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## State Water Resources Control Board

### **PRE-HEARING CONFERENCE ORDER AND NOTICE OF STATUS CONFERENCE CALL**

The State Water Resources Control Board  
Administrative Hearings Office  
issues this pre-hearing conference order and  
notice of status conference call  
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 August 31 and September 2 and 11, 2020 Hearing Dates  
are cancelled and a  
Status Conference Call is set for June 29, 2020, beginning at 9:30 am.**

#### **BACKGROUND**

##### Administrative Hearings Office Notices, Order and Pre-Hearing Conference

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 proposed pre-hearing and hearing schedules were described in detail in the March 30 notice and are not repeated here.

On April 10, 2020, the AHO issued an order amending the March 30 notice. On April 17, 2020, the AHO issued an Updated Service List for this matter. On April 29, the AHO held the pre-hearing conference described in the March 30 notice.

## Parties' Communications and Pre-Hearing Conference Statements

An April 9, 2020 letter signed by representatives of Solvang, the Alisal Guest Ranch ("Alisal") and the Santa Ynez River Water Conservation District, Improvement District No. 1 ("Improvement District No. 1") described Solvang's current emergency conditions that have resulted from the COVID-19 pandemic and the reasons for the delays that have occurred in the settlement negotiations among these three parties.

Solvang's April 23, 2020 Pre-Hearing Conference Statement describes these problems and also discusses Solvang's potential plans to significantly change its water-supply portfolio and possibly its plans for developing its new wells adjacent to the Santa Ynez River. Solvang's statement also discusses potential future settlement discussions with other interested parties. The other parties' pre-hearing conference statements also discuss potential settlement discussions with Solvang and other pre-hearing and hearing issues. During the April 29 pre-hearing conference, the parties' representatives discussed these and related issues in more detail.

## **CANCELATION OF EXHIBIT FILING DEADLINES AND HEARING DATES; NEW STATUS CONFERENCE SCHEDULE**

Considering Solvang's current crises associated with the COVID-19 pandemic, and because Solvang may substantially change its proposed water-supply portfolio and its plans for new wells adjacent to the Santa Ynez River, the hearing officer cancels all of the exhibit-filing deadlines and hearing dates specified in the March 30 notice.

To maintain progress in this matter, the hearing officer directs the parties to take the following actions by the following deadlines:

June 15, 2020: Solvang shall file and serve a status conference statement, which shall describe the following:

- (a) Solvang's present plans for future actions regarding its water-supply portfolio;
- (b) Solvang's present plans for potential new wells adjacent to the Santa Ynez River;
- (c) the status of Solvang's settlement discussions with other interested parties and the schedule for future actions regarding potential settlements of protest issues (please do not discuss any party's settlement offers);
- (d) Solvang's plan and schedule to prepare any updated hydrological analyses and supplemental California Environmental Quality Act ("CEQA") documents that may be necessary for Solvang's present plans for potential new wells adjacent to the Santa Ynez River and its change and time-extension petitions; and
- (e) Solvang's proposed schedule for future status conferences, completion of settlement discussions, submittal of hearing exhibits and hearing.

June 22, 2020: All other interested parties shall file and service status conference statements, which shall describe the following:

- (a) the status of the party's settlement discussions with Solvang (please do not discuss any party's settlement offers);
- (b) any additional hydrological modeling work the party believes Solvang needs to conduct and any additional CEQA documents the party believes Solvang needs to prepare for its potential new wells adjacent to the Santa Ynez River and its change and time-extension petitions;
- (c) the party's proposed schedule for Solvang to conduct any additional hydrological modeling work or prepare any additional CEQA documents; and
- (d) the party's proposed schedule for future status conferences, completion of settlement discussions, submittal of exhibits and hearing.

The hearing officer encourages parties with aligned interests to file joint status conference statements.

**STATUS CONFERENCE CALL**

The AHO will hold a status conference call in this matter on June 29, 2020, beginning at 9:30 am. The AHO will circulate and post information regarding how to participate in this conference call before the date of the conference call.

During the status conference call, the hearing officer will discuss the above issues and develop a schedule for future actions in this matter.

**AVAILABILITY OF ADMINISTRATIVE RECORD DOCUMENTS**

On May 5, the AHO issued its Notice of Availability of Administrative Hearings Office FTP Sites. A copy of this May 5 notice is attached. The files the AHO has posted on the AHO-FTP site for this matter may be accessed at:

<https://ftp.waterboards.ca.gov/#/City%20of%20Solvang%20-%20Petitions%20to%20Change%20Water-Right%20Permit%2015878%20%28Application%20A022423%29/>

Because these documents already are in the initial Administrative Record, parties do not need to submit copies of them as hearing exhibits when a hearing is noticed for this matter. During the hearing, the hearing officer will ask the parties if they have any objections to any of these documents being admitted into evidence. The parties then may include citations to admitted documents in their closing briefs.

Date: May 22, 2020

SIGNATURE ON FILE  
 Alan B. Lilly, Presiding Hearing Officer

Enclosures:

- May 5, 2020 Notice of Availability of Administrative Hearings Office FTP Sites
- Service List

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## State Water Resources Control Board

### **NOTICE OF AVAILABILITY OF ADMINISTRATIVE HEARINGS OFFICE FTP SITES**

The Administrative Hearings Office (AHO) has created two File Transfer Protocol (FTP) sites for the purposes of making AHO Administrative Record files available to the public and allowing parties to transmit files to the AHO.

The two FTP sites can be accessed at <https://ftp.waterboards.ca.gov/> and are described here:

(1) Username: AHO-FTP

Anyone may download from this FTP site the Administrative Record documents that the AHO has uploaded for the pending proceedings listed on the AHO website. Only AHO personnel may upload files to this FTP site. The AHO's normal practice will be to post on this FTP site all Administrative Record documents for each pending proceeding. These documents will include documents AHO personnel have copied from the Division of Water Rights Records Unit's public files and exhibits and exhibit indices filed by parties to pending proceedings. The AHO will post these latter types of documents promptly after each filing deadline for such documents.

(2) Username: AHO-FTP2

Any party to a proceeding pending before the AHO may upload documents for the proceeding (primarily exhibits and exhibit identification lists) to this FTP site. No one besides AHO personnel may download or delete any files from this FTP site. The AHO will send supplemental hearing notices to parties to proceedings pending before the AHO, advising them of the new protocols for uploading exhibits and exhibit identification lists to this FTP site instead of serving them on the other parties.

To obtain authorization to access either of these FTP sites, please submit an email request to the AHO at [EXEC-AdminHrgOffice@Waterboards.ca.gov](mailto:EXEC-AdminHrgOffice@Waterboards.ca.gov) with "Request for AHO ftp password" in the subject line. After receiving your e-mail request, the AHO will provide you with a password to access these FTP sites. It is not necessary to include other parties in the cc line for these e-mail requests.

Date: May 5, 2020

SIGNATURE ON FILE  
Alan B. Lilly, Presiding Hearing Officer

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