMD's FEIR/FEA to analyze the environmental effects of approving the petitions for the initial 2,426 afa of water applied for under the petitions (Phase I). The MPWMD will be required to produce additional project-level CEQA documentation before approval is issued for the balance of 4,874 afa applied for under the petitions.

⁷ Office of Planning and Research – State Clearing House # 2004121065.

given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the hearing.

IF YOU HAVE ANY QUESTIONS

The hearing team consists of the Board members and the staff assisting the Board members with the hearing. State Water Board Member Arthur G. Baggett Jr. will preside as hearing officer over this proceeding. Other Board Members may be present during the hearing. State Water Board staff hearing team members will include Senior Staff Counsel Barbara Katz, Water Resources Control Engineer Ernest Mona and Environmental Scientist Jane Farwell. The hearing staff will assist the hearing officer and other members of the State Water Board during the hearing.

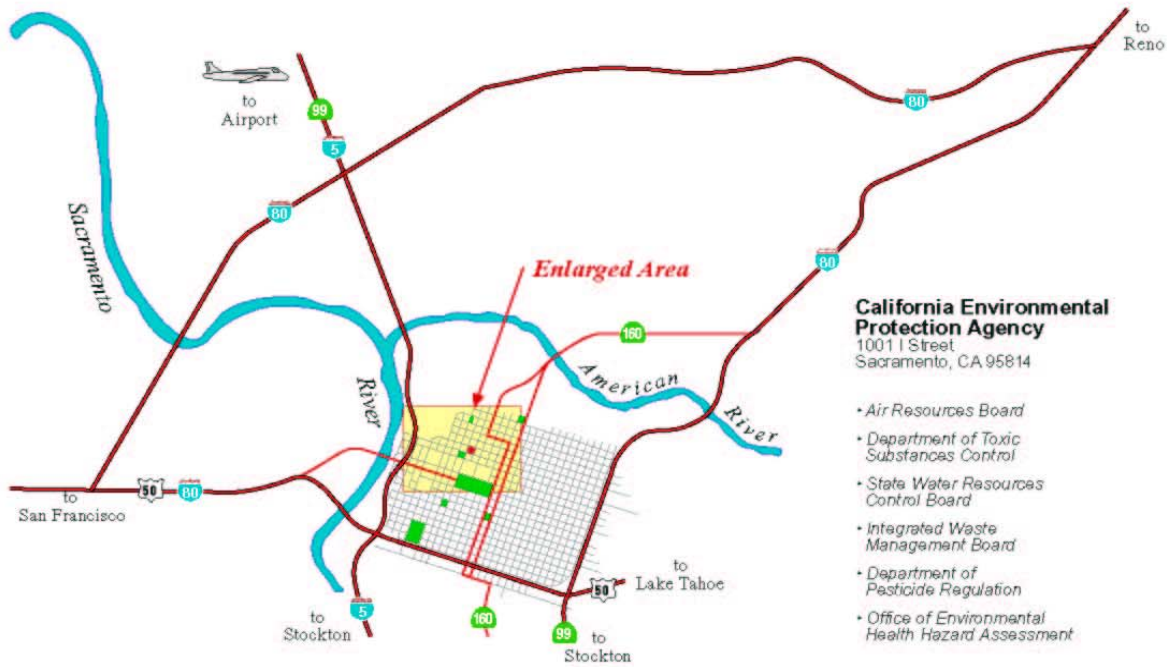
During the pendency of this proceeding and commencing no later than the issuance of this notice, there shall be no *ex parte* communications between State Water Board members or State Water Board hearing team staff and any of the other participants regarding substantive or controversial procedural matters within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters (Gov. Code, § 11430.20, subd. (b)) should be directed to Barbara Katz at (916) 341-5192.



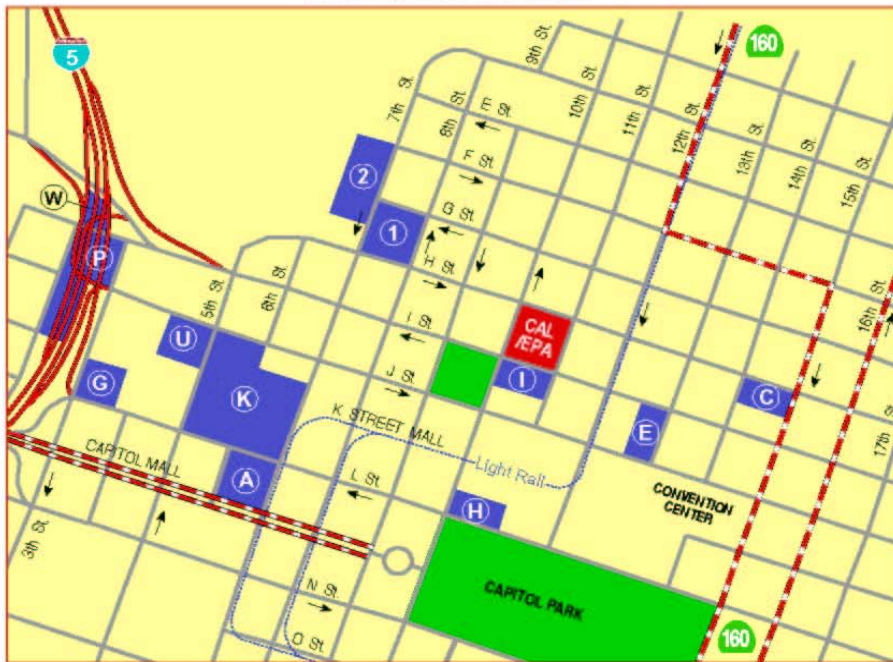
Song Her
Clerk to the Board

Date: June 27, 2007

Enclosures



Parking Lot Locations



Parking Lot Locations

- Lot 1 (7th & G St.)
- Lot 2 (7th & G St.)
- Lot A (7th & Capitol)
- Lot C (14th & H St.)
- Lot G (3rd & L)
- Lot H (10th & L)
- Lot I (10th & I, 11th & I)
- Lot K (6th & J/L, 7th & K)
- Lot P (2nd & I)
- Lot U (5th & J)
- Lot W (2nd & I St.)

INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS

The following procedural requirements will apply and will be strictly enforced.

1. **HEARING PROCEDURES GENERALLY:** The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-648.8, 649.6 and 760, as they currently exist or may be amended. A copy of the current regulations and the underlying statutes governing adjudicative proceedings before the State Water Board is available upon request or may be viewed at the State Water Board's web site: http://www.waterboards.ca.gov/water_laws/index.html.

Each party has the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross-examination. The hearing officer may extend these rights to a non-party participant or may limit the participation of a non-party participant.

Any requests for exceptions to the procedural requirements specified in this notice shall be filed in writing. To provide time for other participants to respond, the hearing officer will rule on procedural requests filed in writing no sooner than fifteen days after receiving the request, unless an earlier ruling is necessary to avoid disrupting the hearing.

2. **PARTIES:** The parties are Monterey Peninsula Water Management District, California-American Water Company, California Department of Fish and Game, National Marine Fisheries Service, and any other persons or entities authorized by the hearing officer to participate in the hearing as parties. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence. A person or entity that appears and presents only a policy statement will not be allowed to participate in other parts of the hearing. The rules for policy statements are discussed below.
3. **NOTICE OF INTENT TO APPEAR:** Participants in this hearing must file two copies of a Notice of Intent to Appear, which must be **received** by the State Water Board no later than **the deadline prescribed in the Hearing Notice**. Failure to submit a Notice of Intent to Appear and exhibits in a timely manner may be interpreted by the State Water Board as intent not to appear.

The Notice of Intent to Appear must state: (1) the name and address of the participant, (2) the name of each witness who will testify on the participant's behalf, (3) a brief description of the proposed testimony, and (4) an estimate of the time (not to exceed 20 minutes) that the witness will need to present a brief oral summary of their testimony. The witness's testimony must be submitted in writing as described in Section 4 below. Participants who do not intend to present a case-in-chief but wish to cross-examine witnesses or present rebuttal should so indicate on the Notice of Intent to Appear. Participants who decide not to present a case-in-chief after having submitted a Notice of Intent to Appear should notify the State Water Board and the other participants as soon as possible.

In order to expedite the exchange of information and lower the cost of participating in the hearing, the State Water Board encourages participants to submit written policy statements, written opening statements, written testimony, exhibits, and an Exhibit

Identification Index to the State Water Board in electronic form. In addition, participants may exchange the foregoing documents in electronic form. Hearing participants are not required to submit these documents in electronic form or accept electronic service; however, those who choose to submit these documents electronically must comply with the requirements described in section 5, below. If you are willing to accept electronic media service in lieu of receiving hard copies of items, please check the appropriate box on the Notice of Intent to Appear.

The State Water Board will mail a service list of parties to exchange information to each hearing party who has submitted a Notice of Intent to Appear. Hearing participants who intend to make only policy statements are not required to exchange information and will not receive copies of written testimony or exhibits from the parties. The service list will indicate which participants agreed to accept electronic service. If there is any change in the hearing schedule, only those persons or entities that have filed a Notice of Intent to Appear will be informed of the change.

4. **WRITTEN TESTIMONY AND OTHER EXHIBITS:** Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each participant proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.⁸ Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A participant who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

Each participant shall submit to the State Water Board either: seven paper copies of each of its exhibits or five paper copies and one electronic copy of each of its exhibits. Each participant shall also serve a copy of each exhibit on every participant on the service list. Participants may serve those parties who agree to electronic service with an electronic copy of exhibits. Participants must serve paper copies of exhibits on those participants who do not agree to electronic service.

With its exhibits, each participant must submit to the State Water Board and serve on the other participants a completed Exhibit Identification Index. If possible, each participant should submit to the State Water Board and serve on the other participants an electronic copy, as well as a paper copy of the Exhibit Identification Index. Please see Section 5 for details regarding electronic submissions.

A statement of service with manner of service indicated shall be filed with each participant's exhibits. The exhibits and indexes for this hearing, and a statement of service, must be **received** by the State Water Board, and served on the other participants no later than the deadline prescribed in the Hearing Notice.

The following requirements apply to exhibits:

- a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.

⁸ The hearing officer may make an exception to this rule if the witness is adverse to the participant presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officer may allow presentation of the oral direct testimony without requiring written testimony.

- b. The hearing officers have discretion to receive in evidence by reference relevant, otherwise admissible, public records of the State Water Board and documents or other evidence that have been prepared and published by a public agency, provided that the original or a copy was in the possession of the State Water Board before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A participant offering an exhibit by reference shall advise the other participants and the State Water Board of the titles of the documents, the particular portions, including page and paragraph numbers, on which the participant relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the State Water Board's files where the document may be found.
 - c. A participant seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other participants prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a participant waives the opportunity to obtain a copy of the exhibit, the participant sponsoring the exhibit will not be required to provide a copy to the waiving participant. Additionally, such exhibits may be submitted to the State Water Board in electronic form, using a file format readable by Microsoft Office 2000 software.
 - d. Exhibits that rely on unpublished technical documents will be excluded unless the unpublished technical documents are admitted as exhibits.
 - e. Participants submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, participants may supply, for the hearing record, a reduced copy of a large format original if it is readable.
5. **ELECTRONIC SUBMISSIONS:** Participants are encouraged to submit the following documents to the State Water Board in electronic form: written opening statements, written policy statements, written testimony, exhibits, and Exhibit Identification Indexes. In addition, the foregoing documents may be served electronically on those participants who have agreed to accept electronic service. Paper copies of all other documents must be submitted to the State Water Board and served on the other parties, unless the hearing officers specify otherwise.

Any documents submitted or served electronically must be in Adobe™ Portable Document Format (PDF), except for Exhibit Identification Indexes, which must be in a version supported by Microsoft Excel or Word. Electronic submittals to the State Water Board of documents less than 15 megabytes (incoming mail server attachment limitation) in total size may be sent via electronic mail to: wrhearing@waterboards.ca.gov with a subject of "Carmel River Hearing". Electronic submittals to the State Water Board of documents greater than 15 megabytes in total size should be sent by regular mail in PDF format on compact disk (CD™) media. Electronic service on participants shall be in the same format as submittals to the State Water Board, and should be submitted to the other participants by mail on CD.

Participants who agree to electronic service may request that specific documents be provided to them in paper copy. Requests should be made to the participant who submitted the document, not to the State Water Board. Participants who receive such a request shall provide a paper copy of the requested document within five days of the date the request is received. The State Water Board will post a list of all exhibits submitted for the hearing on its website at: <http://www.waterrights.ca.gov/Hearings/carmelriver.html>

6. **ORDER OF PROCEEDING:** The State Water Board member serving as hearing officer will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events.
- a. **Policy Statements:** Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (d), the State Water Board will provide an opportunity for presentation of non-evidentiary policy statements or comments by interested persons who are not participating in the hearing. Policy statements will be heard at the start of the hearing, immediately after a hearing officer identifies the parties and other participants. Policy statements are subject to the following provisions in addition to the regulation:
 - i. Policy statements are not subject to the prehearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.
 - ii. The State Water Board requests that policy statements be provided in writing before they are presented. Please see Section 5, above, for details regarding electronic submittal of policy statements. Oral summaries of the policy statements will be limited to five minutes or such other time as established by the hearing officers.
 - b. **Presentation of Cases-In-Chief:** Each participant may present a case-in-chief addressing the key issues identified in the hearing notice. The case-in-chief will consist of any opening statement provided by the participant, oral testimony, introduction of exhibits, and cross-examination of the participant's witnesses. The hearing officer may allow redirect examination and recross examination. The hearing officer will decide whether to accept the participant's exhibits in evidence upon a motion of the participant after the case-in-chief has been completed.
 - i. **Opening Statements:** At the beginning of a case-in-chief, the participant or the participant's attorney may make an opening statement briefly and concisely stating 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 20 minutes per participant. A participant may submit a written opening statement. Please see section 5, above, for details regarding electronic submittal of written opening statements. Any policy-oriented statements by a participant should be included in the participant's opening statement.
 - ii. **Oral Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses will be allowed up to 20 minutes to summarize or

emphasize their written testimony on direct examination.⁹ Each participant will be allowed up to two hours total to present all of its direct testimony.¹⁰

- iii. **Cross-Examination:** Cross-examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, a hearing officer will decide whether the participant's witnesses will be cross-examined as a panel. Cross-examiners initially will be limited to one hour per witness or panel of witnesses. The hearing officer has discretion to allow additional time for cross-examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross examination permitted by a hearing officer will be limited to the scope of the cross-examination and the redirect examination, respectively. Witnesses may be cross-examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) Ordinarily, only a participant or the participant's representative will be permitted to examine a witness, but a hearing officer may allow a participant to designate a person technically qualified in the subject being considered to examine a witness. State Water Board members and the State Water Board's counsel may ask questions at any time, and the State Water Board members and staff may cross-examine any witness.
 - c. **Rebuttal:** After all participants have presented their cases-in-chief and their witnesses have been cross-examined, the hearing officer will allow participants to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented in another participant's case-in-chief. Rebuttal testimony and exhibits need not be submitted prior to the hearing. Rebuttal evidence is limited to evidence that is responsive to evidence presented in a case-in-chief, and it does not include evidence that should have been presented during the presenter's case-in-chief. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.
 - d. **Closing Statements and Legal Arguments:** At the close of the hearing or at other times if appropriate, the hearing officer may allow oral arguments or set a schedule for filing briefs or closing statements. If the hearing officer authorizes the participants to file briefs, five copies of each brief shall be submitted to the State Water Board, and one copy shall be served on each of the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.
7. **EX PARTE CONTACTS:** During the pendency of this proceeding, commencing no later than the issuance of the Notice of Hearing, there shall be no *ex parte* communications between either State Water Board members or State Water Board hearing team staff and any of the other participants regarding substantive issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding non-controversial procedural matters are permissible, and should be directed to the State Water Board staff attorney on the hearing team, not State Water Board members. (Gov. Code, § 11430.20, subd. (b).) A document regarding *ex parte* communications entitled, "Ex Parte Questions and Answers" is

⁹ The hearing officer may allow additional time for the oral direct testimony of the witness if the witness is adverse to the participant presenting the testimony and the hearing officer is satisfied that the participant could not produce written direct testimony for the witness.

¹⁰ The hearing officer may, for good cause, approve a party's request to use more than two hours total to present direct testimony during the party's case-in-chief.

available upon request or from our website at:
<http://www.waterboards.ca.gov/docs/exparte.pdf>.

8. **RULES OF EVIDENCE:** Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.
9. **SUBMITTALS TO THE STATE WATER BOARD:** Notices of Intent to Appear, written testimony and other exhibits submitted to the State Water Board should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
P.O. Box 2000, Sacramento, CA 95812-2000
Attn: Ernest Mona
Phone: (916) 341-5359
Fax: (916) 341-5400
Email: wrhearing@waterboards.ca.gov
With Subject of "Carmel River Hearing"

STAFF EXHIBITS TO BE OFFERED INTO EVIDENCE

The following items will be offered, by reference, as staff exhibits at the Carmel River ASR Project Hearing

1. All water right files related to:
 - a. Application 11674B
 - b. Application 27614
2. Topographic Maps published by the United States Geological Survey covering the area under consideration.
3. United States Geological Survey, "Water Resource Data, California" for the period of published record and covering the Carmel River watershed. <http://waterdata.usgs.gov/ca/nwis>
4. Climatology Data for the Carmel River watershed for the period of published record. <http://cdec.water.ca.gov/>
5. California Department of Water Resources' Water Data Library (WDL) hydrologic data. <http://wdl.water.ca.gov/>
6. Final Environmental Impact Report/Environmental Assessment for Monterey Peninsula Water Management District Phase 1 Aquifer Storage and Recovery Project, August 2006 (State Clearing House #S004121065)

NOTICE OF INTENT TO APPEAR

_____ plans to participate in the water right hearing regarding
(name of party or participant)

**Monterey Peninsula Water Management District's (MPWMD) Petition to Add Points of
Diversion and Place of Storage Under Permits 7130B and 20808
(Applications 11674B and 27614)**

scheduled for
Monday, September 24, 2007, and continuing,
if necessary, on Tuesday, September 25, 2007.

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative

Signature: _____ Dated: _____

Name (Print): _____

Mailing Address: _____

Phone Number: (____) _____ Fax Number: (____) _____

E-mail Address: _____

Monterey Peninsula Water Management District's (MPWMD) Petition to Add Points of Diversion and Place of Storage Under Permits 7130B and 20808 (Applications 11674Band 27614)

Exhibit Identification index

Participant _____

Exhibit No.	Description	Status as Evidence	
		Introduced	Accepted