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## State Water Resources Control Board

### **NOTICE OF ASSIGNMENT**

The State Water Resources Control Board  
Administrative Hearings Office  
has been assigned  
the pending petitions of

#### **Garberville Sanitary District**

to change water-right License 3404  
and Permit 20789 (Applications A009686 and A029981)

### **PETITIONS**

On October 7, 2019, the State Water Resources Control Board (State Water Board or Board) received petitions from Garberville Sanitary District (Garberville SD) to change water-right License 3404 and Permit 20789 (Applications A009686 and A029981).

On November 5, 2019, the State Water Board's Division of Water Rights (Division) issued a public notice of these petitions. The Division received 27 letters from interested parties supporting the petitions, and letters from four parties (Protestants) protesting the petitions.

The Division facilitated discussions between Garberville SD and Protestants to attempt to resolve the protests, but the parties were unable to reach agreement.

### **ASSIGNMENT TO THE ADMINISTRATIVE HEARINGS OFFICE**

Water Code section 1110 established the Administrative Hearings Office ("AHO") within the State Water Board. Water Code section 1112, subdivision (c)(2), provides that the Board may assign an adjudicative hearing to the AHO. Water Code section 1114 provides that, after such a hearing is held and the matter is submitted to the AHO, the AHO hearing officer shall prepare a proposed order and provide it to the Board for the Board's consideration.

On September 30, 2020, Erik Ekdahl, Deputy Director of the Division of Water Rights, transmitted a memorandum to Eileen Sobeck, Executive Director of the State Water Board, recommending the State Water Board assign the pending petitions to the AHO to resolve outstanding protests. (Attachment 1)

On September 30, 2020, Ms. Sobeck transmitted a memorandum to Alan Lilly, Presiding Hearing Officer of the Administrative Hearings Office, assigning the proceedings to the AHO. (Attachment 2)

### **HEARING OFFICER AND HEARING TEAM**

A hearing officer from the State Water Board's Administrative Hearings Office will preside over any hearing in this matter. Other members of the AHO may be present and assist the hearing officer throughout these proceedings.

The AHO will be issuing a notice of hearing on Garberville CSD's petitions.

### **PROHIBITION ON EX PARTE COMMUNICATIONS**

Parties and interested persons are prohibited from having any ex parte communications with any members of the AHO hearing team. (See Wat. Code, § 1110, subd. (c); Gov. Code, §§ 11430.10-11430.80.) For a discussion of ex parte communications regarding State Water Board members, see "Ex Parte Questions and Answers," available on the State Water Board's website at:

[http://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf).

These rules regarding ex parte communications apply to all members of the AHO hearing team.

If any party or interested person wants to communicate with the AHO regarding a procedural or substantive issue related to these proceedings, the party or interested person shall serve all parties with copies of the communication, and include a proof of service demonstrating such service with the written communication to the AHO.

Any such communication should be sent to the AHO in writing by e-mail to:

[AdminHrgOffice@waterboards.ca.gov](mailto:AdminHrgOffice@waterboards.ca.gov), or by letter addressed to:

State Water Resources Control Board  
Administrative Hearings Office  
P.O. Box 100  
Sacramento, CA 95814-0100

A party or interested person may provide this proof of service through a formal proof of service or by other verification. For e-mails, the verification shall be a list of the e-mail addresses of the parties or their representatives in an electronic-mail "cc" (carbon copy) list. For letters, the verification shall be a list of the names and mailing addresses of the other parties or their representatives in the cc portion of the letter. Until the AHO issues an updated service list, please use the service list attached to this notice (Attachment 3).

Please do not attempt to communicate by telephone or in person with Division of Water Rights staff, or any AHO hearing team member regarding these proceedings because other parties would not be able to participate in such communications. If oral communications with members of the AHO hearing team are necessary to discuss a procedural or substantive issue, the AHO will set up a conference call in which representatives of all parties may participate. Any party may request such a conference call at any time using the written communications protocols described above.

### **AHO WEBPAGE AND NOTICES**

Subject to legal limitations, including the requirements for internet website accessibility in Government Code section 11546.7, the AHO has posted and will post all notices and other documents regarding these proceedings on the AHO's internet webpage at [https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/)

Any interested person may sign up to receive all AHO notices at [https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html)

Date: Nov. 6, 2020

SIGNATURE ON FILE  
Alan B. Lilly, Presiding Hearing Officer

#### Attachments:

- Attachment 1 - September 30, 2020 Memo from the Deputy Director
- Attachment 2 - September 30, 2020 Memo from the Executive Director
- Attachment 3 - Service List

## SERVICE LIST

Shanti and Scott Bell  
170 Ferdinand Ct.  
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