



State Water Resources Control Board

NOTICE OF PUBLIC HEARING AND PRE-HEARING CONFERENCE

The State Water Resources Control Board's
Administrative Hearings Office
will hold a Public Hearing on the Petition for Long-Term Transfer filed by

Yuba County Water Agency

for Permit 15026 (Application 5632).

**The Pre-Hearing Conference will begin on
May 16, 2025, at 9:00 a.m.**

**The Public Hearing will begin on
July 14, 2025, at 9:00 a.m. and continue on
July 15 & 21, and August 19, 21, & 22, 2025.**

and will be held by Zoom teleconference.

Representatives of parties and other people who want to participate in this pre-hearing conference or this hearing may access these Zoom teleconferences by using the following link and call-in information:

Please access Zoom by using the link:

<https://waterboards.zoom.us/j/97466079802?pwd=QEcx1KINAjJ3Qye3E3uoGIKTgJ0pVH.1>

Meeting ID: 974 6607 9802 and Passcode: 458027
Call-in number: 1-669-900-9128

Interested members of the public who would like to watch this hearing without participating may do so through the Administrative Hearings Office YouTube channel at: <https://www.youtube.com/@swrcbadministrativehearing728/featured>.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

LANGUAGE SERVICES AND ACCESSIBILITY:

To request translation of a written document, interpretation services for the hearing or sign language services, please use one of the following options by May 1, 2025:

Submit a [Language Services Request online](#)

Call (916) 341-5254

E-mail languageservices@waterboards.ca.gov

Comuníquese con nosotros para solicitar servicios lingüísticos o información en su idioma:

ਆਪਣੇ ਭਾਸ਼ਾ ਵਿਚ ਭਾਸ਼ਾ ਸੇਵਾ ਅਤੇ/ ਟੈਕਸਟ ਬਾਝ ਕਰਨ ਲਈ ਸਭ ਨਾਲ ਸਪਰਕ ਕਰ:

Makipag-ugnayan sa amin para humiling ng mga serbisyo sa wika at/o impormasyon sa iyong wika:

Txuas lus rau peb los thov cov kev pab cuam txhais lus thiab/los sis cov ntaub ntawv ua koj hom lus:

[Bit.ly/LanguageAccessForm](https://bit.ly/LanguageAccessForm) | adminhrгоffice@waterboards.ca.gov

Users of a Telecommunications Device for the Deaf (TDD) may contact the California Relay Service at (800) 735-2929 or the teletype (TTY) voice line at (800) 735-2922.

PURPOSE OF HEARING

The purpose of this hearing is to receive evidence to be considered in determining whether the State Water Resources Control Board (State Water Board or Board) should approve the petition long-term transfer filed by Yuba County Water Agency (Yuba Water) for water right Permit 15026 (Application 5632), and if so, whether any new terms or conditions should be added to the permit.

BACKGROUND

Yuba Water diverts water from the Yuba River watershed for consumptive uses under three permits. Permit 15026 authorizes Yuba Water to directly divert up to 1,593 cubic feet per second and 490,000 acre-feet per annum (afa) to storage. Permit 15026, along with Permit 15027 (Application 15204) and Permit 15030 (Application 15574), authorize diversion of water to storage at New Bullards Bar Reservoir and direct diversion of water for consumptive uses at downstream locations.

Revised Water Right Decision 1644 (RD-1644) and the Lower Yuba River Accord (Yuba Accord)

On July 16, 2003, the State Water Board adopted RD-1644. Among other things, RD-1644 established interim and long-term flow requirements to protect fisheries between Englebright Dam and the confluence with the Feather River near Marysville and incorporated those flow requirements as conditions of Yuba Water's Permits 15026, 15027, and 15030.

Following adoption of RD-1644, Yuba Water and other water purveyors challenged the flow requirements in court, while environmental groups argued for stronger protections for fish. Various parties, including Yuba Water and environmental organizations, subsequently engaged in settlement negotiations, leading to the approval of principles of agreement of the Yuba Accord.

The Yuba Accord was developed to modify the instream flow requirements established by RD-1644 and provide a level of protection for lower Yuba River fishery resources equivalent to or better than RD-1644. The Yuba Accord includes three separate but related agreements: (1) a Fisheries Agreement, (2) a Water Purchase Agreement, and (3) Conjunctive Use Agreements.

State Water Board Corrected Order WR 2008-0014

To implement the Yuba Accord, Yuba Water filed petitions with the State Water Board to modify Permits 15026, 15027 and 15030 and a petition for long-term transfer of up to 200,000 afa of water under Permit 15026 on April 27, 2007. The State Water Board held a hearing on Yuba Water's petitions on December 5, 2007, and adopted Corrected Order WR 2008-0014 on May 20, 2008. Corrected Order WR 2008-0014 approved Yuba Water's requested changes to the RD-1644 flow requirements included in Permits 15026, 15027, and 15030, and approved Yuba Water's petition for long-term transfer of

water under Permit 15026, authorizing operation of the Yuba Accord Water Transfer Program through December 31, 2025.

After the adoption of Corrected Order WR 2008-014, the State Water Board adopted supplemental orders approving Yuba Water's petitions for change to add the Freeport Regional Water Project intake, San Luis Dam, and Contra Costa Water District's (CCWD) Delta intakes as additional points of rediversion for the Yuba Accord Water Transfer Program.

Pending Petition for Long-Term Transfer

On April 4, 2024, Yuba Water filed a petition for long-term transfer of up to 200,000 afa of water under Permit 15026, pursuant to Water Code section 1735 et seq. Yuba Water's petition seeks approval of changes in place of use, purpose of use, and points of rediversion of Permit 15026 necessary to continue operation of the Yuba Accord Water Transfer Program through December 31, 2050. Yuba Water's proposed long-term transfer would temporarily add the Department of Water Resources' (DWR) Banks Pumping Plant, U.S. Bureau of Reclamation's (Reclamation) Jones Pumping Plant, the Freeport Regional Water Project intake, San Luis Dam, CCWD's Delta intakes, Castaic Dam, Perris Dam, and Pyramid Dam as points of rediversion under Permit 15026. Yuba Water's petition seeks to temporarily add the service areas of the State Water Project (SWP) and Central Valley Project (CVP) to the place of use of Permit 15026. Yuba Water's petition also requests that municipal use, salinity control, and water quality control be temporarily added as additional purposes of use under Permit 15026. Yuba Water's petition requests that these changes be effective from January 1, 2026, through December 31, 2050.

Yuba Water acted as the California Environmental Quality Act lead agency and prepared a supplemental environmental impact report (SEIR) (supplement to Yuba Water's 2007 Lower Yuba River Accord EIR and subsequent addenda) to evaluate the effects of the proposed extension of the Yuba Accord Water Transfer Program. On September 17, 2024, Yuba Water certified the final SEIR for the project.

Protests of the Petition

The Division issued public notice of Yuba Water's petition for long-term transfer on May 29, 2024 and four protests were received: 1) a joint protest from California Sportfishing Protection Alliance, South Yuba River Citizens League, Friends of the River, American Rivers, Northern California Council Fly Fishers International, and Sierra Club – Mother Lode Chapter (CSPA et al.); 2) Richard Morat; 3) Nevada Irrigation District; and 4) a joint protest from South Delta Water Agency (SDWA), Central Delta Water Agency, and Rudi Mussi Investments L.P. (SDWA et al.). The protests were based on both environmental impacts including, but not limited to, potential negative impacts to the Delta based on transfer water being exported through the SWP and CVP Delta pumps, and potential injury to prior water rights.

Yuba Water filed its answers on August 30, 2024. In its August 30th answer to CSPA et al., Yuba Water contended that the State Water Board should request additional

information or cancel the protest. Yuba Water's answers to the other three protests contended that the State Water Board should either cancel the protests or promptly hold a hearing as Yuba Water believes a settlement between the parties is unlikely. The protest resolution period ended on December 26, 2024.

ASSIGNMENT TO THE ADMINISTRATIVE HEARINGS OFFICE

Water Code section 1112, subdivision (c)(2), provides that the Board may assign an adjudicative hearing, in whole or in part, to the AHO.

On December 24, 2024, Erik Ekdahl, Deputy Director of the Division of Water Rights (Division), transmitted a memorandum to Eric Oppenheimer, Executive Director of the State Water Board, recommending the State Water Board assign the pending petition to the AHO. The Board's Executive Director, Eric Oppenheimer, then partially assigned the petition for long-term transfer under Water Right Permit 15026 to the AHO to conduct an adjudicative hearing and issue a proposed order under Water Code section 1114, subdivision (c), based on the Division's recommendation. The assignment also authorizes the AHO to resolve pending protests under Water Code sections 1703.1, 1703.3, 1703.4, 1703.5, and 1703.6.

HEARING ISSUES

The State Water Board will decide whether to approve the transfer petition filed by Yuba Water based upon the evidentiary record developed during the hearing. Parties to the proceeding may submit exhibits and testimony relevant to the following issues and sub-issues to be considered during the hearing. The sub-issues enumerated below are not intended to be exhaustive or limiting but are intended to guide the parties in focusing their evidentiary submissions.

1. Will the proposed transfer result in substantial injury to any legal user of water?
 - a. Have changes occurred or new information become available since issuance of Corrected Order WR 2008-0014 that would alter the findings related to injury made in that order?
 - b. How does the proposed transfer, including the scheduling and accounting principles of the Yuba Accord transfer program, affect upstream water right holders?
 - c. How is the amount of water available for transfer determined each year?
 - d. Will the transfer cause changes in the amount or timing of water exported from the Sacramento-San Joaquin Delta by the State Water Project or Central Valley Project?
2. Will the proposed transfer unreasonably affect fish and wildlife, recreation, or other beneficial uses of water?
 - a. What changes have occurred or new information become available since issuance of Corrected Order WR 2008-0014 that would alter the findings in that order related to fish and wildlife, recreation, or other beneficial uses of water?
 - b. Will the proposed transfer benefit fish and wildlife, and if so, how?
 - c. How will the proposed transfer affect temperature management issues for fish and wildlife in the lower Yuba River?
3. Would approval of the transfer be in the public interest?
 - a. Will the ongoing efforts to update the Bay-Delta Water Quality Control Plan, including the potential implementation of the Agreements to Support

Healthy Rivers and Landscapes, affect the amount of water available for transfer, and if so, to what extent?

- b. What would be the use or fate of the proposed 200,000 acre-feet of transfer water in the absence an approved transfer petition?
4. Will the transfer have an unreasonable effect on the overall economy of the area from which the water is being transferred?
5. Would approval of the petitions be consistent with Article X, section 2, of the California Constitution? Would approval of the petitions be consistent with other applicable provisions of law?
6. If approved, what terms and conditions, if any, within the Board's authorities should the Board include in the amended permit?
 - a. Are Yuba Water's proposed terms and conditions related to reservoir-refill, Delta carriage-water, and streamflow-depletion appropriate for avoiding substantial injury to other legal users of water and unreasonable effects on fish, wildlife, and other beneficial uses of water?
 - b. What terms and conditions, if any, should the Board include to address the effects of diverting or rediverting transferred water at State Water Project or Central Valley Project facilities?
 - c. What terms and conditions are appropriate, if any, to address the potential effects of future regulatory changes, such as those resulting from hydroelectric project relicensing, water quality certifications, biological opinions, or adoption of an updated Bay-Delta Water Quality Control Plan?

HEARING OFFICER AND HEARING TEAM

Senior Hearing Officer Sam Bivins will preside during the hearing in this matter. The Hearing Team will include State Water Board staff from the AHO, the Division (excluding the Water Quality Certification Section), and the Office of Chief Counsel. State Water Board members may be present during the pre-hearing conference or during hearings; however, the State Water Board will not act on the pending petition until after the hearing and preparation of the recommended decision or order by the hearing officer. Other staff members may be present and may assist the hearing officer throughout these proceedings and may consult with members of the executive

management¹ of the State Water Board and State Water Board members to discuss or deliberate on matters relevant to this proceeding.

PROHIBITION ON EX PARTE COMMUNICATIONS

While this proceeding is pending, *ex parte* communications between any party, party representative, or interested person and the hearing officer, any member of the hearing team, or any State Water Board member are prohibited. *Ex parte* communications include any type of communication regarding this proceeding that occurs between a party or interested person and the hearing officer, a member of the hearing team, or a State Water Board member without notice and an opportunity for all parties to participate. (See Wat. Code, § 1110, subd. (c); Gov. Code, §§ 11430.10-11430.80.) Additional information about *ex parte* communications is in response number 16 of the AHO's FAQ posted at bit.ly/aho-faq.

If any party wants to communicate with any member of the hearing team, the hearing officer, or any Board member, at any time while this proceeding is pending regarding any potentially controversial procedural or substantive issue then that party shall make such communication in writing (by e-mail or letter) and serve all other parties with copies of the communication and include a proof of service demonstrating such service of the written communication to the AHO. A party 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.

If the AHO receives any substantive or potentially controversial procedural communication regarding this proceeding that is addressed to the AHO, a Board member, the hearing officer, or any other member of the hearing team, but not copied to the hearing parties, then the AHO will file a copy of the communication in the "Misc. Correspondence" folder within the State Water Board's FTP folder for this proceeding. Parties should plan to regularly check this folder for such communications.

Please do not attempt to communicate by telephone or in person with AHO staff or any hearing team member regarding this proceeding, because other parties would not be able to participate in such communications. If oral communications with any members of the hearing team are necessary to discuss any potentially controversial procedural or substantive issue, then 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

¹ At this time, the members of the State Water Board's executive management with whom the AHO may consult include Eric Oppenheimer (Executive Director), Michael Lauffer (Chief Counsel), Jonathan Bishop (Chief Deputy Director), Karen Mogus (Chief Deputy Director), Erik Ekdahl (Deputy Director, Division of Water Rights), and Andrew Sawyer (Assistant Chief Counsel).

using the written communications protocols described above. Communications with State Water Board staff on matters outside the scope of this hearing are not subject to the *ex parte* limitations.

SEPARATION OF FUNCTIONS

Yuba Water operates the Yuba River Development Project (YRDP), which is subject to a Federal Power Act license issued by the Federal Energy Regulatory Commission (FERC). FERC's relicensing of the YRDP is ongoing. Yuba Water has filed an application for water quality certification for the YRDP. Protestant Nevada Irrigation District (NID) has also submitted a request for a water quality certification for its Yuba-Bear Project.

The Water Quality Certification Section of the Division of Water Rights will process the Yuba Water and NID water quality certification applications. The State Water Board's Executive Director will delegate the authority to act on the applications to one of the State Water Board's Chief Deputy Directors or the Deputy Director for the Division of Water Rights. The Water Quality Certification Section will advise the delegated Deputy Director and shall report directly to that Deputy Director for this purpose. The staff of the Water Quality Certification Section are separated from the hearing team and are subject to the prohibition against *ex parte* communications about this proceeding with any member of the hearing team, the hearing officer, or State Water Board members. After the Executive Director's delegation to a Deputy Director has occurred, that Deputy Director will also be separated from the hearing team and subject to the prohibition against *ex parte* communications about this proceeding with any member of the hearing team, the hearing officer, or State Water Board members. This hearing notice will be updated to identify the delegated Deputy Director after the delegation occurs. The separation of functions and prohibition on *ex parte* communications also extends to the attorneys at the Office of Chief Counsel assigned to advise the Deputy Director and staff of the Water Quality Certification Section about the water quality certification applications.

PRE-HEARING CONFERENCE

The hearing officer will hold a pre-hearing conference on the date and at the time listed on the first page of this notice. The goal of the pre-hearing conference is to ensure that the hearing proceeds in an orderly and expeditious manner.

Yuba Water has indicated it intends to submit a pre-hearing motion to dismiss the protests and/or portions of protests. NID and the CDWA Parties assert that the AHO lacks authority to dismiss or cancel protests. If necessary, the AHO will address its jurisdiction to cancel or dismiss protests after Yuba Water's motion has been fully briefed by the parties.

Yuba Water’s motion shall be limited to 20 pages and submitted by April 15, 2025, at 11:59 p.m. The protestants’ opposition briefs shall be limited to 20 pages and submitted by May 1, 2025, at 11:59 p.m. Yuba Water may submit a reply of no more than 10 pages by May 8, 2025, at 11:59 p.m. The AHO will hear oral arguments regarding the motion at the pre-hearing conference. The AHO will also address procedural issues at the pre-hearing conference, including but not limited to time limits for presentation of evidence and cross examination. The parties are directed to submit a joint pre-hearing conference statement addressing time limits and any other appropriate procedural issues by May 8, 2025, at 11:59 p.m. Any proposals for time limits should be calculated in a way that ensures the hearing will be completed within the scheduled hearing days.

Following the pre-hearing conference, the hearing officer will issue a ruling letter, and may modify the hearing procedures or issues set forth in this notice in whole or in part.

To participate in the pre-hearing conference, please use the Zoom teleconference information provided on the first page of this notice. No in-person appearances will be allowed for this pre-hearing conference. All parties intending to participate in the evidentiary portion of this hearing are strongly encouraged to participate in the pre-hearing conference. Submittals shall be filed with the AHO and copies on the other parties listed in the attached service list.

NOTICES OF INTENT TO APPEAR

Any person or entity (including the petitioner and protestants) that wants to participate in the pre-hearing conference and the public hearing must file a Notice of Intent to Appear (NOI), using the form attached to this notice, with the AHO before the deadline listed below.

HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline for filing NOIs	March 14, 2025, at 11:59 p.m.
Deadline for submission of Yuba Water’s motion(s) to cancel protests. (20 page limit)	April 15, 2025, at 11:59 p.m.
Deadline for parties’ responses to Yuba Water’s motion(s). (20 page limit)	May 1, 2025, at 11:59 p.m.
Deadline for joint pre-hearing conference statement, and Yuba Water’s (10 page limit) reply to parties’ responses.	May 8, 2025, at 11:59 p.m.
Pre-Hearing Conference.	May 16, 2025, at 9:00 a.m.
Deadline for parties to file case-in-chief exhibits, exhibit identification indices,	June 25, 2025, at 11:59 p.m.

proposed permit terms, and optional opening brief.	
Deadline for parties to file written evidentiary objections to case-in-chief exhibits.	July 3, 2025, at 11:59 p.m.
Deadline for parties to file responses to written evidentiary objections to case-in-chief exhibits.	July 8, 2025, at 11:59 p.m.
Hearing begins with any policy statements and presentations of case-in-chief.	July 14, 2025, at 9:00 a.m.
Hearing days continue.	July 15 & 21, 2025, at 9:00 a.m.
Deadline for all parties to file rebuttal exhibits and rebuttal exhibit identification indices.	August 1, 2025, at 11:59 p.m.
Deadline for parties to file written evidentiary objections to rebuttal exhibits.	August 11, 2025, at 11:59 p.m.
Hearing days on rebuttal exhibits.	August 19, 21, & 22, 2025, at 9:00 a.m.
Deadline for closing briefs and optional proposed orders.	September 5, 2025, at 11:59 p.m.

UPDATES TO SERVICE LIST

The AHO prepared the attached service list using information from the Division’s files about the petition, the protests received, and other communications by interested persons. If any party or interested person on the service list wants to change any of their information in the current service list, the party or interested person should submit this information by e-mail to adminhrgoffice@waterboards.ca.gov. The party or interested person does not need to send copies of the e-mail to the service list.

SUBMISSION OF DOCUMENTS TO THE AHO

All documents submitted to the AHO shall be addressed and submitted by one of the following methods:

E-mail (preferred method for documents other than exhibits):

adminhrgoffice@waterboards.ca.gov

With subject line “Yuba Water Transfer Petition”

By Mail:

State Water Resources Control Board Administrative Hearings Office
P.O. Box 100 Sacramento, CA 95812-0100

Hand Delivery or Overnight Delivery:

Joe Serna Jr. CalEPA Building Administrative Hearings Office
1001 I Street Sacramento, CA 95814

By uploading to FTP (Preferred method for exhibits): All participants must submit exhibits by uploading them to the State Water Board's FTP site.

Please see the part of this notice below titled "PROCEDURES FOR THIS WATER RIGHT HEARING" for more information regarding hearing procedures, submission of documents, and proofs of service.

DOCUMENT AVAILABILITY

The AHO has moved documents maintained by the Division related to this proceeding to a folder on the State Water Board's FTP site. The FTP folder for this proceeding may be accessed at <https://ftp.waterboards.ca.gov/>. Anyone may view and download documents from the FTP site. To access the FTP folder for this proceeding, please send an e-mail to adminhrgoffice@waterboards.ca.gov with "Request for ftp login credentials" in the subject line.

The AHO has included documents in the initial administrative record for this proceeding. The AHO has marked some of the documents that it has filed in the FTP folder for this hearing as exhibits and created an exhibit identification list for these AHO exhibits which is also available in the FTP folder for this hearing. The AHO will continue to update the AHO exhibit list.

AHO WEBPAGE AND NOTICES

Subject to legal limitations, including the requirements for Internet website accessibility in Government Code section 11546.7, the AHO will post all of its notices and other AHO documents regarding these proceedings on the AHO's Internet webpage at https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/

HEARING LIVE-STREAM AND RECORDING

The pre-hearing conference and hearing will be live-streamed through the AHO's YouTube channel, accessible by clicking on the link provided below. The live-stream will consist of a morning session and an afternoon session. To view the morning session, click the link identified as "morning." The morning session will conclude at the lunch break. To view the afternoon session, click the link identified as "afternoon." The afternoon session will begin after the lunch break.

After the conclusion of the hearing, a recording of the morning and afternoon YouTube live-stream sessions will be available on the AHO's YouTube channel. These recordings will include automatic captions for accessibility.

The live-stream and recordings may be accessed at the following link by clicking on "Live" and then clicking on the name of this proceeding: [SWRCB Administrative Hearings Office - YouTube](#).

MORE INFORMATION

Forms

For copies of the Notice of Intent to Appear and Request Party Status for parties interested in joining as parties, refer to the AHO Forms page, available at https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/forms.html.

Frequently Asked Questions

For information about the AHO and general hearing procedures, refer to the AHO Frequently Asked Questions, available at bit.ly/aho-faq.

PROCEDURES FOR THIS WATER RIGHT HEARING

The following procedures apply to this hearing. The hearing officer may amend these procedures before, during or after the hearing, as appropriate and at the hearing officer's discretion.

- 1. HEARING PROCEDURES:** The AHO will conduct this hearing according to the procedures for hearings set forth in California Code of Regulations, title 23, sections 648-648.8, 649.6 and 760. Copies of these regulations are posted on the State Water Board's website: www.waterboards.ca.gov/laws_regulations. If there is any conflict between any provision of this notice and any provision of these regulations or any applicable statute, then the provision of the regulation or statute shall apply to this hearing.

Consistent with California Code of Regulations, title 23, section 648.5, unless the hearing officer determines otherwise before or during the hearing, each party may make an opening statement, present witnesses and exhibits, cross-examine opposing parties' witnesses, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if that witness were under cross-examination. The hearing officer may allow parties to present closing arguments or submit closing briefs. These procedures are described in more detail

in section 10. The hearing officer may issue rulings regarding these procedures before or during the hearing.

The AHO encourages parties with common interests to work together to make unified presentations and to take other actions to make the hearing process more efficient.

Parties may file any requests for exceptions to these hearing procedures in writing with the AHO and must serve any such requests on the other parties. To provide time for parties to respond, the hearing officer normally will not rule on procedural requests filed in writing until at least five days after receiving the request, unless the hearing schedule requires an earlier ruling.

2. **SETTLEMENTS:** In water right permitting matters, the parties normally include the applicant or petitioner and protestants. The applicant or petitioner and protestants may engage in private settlement discussions, and may, or may not, include any other persons in those discussions. No representative of the AHO or the Hearing Team will participate in such settlement discussions. If the parties or their representatives sign a written settlement agreement, then they shall promptly file a copy of the signed agreement with the AHO.

Although the hearing officer may authorize other persons to participate in the hearing as parties, such authorizations do not necessarily allow those persons to participate in any settlement discussions between the between the applicant or petitioner and protestants in water right permitting matters.

The State Water Board, or the Executive Director under State Water Board Resolution No. 2012-0061, may issue an order approving a settlement agreement between the applicant or petitioner and some or all of the protestants in water right permitting matters, even if other parties to the proceeding have not approved the settlement agreement. The hearing officer normally will give all parties opportunities to comment on any settlement agreement submitted to the AHO before the AHO transmits a proposed order approving the settlement agreement to State Water Board or Executive Director, unless all parties to the hearing or their representatives have signed the settlement agreement.

3. **PARTIES:** As provided in California Code of Regulations, title 23, section 648.1, subdivision (b), Yuba Water, California Sportfishing Protection Alliance, South Yuba River Citizens League, Friends of the River, American Rivers, Northern California Council Fly Fishers International, Sierra Club – Mother Lode Chapter, Richard Morat, Nevada Irrigation District, South Delta Water Agency, Central Delta Water Agency, and Rudi Mussi Investments L.P. are parties to this proceeding.

Each person or entity that wants to participate in the hearing must file a Notice of Intent to Appear, as described in section 5. The hearing officer may allow a person or entity not identified as a party in this notice to participate in the hearing as a party if the person or entity timely files a Notice of Intent to Appear and identifies good

cause. (See Cal. Code Regs., tit. 23, § 648.1, subd. (a) & (b).) Except for parties identified in this notice, a person or entity that wants to participate as a party must include an attachment to the Notice of Intent to Appear demonstrating good cause as to why the hearing officer should allow the person or entity to participate in the hearing as a party rather than as an interested person presenting a policy statement. In determining whether the person or entity has demonstrated good cause, the hearing officer will consider, among other potentially relevant factors, whether the person's or entity's legal rights, duties, privileges, or immunities may be substantially affected by the proceeding and whether the interests of justice and the orderly and prompt conduct of the proceeding may be impaired by allowing the intervention. A form for this purpose is available on the AHO's website under the "Forms" section ("Request for Party Status").

The hearing officer may impose limitations on any party's participation in the hearing. (See Gov. Code, § 11440.50, subd. (c).) The hearing officer also may designate persons or entities that do not file timely Notices of Intent to Appear as parties, for good cause shown and subject to appropriate conditions. Except as specifically provided in this notice or by ruling of the hearing officer, the hearing officer will allow only parties to present evidence, make objections, examine witnesses, and file closing briefs.

Parties without an attorney should consider hiring one if the hearing involves complex legal issues. Some attorneys provide legal services free of charge ("pro bono assistance"). The AHO maintains a list of attorneys who may provide pro bono assistance before, during, and after the hearing on the AHO's webpage under the heading "AHO Procedures & FAQs".

- 4. POLICY STATEMENTS BY INTERESTED PERSONS:** As provided in California Code of Regulations, title 23, section 648.1, subdivision (d), the hearing officer normally will allow interested persons who are not designated as parties to present or submit non-evidentiary policy statements. The hearing officer will not permit a person or entity that appears and presents a policy statement to make objections to parties' exhibits or testimony, offer evidence, conduct cross-examination, make legal arguments, or otherwise participate in the evidentiary hearing. The AHO will only add such persons or entities to the service list for electronic service.

Policy statements are not subject to the pre-hearing requirements for testimony or exhibits, except that interested persons who want to make oral policy statements during the hearing are requested to file a Notice of Intent to Appear, using the form in this notice (Attachment 1), indicating an intent to make only a policy statement. The hearing officer may impose time limits on presentations of oral policy statements or oral summaries of written policy statements.

The AHO requests that interested persons and entities who file written policy statements with the AHO serve copies of their statements on all parties before the

person or entity presents such statements or summaries of them during the hearing. See section 8 for details regarding electronic submittals of documents.

- 5. NOTICES OF INTENT TO APPEAR AND WITNESS LISTS:** As provided in California Code of Regulations, title 23, section 648.4, all people and entities that want to participate in the hearing as parties must file a NOI, using the form in this notice (Attachment 1), with the AHO before the deadline specified in this notice. The AHO may interpret a failure to file a Notice of Intent to Appear by this deadline as a decision not to appear. In matters regarding water right petitions, the requirement to file a Notice of Intent to Appear by the deadline is a request for additional information pursuant to Water Code section 1703.5. In such matters, the Board may cancel a petition or protest if the petitioner or protestant does not file a Notice of Intent to Appear by the deadline.

As discussed in the preceding section, the AHO requests that any interested person who will not be participating as a party and will be presenting only a non-evidentiary oral policy statement or oral summary of a written policy statement file a Notice of Intent to Appear before the deadline and specify in the notice that the person only will be presenting an oral policy statement or summary.

Parties that intend to present case-in-chief or rebuttal testimony must submit, by the deadline specified in this notice, a witness list using the forms in this notice (Attachment 2). (See section 6 for requirements that apply to written testimony). If a party intends to call any expert witnesses, the party shall designate each expert witness as an expert witness in the party's witness list.

Parties that do not intend to present cases-in-chief but want to cross-examine witnesses or present rebuttal testimony should so indicate on their Notices of Intent to Appear.² A party that decides not to present a case-in-chief after having submitted a witness list should notify the AHO and the other parties as soon as possible.

Parties that are not willing to accept electronic service of hearing documents must check the appropriate box on the Notice of Intent to Appear. Because service of documents to such parties normally will be by U.S. Mail, such parties will experience delays in receiving hearing documents.

The AHO will maintain a current service list with the names of parties and their contact information for each person or entity that has submitted a Notice of Intent to Appear or asked to be on the updated service list and will post this service list on the State Water Board's FTP site in the folder for this proceeding. The service list will indicate if any party is not willing to accept electronic service.

² A party is not required to present evidence as part of a case-in-chief. The hearing officer will allow parties not presenting evidence as cases-in-chief to participate through opening statements, cross-examination, and rebuttal, and to present closing statements or briefs.

6. WRITTEN PROPOSED TESTIMONY AND OTHER EXHIBITS: Exhibits include all written proposed testimony, statements of qualifications of expert witnesses, summary slides, and other documents to be submitted as evidence. If a witness's testimony relies on, or quotes from, information from primary source documents, the party should submit as an exhibit a copy of those underlying primary source documents. This is because a reasonable person would not rely on out-of-court statements if the primary source is readily available.

Parties that submit excerpted documents as exhibits are requested to, as part of the written testimony, (1) identify the full title of the document and explain how or where they found this document, by providing a specific web address (URL) if found online, (2) attach a cover sheet to the excerpted document so that the document may be verified, or both.

Exhibits also may include copies of Board decisions and orders that parties want to cite in their legal briefs and that are not posted on the Board's website at this link: www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/. Parties should not submit copies of Board decisions and orders that the Board has posted on its website, and parties may cite such decisions and orders in their legal briefs without submitting copies of them as exhibits.

As provided in California Code of Regulations, title 23, section 648.4, subdivision (c), each party that wants to offer testimony into evidence shall submit written proposed direct testimony of each witness by the deadline for filing exhibits. The hearing officer will not permit a witness to give oral testimony that goes beyond the scope of the witness's written proposed testimony absent good cause. Each party shall designate each of its witness's written proposed testimony as a separate exhibit. A witness does not need to sign their proposed testimony. After each witness takes the oath, the hearing officer or legal counsel for the party that called the witness will ask the witness to confirm that their written proposed testimony is their testimony for the hearing.

Each party must submit all of its witnesses' written proposed testimony with the party's other exhibits before the exhibit filing deadline. A party who offers expert testimony must submit an exhibit containing a statement of each expert witness's qualifications, in addition to a separate exhibit with the expert witness's written proposed testimony. Evidence Code sections 801-805 apply to this proceeding. (Cal. Code Regs., tit. 23 § 648, subd. (b).)

The AHO strongly encourages each party to prepare and submit as a separate exhibit for each witness a set of slides that summarize each witness's testimony. During the hearing, the party may use the exhibit with the slides to facilitate each of the party's witness's oral summary of their written proposed testimony. The parties must label the slides for each witness as a separate exhibit and submit it by the exhibit submittal deadline.

Parties are required to submit rebuttal testimony and exhibits to the AHO by the deadline indicated in this notice. See section 10, part c. for more information about rebuttal evidence.

The AHO may prepare and circulate an Excel spreadsheet containing a list of the documents in the administrative record, saved in the State Water Board's FTP folder for this proceeding, that the hearing officer will consider moving into the evidentiary record during the hearing. These documents are AHO exhibits. The AHO will post this list in the State Water Board's FTP folder for this proceeding. The hearing officer may update or supplement this list during the hearing. Parties should not submit copies of AHO exhibits when submitting their own exhibits, and parties may cite such the AHO exhibits in their legal briefs without submitting copies of them as exhibits.

7. EXHIBIT FORMATTING AND ORGANIZATION: A party submitting evidence must file with the AHO both the exhibits and an Exhibit Identification Index, which is a list of exhibits in Microsoft Excel format.

Each party should label exhibits with a short version of the party's name and sequential numbers. For example, Yuba Water's exhibits should be numbered Yuba Water-1, Yuba Water-2, etc. Do not use any sub-letters like 1a, 1b, etc. for exhibit numbers.

Each party should number each paragraph of each witness's written testimony sequentially, 1, 2, 3, etc. (This paragraph numbering will make it easier for the hearing officer and representatives of other parties to ask each witness questions about their written testimony.) Witnesses should not use any sub-paragraph letters like 1a, 1b, etc. in their written testimony. A witness may include headings like "Background," "Introduction," etc. for different sections of the witness's proposed written testimony, but should not number or letter these headings and should not re-start the paragraph numbering in each section.

Each party must submit to the AHO the exhibits and exhibit identification indices for this hearing before the deadline specified in this hearing notice. The AHO may treat a party's failure to submit exhibits before this deadline as a waiver of the party's right to submit exhibits for the hearing and a waiver of the party's status as a party.

- a. The AHO requests that documents such as written proposed testimony, motions, written comments, and briefs shall be submitted to the AHO on pleading paper (with each line numbered in the left margin) using 12-point font and one-inch margins. If pleading paper is not available, the documents described above shall be double-spaced. For either format, the party shall sequentially number the paragraphs in the written testimony.
- b. Parties submitting exhibits based on complex technical analyses also must submit sufficient information so that a qualified independent expert could reproduce the results.

Parties submitting exhibits based on models or technical studies (such as reports, recommendations, or requirements) also must submit sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the models or studies, so that a qualified independent expert could reproduce the model or technical study and use it to obtain the same results.

- c. Consistent with California Code of Regulations, title 23, section 648.3, the hearing officer has discretion to decide whether to receive into evidence by reference any relevant, otherwise admissible, public records of the State Water Board and any documents or other evidence that a public agency has prepared or published, provided that the original or a copy was in the possession of the State Water Board before the hearing officer issued this notice. A party offering such an exhibit by reference shall advise the other parties and the AHO of the title of the document, the particular portions of the document, including page and paragraph numbers, that the party will ask the hearing officer to consider, the purpose for which the party will use the portions of the exhibit if it is accepted into evidence, and the specific file folder or other exact location in the State Water Board's files where the document may be found.
- d. The hearing officer normally will exclude exhibits that rely on unpublished technical documents unless the hearing office has admitted the unpublished technical documents into evidence.
- e. Parties submitting large-format exhibits such as maps, charts, and other graphics shall provide the originals for the hearing record in a form that can be folded to 8 ½ x 11 inches. Parties also shall file, for the hearing record, a reduced copy of a large-format original exhibit. The hearing officer will determine whether the large-format version or the reduced copy, or both, will be admitted into evidence.
- f. Documents uploaded by the parties normally must be in Adobe Portable Document Format (PDF), except that spreadsheets may be submitted in Microsoft Excel format, slide presentations may be submitted in Microsoft PowerPoint format, and exhibit identification indices must be submitted in Microsoft Excel format.
- g. If a party wants to submit an exhibit in any other format, then the party shall submit a written request to the hearing officer, and serve copies of the request on all other parties on the service list, at least 14 days before the deadline for submitting exhibits. The request shall describe the other format, explain what software is necessary for the hearing officer and other parties to be able to review the exhibit in that format, and explain why the party believes it is appropriate for the party to submit the exhibit in that format. The hearing officer normally will rule on such requests before the exhibit submittal deadline.

8. SUBMISSIONS OF DOCUMENTS AND FTP FOLDERS: To expedite the exchange of documents, reduce paper use, and lower the cost of participating in the hearing, all participants must submit hearing documents in electronic form unless the hearing officer authorizes submission of exhibits in different formats.

The State Water Board's FTP site may be accessed at <https://ftp.waterboards.ca.gov/>. All parties may use the shared account on this site to access and download documents in the administrative record for this hearing. This shared account is referred to in this notice as the "State Water Board FTP Download Folder." The AHO will provide each party a unique account to upload the party's documents for this hearing. These accounts are referred to in this hearing notice as the "Parties' Upload Folders."

a. AHO-FTP Download Folder:

The AHO created a folder for this proceeding on the State Water Board's FTP site. The folder for this proceeding will contain all administrative record documents related to this proceeding and may contain various subfolders, including subfolders for background documents and hearing documents. This folder is referred to in this notice as the "AHO-FTP folder for this proceeding." Only AHO personnel may upload files to this folder. The AHO will post each party's hearing exhibits, exhibit identification indices and closing briefs to this folder promptly after each filing deadline. The AHO may add other administrative record documents to this folder during this proceeding (including recordings of hearings, correspondence, and the AHO's proposed order). The documents in this folder will be the AHO's administrative record for this proceeding. Anyone may download documents from the AHO-FTP Download Folder for any proceeding, including this proceeding, at any time.

If any party believes that the AHO should add documents to, or remove any documents from, this folder for this proceeding, then the party may file a request to the hearing officer for such action (by e-mailing the request to the AHO e-mail inbox), and shall transmit copies of the request to all other parties on the service list. The hearing officer will issue rulings or take other actions on such requests as the hearing officer deems appropriate.

b. Parties' Upload Folders:

The AHO will create a separate upload account for each party that files a Notice of Intent to Appear as a party for this hearing, so that the party may upload the party's exhibits and other documents to the folder for that account. In most cases, these accounts will be specific for each party and each hearing and the AHO will close the accounts for each hearing after the hearing and related proceedings have been completed. Only the party may upload files to the party's folder, and only the AHO may view, transfer and download files from this folder.

Each party shall upload its exhibits and Exhibit Identification Index to the party's folder on the State Water Board's FTP site before the exhibit filing deadline specified in this notice. A party that uploads hearing documents to the FTP site does not need to serve copies of the documents on the other parties, except that, if another party has not agreed to accept electronic service of documents, then the party uploading hearing documents to the Board's FTP site also shall serve paper copies of all such documents on that other party and shall file a proof of this service with the AHO. When a party has uploaded all of the party's exhibits to the Board's FTP site, the party or party's representative shall send an e-mail the AHO at adminhrgoffice@waterboards.ca.gov, with copies to the other parties on the service list, notifying the AHO and the other parties that the party has uploaded the documents.

After the exhibit filing deadline, the AHO will move all filed exhibits and Exhibit Identification Indices from the parties' Upload Folders to the administrative record folder and advise the parties that these documents are available for downloading from that folder. The AHO may rename or renumber exhibits that do not have proper exhibit names or numbers. If the AHO does this, then the AHO may create an electronic folder of unaltered documents that the party has submitted and a separate electronic folder of any documents the AHO has renamed or renumbered, in the AHO-FTP Download folder.

If a party cannot upload exhibits to the FTP site, then the party may send two paper copies of all its exhibits to the AHO by mail or overnight delivery to:

<p>By Mail:</p> <p>State Water Resources Control Board Administrative Hearings Office P. O. Box 100 Sacramento, CA 95812-0100</p>	<p>By Hand or Overnight Delivery:</p> <p>Joe Serna Jr. CalEPA Building State Water Resources Control Board Administrative Hearings Office 1001 I Street Sacramento, CA 95814</p>
--	--

The deadline for filing paper copies, in lieu of electronically filing the exhibits, is the same as the exhibit filing deadline specified in this notice.

9. PRE-HEARING CONFERENCE: The hearing officer will conduct a pre-hearing conference before the hearing to discuss the pre-hearing and hearing schedules, the scope of the hearing, the status of any protests, and any other appropriate procedural issues. This notice states the date and time of the pre-hearing conference. The hearing officer may issue notices of subsequent pre-hearing conferences. The hearing officer may issue a pre-hearing conference order after each pre-hearing conference.

10. ORDER OF PROCEEDING: The hearing officer will follow the order of proceedings specified in California Code of Regulations, title 23, section 648.5, unless the hearing officer decides to modify the order of proceeding before or during the hearing.

a. Policy Statements: The hearing officer will allow interested persons to present oral policy statements and oral summaries of written policy statements at the start of the hearing before the presentations of cases-in-chief. Each oral policy statement or oral summary of written policy statements shall not exceed 5 minutes. The hearing officer may impose a shorter time limit based on the number of interested persons who request to make an oral presentation.

b. Presentation of Cases-In-Chief: Each party that so indicates in its Notice of Intent to Appear may present a case-in-chief addressing the key issues in this hearing notice. Each case-in-chief will consist of an opening statement, if the party decides to make one, and oral summaries of the witnesses' written proposed testimony. The hearing officer then will allow other parties to cross-examine the witnesses. The hearing officer may allow re-direct examination and re-cross examination of the witnesses. The hearing officer will decide whether to accept the party's exhibits into evidence upon the party's request or motion after completion of all examinations of the party's witnesses.

- i. **Opening Statements:** At the beginning of each party's case-in-chief, the party or the party's attorney or other representative may make an opening statement that briefly and concisely states 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. The hearing officer will limit oral opening statements to 10 minutes per party. A party may submit a written opening statement before the hearing or during the hearing before the party's case-in-chief and then, if desired, may provide an oral summary of the written opening statement. A party should include any policy-oriented statements in the party's opening statement.
- ii. **Oral Summaries of Written Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, all witnesses shall swear or affirm that the written and oral testimony they will present will be true and correct. A witness shall not read written proposed testimony into the record, but instead shall just provide a summary. A witness provides their direct testimony when they confirm that a designated exhibit or exhibits is or are their testimony. The hearing officer will discuss time limits for oral summaries of written testimony during the pre-hearing conference. The purpose of this part of the hearing is for the witness to briefly summarize his or her testimony. The hearing officer will not allow witnesses to testify orally to matters not in their written proposed testimony.

- iii. **Cross-Examination:** The hearing officer will permit other parties to cross-examine a party's witnesses on the witnesses' written submittals, oral summaries and clarifying testimony, and other relevant matters even if they are not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) If a party presents multiple witnesses, the hearing officer will decide whether the party's witnesses will be cross-examined individually or as a panel or panels. Ordinarily, only a party or the party's representative will be permitted to cross-examine a witness, but the hearing officer may allow a party to designate a person technically qualified in the subject being considered to cross-examine a witness. The hearing officer will discuss time limits for cross-examination during the pre-hearing conference.
 - iv. **Re-Direct and Re-Cross Examination:** The hearing officer may allow re-direct and re-cross examination of each party's witnesses. Any re-direct examination and re-cross examination permitted may not exceed the scope of the cross-examination and the re-direct examination, respectively. The hearing officer may establish time limits for any permitted re-direct and re-cross examination.
 - v. **Hearing Officer's Questions:** Consistent with California Code of Regulations, title 23, section 648.5, subdivision (b), the hearing officer may ask any witness questions, and may cross-examine any witness, at any time.
- c. **Rebuttal:** After all parties have presented their cases-in-chief and their witnesses have been cross-examined, the hearing officer will allow parties to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence another party has presented in its case-in-chief.

Parties must submit rebuttal testimony and exhibits to the AHO by the deadline stated in this notice. Written rebuttal testimony must specify the previously submitted testimony that is being rebutted. The hearing officer normally will limit cross-examination of witnesses offering rebuttal evidence to the scope of the rebuttal evidence.

- d. **Closing Briefs and Proposed Orders:** Closing briefs must be limited to 30 pages and shall be submitted by September 5, 2025 at 11:59 p.m. The parties may also file draft proposed orders by the same deadline. The parties shall follow the procedures described above for uploading exhibits to the parties' folders on the State Water Board's FTP site when they upload their closing briefs and draft proposed orders. Each party shall mail a paper copy of its closing brief to any party that has not agreed to accept electronic service of documents and shall indicate this service in a proof of service filed with the AHO. No party may attach any documents of an evidentiary nature to the party's closing brief unless the hearing officer already has admitted the document into evidence or the document is the subject of an offer of proof made during the hearing. After the deadline for filing closing briefs, the AHO will file all closing briefs in the AHO-FTP folder for this proceeding.

11. RULES OF EVIDENCE: Strict rules governing the admissibility of evidence do not apply in administrative proceedings. This is so in part because the hearing officer is “presumably competent to ... discount that evidence which has lesser probative value, it makes little sense, as a practical matter, for a judge in that position to apply strict exclusionary evidentiary rules.” (Underwood v. Elkay Min., Inc. (4th Cir. 1997) 105 F.3d 946, 949.) Given the more liberal standards that govern admissibility of evidence in administrative proceedings before the Board, the hearing officer will often consider objections as arguments regarding the weight of the evidence rather than objections to its admissibility.

At the hearing officer’s discretion, parties may raise objections to evidence. Below is a sample of typical objections parties may raise, and the legal framework the hearing officer applies when ruling on these objections.

Government Code section 11513 shall apply to all evidence offered during the hearing. Parties may object to evidence on hearsay grounds under Government Code section 11513, subdivision (d). Out of court statements are hearsay. Such statements can only be used for the purpose of supplementing or explaining other evidence and are not sufficient to support findings unless the statements would be admissible over objection in civil actions.

Parties may object to the inclusion of legal opinion or conclusion in testimony in an administrative proceeding before the AHO. This is not typically a basis to exclude the testimony, but, rather, the hearing officer may find that this goes to the weight of the evidence.

Parties may object to evidence on relevance grounds. Evidence Code section 210 provides that “relevant evidence means evidence ... having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action.”

12. COURT REPORTER: The AHO will not order a court reporter for any status conferences, pre-hearing conferences, or hearings in this proceeding. Any interested party may order a court reporter at the party’s own expense. Any party that arranges for a court reporter and intends to submit the reporter’s transcript to the AHO should inform the court reporter that court reporter’s transcripts submitted to the AHO will become public documents upon submission and that the AHO will file them in the AHO-FTP folder for this proceeding. However, even if the AHO files such transcripts, the AHO’s official records of this proceeding will be the audio+video recordings described in the following paragraphs and not the reporter’s transcripts.

13. OFFICIAL RECORD: The official administrative record for this proceeding will be all the electronic files that the AHO has saved in the AHO-FTP folder this proceeding.

The official record of any part of this proceeding, such as a conference or hearing, is the audio-plus-video recording file of that part of the proceeding. For convenience, citations

in written briefs to parts of this proceeding may cite the reporter's transcript, if available, rather than the portions of the audio-plus-video recordings of those parts of this proceeding.

14. TELECONFERENCE HEARING: The AHO is conducting this hearing by Zoom teleconference. The AHO will record all status conferences, pre-hearing conferences, and hearings and will post an audio-plus-video file and a Zoom-generated transcript of each such proceeding, if available, in the AHO-FTP folder for this proceeding.

New users of Zoom may want to review Zoom's support guide:

<https://support.zoom.us/hc/en-us/categories/200101697>. Parties should test their devices' video and audio functions before the start of the hearing or pre-hearing conference. At the lower left-hand side of the Zoom window is a microphone and a video camera symbol. If there is a red line across the symbols, your microphone is on mute and video camera is off.

Please plan to call into the video conference at least 10 minutes before the scheduled hearing or pre-hearing conference time to ensure you can resolve any technical issues before the hearing or pre-hearing conference begins. You will initially be in a virtual waiting room and will be admitted to the hearing by a member of the AHO.

Please ensure that your Zoom username correctly identifies the speaker's name and represented party.

When you speak, please turn your video on and unmute your microphone by clicking on the symbols in the lower left-hand side of the Zoom window. During the hearing, please be respectful and patient, raising your hand on-screen to get the hearing officer's attention. To reduce acoustic background noise, please remain muted if you are not speaking. If you have other devices that are tuned into the meeting, please turn off the speaker volume of those devices. Other participants will be able to see your name, depending on your Zoom account settings. Other participants may also see the last three digits of your phone number unless you have called in anonymously. During the hearing, AHO staff may add designations of participants' names to the Zoom display.

To facilitate a clear understanding of who is speaking, the hearing officer will ask each person to identify themselves as necessary during the teleconference hearing. The hearing officer prefers that parties participate by both audio and video through the Zoom meeting link. If this is not possible, then the hearing officer will accept audio-only participation.

If the device you are using freezes, please notify staff at adminhr@waterboards.ca.gov or by calling (916) 341-6940 and leaving a voicemail message and restart the device. AHO staff will be monitoring the e-mail inbox and voicemail and will notify the hearing officer. If restarting the device does not work,

try calling into the hearing using the phone number provided with the Zoom meeting information on the first page of this notice.

In lieu of participating by Zoom, anyone may watch past or present AHO hearings at the following link: <https://www.youtube.com/@swrcbadministrativehearing728/featured>. Parties watching AHO hearings by this method will not be able to participate in the hearing, and will not be identified to anyone else.

February 25, 2025

/s/ Sam Bivins
Sam Bivins, Hearing Officer

Attachments:

- Attachment 1 - Notice of Intent to Appear (Blank Form)
- Attachment 2 - Witness List (Blank Form)
- Attachment 3 - Service List

**ATTACHMENT 1
NOTICE OF INTENT TO APPEAR**

**State Water Resources Control Board
Administrative Hearings Office
NOTICE OF INTENT TO APPEAR**

I/we, _____ (please print), plan to participate in the conference or hearing indicated below:

1. Name of Event (copy from page 1 of Notice of PreHearing Conference, Notice of Status Conference, or Notice of Hearing): _____

2. Date of Event (copy from page 1 of Notice of PreHearing Conference, Notice of Status Conference, or Notice of Hearing): _____

My/our intended participation during the conference or hearing is:

- Ask questions or provide comments during the prehearing conference
- Present a policy statement at the start of the hearing
- Submit exhibits, provide witness testimony, ask cross-examination questions during the hearing

(Please also complete a Request Party Status form if your party is not on the current Service List for this proceeding)

If you plan to listen to the hearing ONLY, you do not need to fill out this form. You may listen to the hearing on YouTube using the information on pages 12 of the Notice of Prehearing Conference, Notice of Status Conference, or Notice of Hearing.

Please fill in the following information of the participant, party, attorney, or other representative:

Your Name (type or print): _____
Name of Represented Party (if applicable): _____
Email address: _____

Optional:

Please fill out this section ONLY if you decline electronic (email) service of hearing related materials. If you desire electronic service, do not check this box.

- I decline electronic service of hearing related materials.

Your Name (type or print): _____
Mailing Address: _____
Telephone Number: _____

**Please email this completed form to adminhrgoffice@waterboards.ca.gov (preferred)
or send by U.S. Mail to:**

State Water Resources Control Board
Administrative Hearings Office
P.O. Box 100
Sacramento, CA 958120100

**ATTACHMENT 2
WITNESS LIST**

CASE-IN-CHIEF WITNESS LIST

Witness Name	Expert Witness?		Subject of Proposed Testimony	Estimated Length of Oral Direct Testimony (minutes)
	Yes	No		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

(If more space is required, please add additional lines or pages.)

REBUTTAL WITNESS LIST

Witness Name	Expert Witness?		Subject of Proposed Testimony	Estimated Length of Oral Direct Testimony (minutes)
	Yes	No		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

(If more space is required, please add additional lines or pages.)

**ATTACHMENT 3
SERVICE LIST**

Kate Gaffney
*State Water Resources Control Board
Division of Water Rights*
P.O. Box 2000
Sacramento, CA 95812-2000
kathryn.gaffney@waterboards.ca.gov

John James
Yuba County Water Agency
1220 F Street
Marysville, CA 95901
jjames@yubawater.org

Ryan Bezerra
Maggie Foley
BKS Law Firm
1600 K Street, Suite 4A
Sacramento, CA 95814
rsb@bkslawfirm.com
mef@bkslawfirm.com
Attorneys for Petitioner Yuba County Water Agency

Sarah Vardaro
Administrative and Policy Associate
California Sportfishing Protection Alliance
PO Box 1061
Groveland, CA 95321
sarah@calsport.org

Richard Morat
2821 Berkshire Way
Sacramento, CA 95864
rjmorat@gmail.com

Chris Shutes
Executive Director
California Sportfishing Protection Alliance
1608 Francisco St.
Berkeley, CA 94703
blanccapaloma@msn.com

Aaron Zettler-Mann
Executive Director
South Yuba River Citizens League
313 Railroad Avenue, Suite 101
Nevada City, CA 95959
aaron@yubariver.org

Keiko Mertz
Policy Director
Friends of the River
3336 Bradshaw Road Suite 335
Sacramento, CA 95827
keiko@friendsoftheriver.org

Jann Dorman
Executive Director
Friends of the River
3336 Bradshaw Road, Suite 335
Sacramento, CA 95827
janndorman@friendsoftheriver.org

Meghan Quinn
Director
*California Dam Removal and Hydropower Program
American Rivers*
120 Union Street
Nevada City, CA 95959
mquinn@americanrivers.org

Mark Rockwell
Director and VP of Conservation,
Northern California Council Fly Fishers International
5033 Yapple Avenue
Santa Barbara, CA 93111
mrockwell1945@gmail.com

Sean Wirth
Conservation Committee Chair,
Sierra Club – Mother Lode Chapter
909 12th Street, #202
Sacramento, CA 95814
wirthsoscranes@yahoo.com

Andrew McClure
Minasian Law Firm
1681 Bird Street
Oroville, California 95965
NEVADA IRRIGATION DISTRICT
amclure@minasianlaw.com

John Herrick, Esq
S. Dean Ruiz, Esq.
1806 W. Kettleman Lane, Sute L
Lodi, CA 35242
*South Delta Water Agency, Central Delta
Water Agency and Rudy Mussi Investments
L.P.*
jherlaw@aol.com
dean@mohanlaw.net

Traci Sheehan
Policy Director
South Yuba River Citizens League
313 Railroad Ave Suite 101
Nevada City, CA 95959
traci@yubariver.org

Administrative Hearings Office
EXEC-AdminHrgOffice@Waterboards.ca.gov