

## State Water Resources Control Board

### **AMENDED NOTICE OF PUBLIC HEARING, PRE-HEARING CONFERENCE, AND STATUS CONFERENCE**

The State Water Resources Control Board  
Administrative Hearings Office  
will hold a Status Conference, Pre-Hearing Conference, and Public Hearing  
on the petitions for change filed by

#### **Santa Clara Valley Water District**

for Licenses 6943 (A005653), 11791 (A005654),  
2205 (A007141), 2206 (A007142), 2207 (A007143), 2208 (A008098),  
2209 (A008099), 6944 (A008387), 2837 (A009455), and 5729 (A0011751).

**The Status Conference will begin on  
May 23, 2025, at 9:00 a.m.**

**The Pre-Hearing Conference will begin on  
October 3, 2025, at 9:00 a.m.**

**The Public Hearing will begin on  
November 3 ~~4~~, 2025, at 9:00 a.m.  
and continue on  
November 6, 7, 10, 11, 13, 14, 17, 18, 20 & 21, ~~24~~, beginning at 9 a.m.**

and will be held by Zoom **Webinar**.

**Representatives of parties will receive an individual  
invitation to join the meeting by email from Zoom.**

**Parties or 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: [bit.ly/aho-youtube](https://bit.ly/aho-youtube)**

## **LANGUAGE SERVICES**

The hearing will be offered in English. To request translation of a written document, interpretation services for the hearing or sign language services, please use one of the following options by September 17, 2025:

- Submit a [Language Services Request online](#)
- Call (916) 341-5254
- E-mail [languageservices@waterboards.ca.gov](mailto:languageservices@waterboards.ca.gov)

## **ACCESSIBILITY**

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 petitions for change filed by the Santa Clara Valley Water District (Valley Water) water right Licenses 6943 (A005653), 11791 (A005654), 2205 (A007141), 2206 (A007142), 2207 (A007143), 2208 (A008098), 2209 (A008099), 6944 (A008387), 2837 (A009455), and 5729 (A0011751), and, if so, whether any new terms or conditions should be added to the licenses.

## **BACKGROUND**

On May 12, 2015, Valley Water filed with the State Water Resources Control Board (State Water Board) 15 petitions for change for its water right licenses on Coyote Creek, Stevens Creek, and Guadalupe River (Three Creeks). On May 9, 2024, Valley Water submitted revised petitions pursuant to Water Code sections 1701 and 1707 for Licenses 5729, 6944, 2205, 2206, 2207, and 2208, and Water Code section 1701 for Licenses 11791, 2209, 2837, and 6943. Valley Water filed these change petitions to update the water right licenses to account for its existing water supply operations and assist with the resolution of a water right complaint against Valley Water.

In 1996, the Guadalupe-Coyote Resource Conservation District (GCRCD) filed a complaint with the State Water Board claiming Valley Water's operations on the Three Creeks impacted fish and wildlife in conflict with the Water Code, Fish and Game Code, and other state laws. Subsequent negotiations between GCRCD, Valley Water, the California Department of Fish and Wildlife (CDFW), US Fish and Wildlife Service, and National Marine Fisheries Service resulted in the 2003 Fish and Aquatic Habitat Collaborative Effort, Initialed Settlement Agreement (FAHCE). The State Water Board, Division of Water Rights (Division), by letter dated December 24, 2003, closed the GCRCD complaint against Valley Water based on the progress of the settlement negotiations and pending receipt of anticipated petitions to modify Valley Water's water

rights. The FAHCE includes the implementation of a Fisheries Habitat Restoration Plan (FHRP) for the Three Creeks with water released from reservoirs to maintain instream flows for fisheries. The FHRP identifies specific reservoir reoperations and releases, and programmatic actions (barrier removals and stream enhancements) to restore and maintain healthy steelhead trout and salmon populations in the Three Creeks. The FHRP, coupled with reservoir reoperations and petitioned changes, were the basis for resolution of the 1996 complaint.

The 15 original Three Creeks petitions have been bifurcated into two petition processes. This matter concerns 10 of the 15 original petitions, for licenses on Stevens Creek and Guadalupe River. The five petitions for licenses on Coyote Creek will be dealt with after completion of the Anderson Dam Seismic Retrofit project.

Valley Water is the lead agency for the project under the California Environmental Quality Act. On August 8, 2023, Valley Water certified a Final Environmental Impact Report (EIR) for the project and selected the FAHCE-plus alternative for implementation.

The petitions were publicly noticed on May 23, 2024, and were protested by San Francisco Baykeeper (Baykeeper), California Trout and Northern California Council, Fly Fishers International (collectively, Conservation Groups), and CDFW. None of the protests have been resolved.

The protests primarily raise issues under the Public Trust Doctrine and Fish and Game Code section 5937. All three protests question whether the proposed flow regime in the change petitions is sufficient to maintain fish in good condition below Valley Water's dams under Fish and Game Code section 5937. While the flow regime was developed through the FAHCE process with input from CDFW and the Conservation Groups, the protestants assert that Valley Water has not proposed a definition of "fish in good condition" or conducted sufficient analysis in its EIR or otherwise to evaluate whether the flow proposal will achieve that goal.

In general, the protests assert that resolution centers on defining "fish in good condition," establishing specific measurable objectives to evaluate the success of the proposed flow regime, and implementing an adaptive management program to make necessary changes should the flow regime fall short of its objectives. The parties have retained a mediator to assist in the protest resolution process. On September 12, 2024, Valley Water filed answers to the protests, denying various protests allegations and indicating a potential for resolution of others. However, the parties have not agreed on any formal protest dismissal terms at this time. The protest resolution period is ongoing and ends on December 23, 2024.

## **AHO PROCEEDING**

Water Code section 1110 established the Administrative Hearings Office (AHO) within the State Water Board, effective July 1, 2019. Water Code section 1112, subdivision (c)(2), provides that the Board may assign an adjudicative hearing, in whole or in part, 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 27, 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 petitions on Licenses 6943, 11791, 2205, 2206, 2207, 2208, 2209, 6944, 2837, and 5729 to the AHO. Also on September 27, 2024, Mr. Oppenheimer assigned the pending petitions to the AHO for further proceedings based on the Division's recommendation. The AHO issued a Notice of Assignment on October 7, 2024, and held a Status Conference on November 21, 2024.

Valley Water, CDFW, and Baykeeper filed timely Notices of Intent to Appear (NOIs), in accordance with the AHO's October 30, 2024, Notice of Status Conference.<sup>1</sup>

## **HEARING ISSUES**

The State Water Board will decide whether to approve Valley Water's petitions based upon the evidentiary record developed during the hearing. Parties to the proceeding may submit exhibits and testimony relevant to the following issues to be considered during the hearing:

1. Should the State Water Board approve Valley Water's petitions to change water right Licenses 6943 (A005653), 11791 (A005654), 2205 (A007141), 2206 (A007142), 2207 (A007143), 2208 (A008098), 2209 (A008099), 6944 (A008387), 2837 (A009455), and 5729 (A0011751)?
  - a. Would the State Water Board's approval of this petition result in injury to any other legal user of water or effectively initiate a new water right?
  - i. How should diversion, storage, withdrawal, and beneficial use pursuant to and amongst these Licenses be accounted and tracked, including flows dedicated for instream uses or otherwise released for improvement or maintenance of fisheries?

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<sup>1</sup> At the November 21 status conference, California Trout indicated that it had filed an NOI, but the document was not received by the AHO. CalTrout is directed to re-file its NOI within seven days from the date of this Notice. This direction constitutes a request for information pursuant to Water Code section 1703.3.

- b. Would the State Water Board's approval of this petition unreasonably affect any fish, wildlife, or any other instream beneficial use?
    - i. Would the State Water Board's approval of this petition comply with the Fish and Game Code?
    - ii. What instream flows, including amounts and timing of flows, are necessary to maintain the fisheries in Stevens Creek and Guadalupe River in good condition?
    - iii. Will the flows proposed by the FAHCE-plus reservoir rule curves maintain the relevant fisheries in good condition?
    - iv. Will the flows proposed by Valley Water worsen conditions for fisheries in Stevens Creek and Guadalupe Rivers as compared to disapproval of the petitions?
  - c. Would the State Water Board's approval of this petition protect public trust resources whenever feasible?
    - i. What are Valley Water's current and future water supply needs, and to what extent, and how, are these needs met by the subject Licenses?
    - ii. How would implementation of flows needed to maintain fish in good condition affect water available to Valley Water for other uses?
  - d. Would the State Water Board's approval of these petitions be in the public interest?
2. If the State Water Board approves these change petitions, what new terms or conditions, if any, should the State Water Board add to Licenses 6943 (A005653), 11791 (A005654), 2205 (A007141), 2206 (A007142), 2207 (A007143), 2208 (A008098), 2209 (A008099), 6944 (A008387), 2837 (A009455), and 5729 (A0011751)?
- a. What processes, procedures, and authorities will be relied on to monitor and enforce the proposed terms or conditions?
  - b. Do the proposed terms or conditions need to incorporate adaptive management principles, and if so, how do they or should they?
  - c. Should the licenses include terms or conditions related to the Adaptive Management Plan (AMP) and Adaptive Management Team (AMT)? If yes, how should those terms ensure FAHCE accomplishes its objectives?
  - d. How do the proposed terms or conditions achieve a balance between protecting public trust resources to the extent feasible and meeting the water supply needs within the service area of Valley Water?

## **HEARING OFFICER AND HEARING TEAM**

AHO Hearing Officer Sam Bivins will preside during the pre-hearing conference and the hearing in this matter. The Hearing Team may include State Water Board staff from the AHO, the Division, and the Office of Chief Counsel. State Water Board members may be present during the pre-hearing conference or during the hearing; however, the State Water Board will not act on the pending petitions 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 management of the State Water Board and State Water Board members to discuss or deliberate on matters relevant to this proceeding.

## **STATUS CONFERENCE**

The hearing officer will hold a status conference on the date and at the time specified on the first page of this notice by Zoom teleconference. No in-person appearances will be allowed. The parties are encouraged to meet and confer and continue efforts to resolve the protests through mediation and good-faith settlement discussions. Valley Water and the protesting parties shall file a joint status conference statement providing an update on protest resolution that details which issues have been resolved and which issues remain unresolved by **May 16, 2025**. Parties may also file status conference statements (preferably jointly) addressing other procedural or substantive issues associated with this hearing.

## **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. The pre-hearing conference will **not** include discussion of the merits of any hearing issues other than procedural matters. Following the pre-hearing conference, the hearing officer may issue a procedural ruling letter and modify the hearing procedures or issues set forth in this notice in whole or in part.

The pre-hearing conference will address the following issues:

1. Should the hearing officer change any of the deadlines or hearing dates listed in this notice or make other changes to the hearing schedule?
2. Time limits for policy statements, opening statements, oral summaries of written testimony, and cross-examination.
3. Should the hearing officer conduct a site visit?
4. Are there any other procedural issues concerning the hearing that the participants would like to raise?

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. The AHO will not retain a court reporter for the pre-hearing conference. The parties are encouraged to seek an agreement to share the costs of retaining a court reporter, but any party may arrange for a court reporter at the party's own expense. Parties shall file pre-hearing conference statements (preferably jointly) by **September 26, 2025**.

### **HEARING SCHEDULE AND DEADLINES**

<b>Deadlines / Schedule</b>	<b>Date and Time</b>
Deadline for submittal of status conference statements.	<b>May 16, 2025, at 11:59 p.m.</b>
Status Conference.	<b>May 23, 2025, at 9:00 a.m.</b>
Deadline for any interested person who intends to give a policy statement to file a NOI.	<b>July 1, 2025, at 11:59 p.m.</b>
Deadline for all parties to file amended NOIs, case-in-chief exhibits, exhibit identification indices, proposed permit terms, and optional opening briefs (15-page limit).	<b>August 1, 2025, at 11:59 p.m.</b>
Deadline for parties to file written evidentiary objections to case-in-chief exhibits.	<b>August 11, 2025, at 11:59 p.m.</b>
Deadline for parties to file responses to written evidentiary objections to case-in-chief exhibits.	<b>August 15, 2025, at 11:59 p.m.</b>
Deadline for all parties to file rebuttal exhibits and rebuttal exhibit identification indices.	<b>September 8, 2025, at 11:59 p.m.</b>
Deadline for parties to file written evidentiary objections to rebuttal exhibits.	<b>September 18, 2025, at 11:59 p.m.</b>
Deadline for parties to file responses to written evidentiary objections to case-in-chief exhibits.	<b>September 24, 2025, at 11:59 p.m.</b>
Deadline for pre-hearing conference statements.	<b>September 26, 2025, at 11:59 p.m.</b>
Pre-Hearing Conference.	<b>October 3, 2025, at 9:00 a.m.</b>
Hearing begins.	<b>November 3 <sup>4</sup>, 2025, at 9:00 a.m.</b>
Additional hearing days (as necessary).	<b>November 6, 7, 10, 11, 13, 14, 17, 18, 20, &amp; 21, <sup>24</sup>, at 9:00 a.m., and additional dates as necessary.</b>

The public hearing will begin on November 3 <sup>4</sup>, 2025, at 9:00 a.m. The hearing officer will enforce a hard stop by 5:00 p.m. on each day of the hearing, except that hearings on Fridays will typically stop at 12:00 p.m.

## **SUBMITTALS OF DOCUMENTS TO AHO AND OTHER PARTIES**

All documents submitted to the AHO shall be addressed and submitted by one of the following methods (with proofs of service, as discussed below):

<b>Method</b>	<b>Address</b>
By e-mail (preferred method for documents other than exhibits):	<a href="mailto:AdminHrgOffice@waterboards.ca.gov">AdminHrgOffice@waterboards.ca.gov</a> With subject line “Valley Water Change Petitions”
By Uploading to FTP site (preferred method for exhibits):	<a href="https://ftp.waterboards.ca.gov">https://ftp.waterboards.ca.gov</a> Please send an e-mail to <a href="mailto:AdminHrgOffice@waterboards.ca.gov">AdminHrgOffice@waterboards.ca.gov</a> with “ <b>Request for AHO-FTP upload password</b> ” in the subject line. The AHO will reply with the party’s username and password, which the party then can use to upload the party’s exhibits.
By Mail:	State Water Resources Control Board Administrative Hearings Office P.O. Box 100 Sacramento, CA 95812-0100
By Hand-Delivery	Joe Serna Jr. CalEPA Building Administrative Hearings Office 1001 I Street Sacramento, CA 95814

Please see the part of this notice below titled “PROCEDURES FOR THIS WATER RIGHT HEARING” for more information regarding hearing procedures and submittals of exhibits.

## **DIVISION OF WATER RIGHTS PUBLIC RECORDS**

The AHO has copied documents from the public records maintained by the State Water Board’s Division of Water Rights that may be relevant to this proceeding. The AHO has included these documents in the initial administrative record for this hearing. The AHO has posted files of these documents on the FTP site in the folder for this matter. Instructions on how to access the FTP site are listed in Section 8 below. The parties may review the Division of Water Rights Records Unit’s public files and may submit as exhibits copies of other relevant documents in these files.

The AHO may mark some or all of the documents that it has filed in the AHO-FTP folder for this hearing as exhibits and will circulate an exhibit identification list accordingly.



## **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/](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/)

Any interested person or entity 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).

## **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 Videos, respectively:  
<https://www.youtube.com/@swrcbadministrativehearing728/featured>.

## **PROHIBITION ON EX PARTE COMMUNICATIONS**

While this proceeding is pending, *ex parte* communications between any party, party representative, or interested person and any member of the Hearing Team or 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 [www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/docs/2022/aho-faq.pdf](http://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2022/aho-faq.pdf).

If any party wants to communicate with any member of the Hearing Team, or any Board member at any time while this proceeding is pending regarding any procedural or substantive issue regarding this proceeding, including any issue regarding the pre-hearing conference, hearing procedures or filing of documents, 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 or any other member of the hearing team, then the AHO will file a copy of the communication in the appropriate folder within the State Water Board's FTP folder for this proceeding.

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 AHO hearing team are necessary to discuss any 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 using the written communications protocols described above.

## **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](http://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 proceeding.

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 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), Valley Water, CDFW, and Baykeeper 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.

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.

- 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. Interested persons should submit any written policy statements before the hearing or submit or summarize them orally at the beginning of the hearing. The hearing officer will not permit a person or entity that appears and presents only 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 not add such persons or entities to the service list.

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:** 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 Notice of Intent to Appear, 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.<sup>2</sup> A party that decides not to present a case-in-chief after having submitted a Notice of Intent to Appear should notify the AHO and the other parties as soon as possible.

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.

**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.

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/](http://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

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<sup>2</sup> 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, if the hearing officer allows other parties to present such closing statements or briefs.

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.

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.

Each party may provide an opening brief with their case-in-chief exhibits. The opening brief shall be a maximum of 15 pages, double-spaced in a font size not smaller than 12 points. Each closing brief shall be a maximum of 30 pages, double-spaced in a font size not smaller than 12 points.

Parties shall submit proposed permit terms to the AHO by the deadline for submittal of case-in-chief exhibits. This request for proposed permit terms is a request for additional information pursuant to Water Code section 1703.5. Failure of a party to submit proposed permit terms, or to submit a statement that there are no such permit terms and the State Water Board should deny the petition, may result in cancellation of the petition or protest by the Board.

The AHO may prepare and circulate a Microsoft 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 AHO-FTP folder for this proceeding and notify the parties of the posting of this list at the time the AHO moves the parties' uploaded exhibits into the downloads folder (see section 8). 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, the Valley Water's exhibits should be numbered Valley Water-1, Valley 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 restart 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 "AHO-FTP Download Folders". 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 will create 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. After the applicable filing deadline, AHO staff will move documents uploaded by each party to the administrative record in the AHO-FTP Download Folder for the proceeding, so all other parties may view and download the documents.

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 email the AHO at [AdminHrgOffice@Waterboards.ca.gov](mailto: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:

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

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 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 written testimony. In general, each witness's summary of their direct testimony should not exceed twenty minutes. The hearing officer retains discretion to adjust this general time limit at any time. 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. The hearing officer may allow additional time for cross-examination if the cross-examining party demonstrates in an offer of proof good cause to take additional time for cross-examination. 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.
- 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:** 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 before the hearing by the deadline specified in this notice. Cross-examination of witnesses offering rebuttal evidence normally will be limited to the scope of the rebuttal evidence. The hearing officer may allow additional time for oral summaries or clarifying testimony.

d. **Closing Briefs:** The hearing officer will set a schedule for the parties to file written closing briefs. 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. 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:** Government Code section 11513 shall apply to all evidence offered during the hearing. Consistent with Government Code section 11513, subdivision (d), a party may use hearsay evidence to supplement or explain other evidence, but over timely objection such evidence will not be sufficient by itself to support a finding unless the evidence would be admissible over objection in a civil 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-plus-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 for 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 rather than the portions of the audio-plus-video recordings of those parts of this proceeding.

**14. TELECONFERENCE HEARING:** This hearing will be conducted by Zoom Webinar. 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.

The AHO has registered each person on the service list for the proceeding as an "Attendee" of the AHO hearing using the e-mail address on the service list. The Zoom Webinar service will generate an individual link for each Attendee which will

allow the Attendee to join the hearing. The Zoom service will send an e-mail containing the link to the e-mail address used to register the Attendee.

This link is specific to the named person and should not be shared with other users. The same link cannot be used to access the hearing on more than one device. If you are a party representative who is on the service list and you have not received an individual link for the hearing at least 24 hours prior to the start of the hearing, please first check your junk or spam mail folders, and then e-mail the AHO at: [adminhrgoffice@waterboards.ca.gov](mailto:adminhrgoffice@waterboards.ca.gov).

The AHO will also register known witnesses or other persons associated with parties who are expected to participate in the hearing as an “Attendee” of the AHO hearing if the person’s e-mail address has been submitted to the AHO. The Zoom Webinar service will generate an individual link for the registered Attendee and send an e-mail containing the link to the associated e-mail address.

Parties may identify witnesses or associated persons who will be participating in the hearing who are not on the AHO’s service list, and request that the AHO add them as registered Attendees. Parties should identify any additional witnesses or associated persons at least 24 hours in advance of the start of the hearing day when the person intends to participate, by sending an e-mail with the person’s name, e-mail address, and association with the party to [adminhrgoffice@waterboards.ca.gov](mailto:adminhrgoffice@waterboards.ca.gov).

To join the hearing, participants should click the individual “Join” link sent by e-mail by the Zoom service. Participants will not be able to use a phone line to call in to the hearing. AHO staff will admit Attendees into the virtual hearing room, which will be referred to by the Zoom software as a webinar. Attendees will be able to see and hear video tiles of the hearing officer and other AHO staff but will not be able to turn on their own camera or microphone features when the hearing begins. The hearing officer will call for appearances from each of the parties. When the hearing officer calls for the appearance of the representative or representatives of a party, AHO staff will either allow the representatives’ microphones to unmute or the representatives should raise their virtual “Zoom” hand to identify themselves for AHO staff. Once unmuted, the representative shall identify him or herself and AHO staff will then elevate the Attendee to a “Panelist.” Panelists may unmute their own microphone, activate their own video, and take other actions as necessary to participate in the hearing.

During the hearing, AHO staff may change the status of participants who are not actively involved in that portion of the hearing to “Attendee” status. An Attendee may raise his or her virtual “Zoom” hand to gain the attention of the hearing officer and the hearing officer will call on the representative and unmute the representative’s microphone. If you do not plan to speak during that day’s hearing, please do not attend the Zoom Webinar and instead view the livestream of the hearing on the AHO’s YouTube channel.

If the device you are using freezes, please notify staff at [adminhrgoffice@waterboards.ca.gov](mailto:adminhrgoffice@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

In lieu of participating by Zoom, anyone may watch past or present AHO hearings at the following link: [bit.ly/aho-youtube](https://bit.ly/aho-youtube). Parties watching AHO hearings by this method will not be able to participate in the hearing, and will not be identified to anyone else.

Date: May 12, 2025

/s/ Sam Bivins  
Sam Bivins, Hearing Officer

Attachments:

- Attachment 1 – Notice of Intent to Appear Form
- Attachment 2 – Witness List
- 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 Pre-Hearing Conference, Notice of Status Conference, or Notice of Hearing): \_\_\_\_\_

**2. Date of Event** (copy from page 1 of Notice of Pre-Hearing 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 pre-hearing 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 1-2 of the Notice of Pre-Hearing 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): \_\_\_\_\_

E-mail address: \_\_\_\_\_



**Optional:**

Please fill out this section **ONLY** if you decline electronic (e-mail) 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 e-mail this completed form to [adminhrgoffice@waterboards.ca.gov](mailto: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 95812-0100

## ATTACHMENT 2

### 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

Mr. Ryan Heacock  
Ms. Sarah Young  
Mr. John Bourgeois  
Mr. Greg Williams  
Ms. Lisa Porcella  
Mr. Bassam Kassab  
Ms. Julio Maravilla  
Mr. Clayton Leal  
Mr. Aaron Baker  
Ms. Rita Chan  
[RHeacock@valleywater.org](mailto:RHeacock@valleywater.org)  
[syoung@valleywater.org](mailto:syoung@valleywater.org)  
[JBourgeois@valleywater.org](mailto:JBourgeois@valleywater.org)  
[GWilliams@valleywater.org](mailto:GWilliams@valleywater.org)  
[lporella@valleywater.org](mailto:lporella@valleywater.org)  
[BKassab@valleywater.org](mailto:BKassab@valleywater.org)  
[JMaravilla@valleywater.org](mailto:JMaravilla@valleywater.org)  
[cleal@valleywater.org](mailto:cleal@valleywater.org)  
[ABaker@valleywater.org](mailto:ABaker@valleywater.org)  
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Mediator for FAHCE

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[Emily.McKim@Wildlife.ca.gov](mailto:Emily.McKim@Wildlife.ca.gov)  
[Craig.Weightman@wildlife.ca.gov](mailto:Craig.Weightman@wildlife.ca.gov)  
[Brenda.Blinn@wildlife.ca.gov](mailto:Brenda.Blinn@wildlife.ca.gov)  
[David.Hines@Wildlife.ca.gov](mailto:David.Hines@Wildlife.ca.gov)

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### **Other Interested Parties**

Mr. Darren Howe  
Ms. Wendy Bragg  
Ms. Corinna Hong  
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[corinna.hong@noaa.gov](mailto:corinna.hong@noaa.gov)  
National Oceanic and Atmospheric  
Administration

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Mr. Matt Clifford  
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Mrs. Julie Gantenbein  
Mr. Richard Roos-Collins  
Mrs. Emma Roos-Collins  
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*Attorney for California Trout Inc.*

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Mr. Chuck Hanson  
Hanson Environmental Inc  
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