



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

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## **NOTICE OF PRE-HEARING CONFERENCE AND PUBLIC HEARING**

**The State Water Resources Control Board will hold a  
Pre-Hearing Conference and Public Hearing on Petitions to Revise  
The Declaration of Fully Appropriated Streams  
To Allow Processing of Applications to  
Appropriate Water from the Santa Ana River**

**A Pre-hearing Status Conference will commence  
on April 16, 2002 -- 2:30 p.m.  
Paul R. Bonderson Building/ First-Floor Hearing Room  
901 P Street, Sacramento, CA**

**The Hearing will commence  
On July 3, 2002 - 9:00 a.m.\*  
Joe Serna, Jr./Cal-EPA Building/Second-Floor Coastal Hearing Room  
1001 I Street, Sacramento, CA**

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### **SUBJECT OF HEARING**

This hearing is scheduled to receive evidence to assist the State Water Resources Control Board (SWRCB) in determining whether to revise the Declaration of Fully Appropriated Streams (Declaration) for the Santa Ana River. Petitions to revise the Declaration have been filed by: Chino Basin Watermaster; San Bernardino Valley Municipal Water District and Western Municipal Water District (Municipal Water District and Western); San Bernardino Valley Water Conservation District (Water Conservation District); and City of Riverside.

This hearing is narrowly focused on whether to revise the Declaration to allow the SWRCB to accept water right applications for diversion from the Santa Ana River system for filing. All questions regarding the specific amount of water available for appropriation under the applications, the season of water availability, approval or denial of the applications, and the conditions to be included in any permit(s) that may be issued on the applications will be resolved for each application at a later time.

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\*Please note the hearing may be delayed due to completion of discussion of previously scheduled workshop issues. Parties will be notified in advance of any delay.

## **SUBJECT OF PRE-HEARING CONFERENCE**

The hearing officer will conduct a pre-hearing conference. Parties who wish to submit evidence at the hearing are required to attend the pre-hearing conference. The SWRCB will conclude that parties who fail to appear at the pre-hearing conference no longer wish to participate at the hearing. The purpose of the pre-hearing conference is to discuss procedural matters related to the hearing and to determine whether the parties agree to rely solely upon the evidentiary record that served as the basis for Order WR 2000-12. In Order WR 2000-12, the SWRCB found that there is sufficient water available for appropriation to justify revision of the fully appropriated stream status of the Santa Ana River and approved a limited exception to the Declaration to allow for processing two applications to appropriate water from the Santa Ana River. The SWRCB subsequently received additional petitions to revise the Declaration to allow the SWRCB to process additional applications to appropriate water from the Santa Ana River. The findings required to approve the current petitions before the SWRCB are essentially identical to the SWRCB's previous findings in Order WR 2000-12. If the parties agree to use the 1999 evidentiary record, duplicative evidentiary submittals for this proceeding will not be necessary, streamlining the hearing process.

## **BACKGROUND**

Pursuant to Water Code sections 1205 through 1207, the SWRCB has adopted and periodically revised the Declaration. The Declaration includes a list of stream systems or their reaches that are determined to be fully appropriated for all or part of the year based upon court decisions or decisions of the SWRCB. Placing a stream on the Declaration precludes the SWRCB from accepting any applications to appropriate water from a specified stream system where the proposed appropriation is inconsistent with the conditions contained in the Declaration. The SWRCB included the Santa Ana River system in its original Declaration adopted by the SWRCB in Order WR 89-25. In Order WR 89-25, the SWRCB cited State Water Rights Board Decision 1194 for the finding that no unappropriated water is available from the Santa Ana River watershed. The finding regarding no unappropriated water in Decision 1194 referred to the Court of Appeal decision in *Orange County Water Dist. v. City of Riverside et al.* (1961) 188 Cal.App.2d 566. The SWRCB has not revised the status of the Santa Ana River in subsequent Declarations, including the most recent Declaration, which it adopted in Order WR 98-08. The SWRCB did, however, make a limited revision to the Declaration regarding the Santa Ana River in Order 2000-12. Order 2000-12 is discussed below.

The subject of water rights on the Santa Ana River was also addressed in two stipulated judgments entered into on April 17, 1969. (*Orange County Water Dist. v. City of Chino et al.* (Super. Ct. Orange County, 1969, No. 117628); *Western Mun. Water Dist. of Riverside County v. East San Bernardino County Water Dist.* (Super. Ct. Riverside County, 1969, No. 78426).) The Orange County judgment provided a basis for division of the water resources among the upper and lower portions of the Santa Ana River based upon specified flows at Prado Dam and Riverside Narrows. The Riverside County judgment declared that water users within the boundaries of the Municipal Water District were entitled to 72.05% of the safe yield of the San Bernardino Basin Area. Six of the plaintiffs with service areas within Riverside County, including Western, were entitled to the remaining 27.95% of the safe yield of the San Bernardino Basin Area.

## **SWRCB ORDER WR 2000-12**

On December 7 and 8, 1999, the SWRCB conducted a hearing on two petitions to revise the Declaration for the Santa Ana River to allow for processing applications filed by: (1) Orange County Water District; and (2) Municipal Water District and Western. On September 21, 2000, the SWRCB issued Order WR 2000-12, which found that there was sufficient water available for appropriation to revise the fully appropriated stream status of the Santa Ana River in order to accept and process the petitioners' water right applications.

In section 6.5 of Order WR 2000-12, the SWRCB found that increased releases of treated wastewater, increased runoff due to urbanization, and increased availability of water during wet years, above the average used in developing the physical solution reflected in the 1969 *Orange County Water District* judgment, had substantially increased flows present in the Santa Ana River since entry of the 1969 judgment, and that it was reasonable to expect a further increase in flows in the future. In addition, the SWRCB found that the construction of the Seven Oaks Dam was a significant change in conditions that affect the flow patterns below the dam following storm events, making it feasible to divert more water. Finally, the SWRCB found that the possibility of using Seven Oaks Reservoir for water storage if federal approval was obtained could further increase the quantity of water potentially available for appropriation in some years.

The hearing narrowly focused on the issue of whether to revise the Declaration. Accordingly, the Order stated that all questions regarding the specific amount of water available for appropriation under the applications, the season of water availability, approval or denial of the applications, and the conditions to be included in any permit(s) that may be issued on the applications would be resolved in separate proceedings on each application. In concluding that the specified applications should be processed, the SWRCB made no finding in Order WR 2000-12 regarding the relative priority of any rights that may be acquired under the specified applications and other rights or applications for water rights in the Santa Ana River basin.

## **DESCRIPTION OF PENDING PETITIONS**

Section 871, et seq. of title 23, California Code of Regulations sets forth the procedure and requirements applicable to revision of the Declaration to allow for processing of water right applications on streams previously declared to be fully appropriated. The SWRCB has received additional petitions since it held the hearing that resulted in Order 2000-12. The petitions request that the SWRCB revise the Declaration to allow for processing applications to appropriate water from the Santa Ana River system. The petitions cite the water availability information submitted in support of Order WR 2000-12 as the basis for revision of the Declaration. Each petitioner has also submitted an application to appropriate the water identified in the petitions as follows:

- Chino Basin Watermaster petition and application requesting a right to divert 97,000 acre-feet per annum (afa) to groundwater storage.
- Municipal Water District and Western petition and application requesting a right to collect a maximum of 100,000 afa in surface and underground storage, and to directly divert at a maximum rate of 1,500 cubic feet per second (cfs). The maximum combined amount to be diverted for direct use and storage is 200,000 afa. The petition and application are in addition to the petition and application addressed in Order 2000-12

- Water Conservation District petition and application proposing combined groundwater and surface storage of 174,545 afa, with the surface storage element not to exceed 150,065 afa.
- City of Riverside petition and application proposing direct diversion of 75 cfs throughout the year, with a maximum direct diversion of 41,400 afa. The applicant seeks to divert treated wastewater from the applicant's Regional Water Quality Control Plant.

By letter dated January 11, 2002, the Chief of the Division of Water Rights (Division) concluded that there was sufficient information to process the first three petitions listed above because the SWRCB has not yet assigned any unappropriated water found available in Order WR 2000-12 to any specific application(s). The Division Chief also concludes that there is sufficient information to process the City of Riverside's petition.

On its own motion, the SWRCB proposes a revision of the Declaration to allow for processing four applications that seek water from the West and East Forks of Cable Creek, thence Cable Creek, thence Lytle Creek. Lytle Creek is tributary to the Santa Ana River. These filings are referenced in footnote 14, Order WR 2000-12. Because they were not identified as a subject of the earlier hearing, the SWRCB could not determine whether to make an exception to the Declaration to allow for application processing, and has deferred processing them. Water is conveyed through an existing, common 12-inch pipeline to the properties owned by the following four applicants:

- Application 29216 of Eddie Evans filed March 17, 1988. The application requests: (a) direct diversion of 0.15 cfs throughout the year, with a maximum direct diversion of 45 afa; and (b) collection to storage of 2 afa from November 1 of each year through April 1 of the following year for irrigation, recreation, fire protection and stockwatering.
- Application 29217 of Gloria Evans filed March 17, 1988. The application requests: (a) direct diversion of 4,000 gallons per day throughout the year; and (b) storage of 4 afa from November 1 of each year through April 1 of the following year for domestic, recreation, fire protection and wildlife enhancement.
- Application 29945 of Samual Kirtley filed June 27, 1988. The application requests: (a) direct diversion of 0.05 cfs throughout the year, with a maximum direct diversion of 24 afa; and (b) storage of 1 afa from November 1 of each year through March 31 of the following year for irrigation, recreation, fire protection and stockwatering.
- Application 29949 of James Quiroz filed March 26, 1990. The application requests direct diversion of 0.066 cfs throughout the year, with a maximum direct diversion of 26 afa for irrigation and fire protection.

### **KEY ISSUES**

Should the SWRCB revise the Declaration for the limited purpose of processing applications to appropriate water from the Santa Ana River system?

1. Has adequate information been provided to demonstrate that there is a change in circumstances since the Santa Ana River system was included in the Declaration?
2. Have the petitioners or other parties documented that there is adequate unappropriated water to justify revision of the Declaration for purposes of processing the applications, in whole or in part?

### **PRE-HEARING CONFERENCE AND HEARING PARTICIPATION**

Participation in the pre-hearing conference is mandatory. Only those persons who submit a Notice of Intent to Appear and who participate in the pre-hearing conference will be considered parties for the hearing.

All persons who plan to participate in this hearing should carefully read the enclosure entitled "Information Concerning Participation in Hearing on Water Rights." As stated in that enclosure, parties intending to present evidence at the hearing must submit a "Notice of Intent to Appear" which the Board must **RECEIVE** on or before **4:00 p.m. on April 12, 2002**. Questions concerning this notice may be directed to Katherine Mrowka, Senior WRC Engineer at (916) 341-5363 (fax # (916) 341-5400) or Samantha Olson, Staff Counsel at (916) 327-8235 (fax # (916) 341-5199).

### **PARKING AND ACCESSIBILITY**

The enclosed map shows the location of the Joe Serna, Jr./California Environmental Protection Agency (CalEPA) Building in Sacramento. Public parking is available in metered spaces on area streets, and in public garages shown on the enclosed map.

The CalEPA Building second-floor hearing room is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 at least five working days before the meeting date. TTY users may contact the California Relay service at 1-800-735-2929 or voice line at 1-800-735-2922.

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Maureen Marché  
Clerk to the Board

Enclosures

Date: March 19, 2002

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## Enclosure 1

### INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS

The following procedural requirements will apply and will be strictly enforced for purposes of the above-mentioned hearing.

1. **HEARING PROCEDURES GENERALLY:** The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-649.6 and 760, as they currently exist or may be amended. A copy of the current governing adjudicative proceedings before the State Water Resources Control Board (SWRCB) is available upon request or may be viewed at the [http://www.swrcb.ca.gov/water\\_laws/](http://www.swrcb.ca.gov/water_laws/).

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

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

2. **PARTIES:** A person who wishes to participate in the hearing as a party and present evidence must submit a Notice of Intent to Appear, written testimony, and exhibits, in accordance with the requirements set forth below, with a request to be designated a party to the hearing and must appear at the pre-hearing conference to be held on April 16, 2002. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence. A person or entity who appears and presents only a policy statement will not be allowed to participate in other parts of the hearing. The rules for policy statements are discussed below.

3. **NOTICE OF INTENT TO APPEAR:** Parties to the hearing must file a Notice of Intent to Appear and five copies thereof which must be received by the SWRCB no later than **4:00 p.m. on April 12, 2002**. Failure to submit a Notice of Intent to Appear and exhibits in a timely manner and to attend the pre-hearing conference may be interpreted by the SWRCB as intent not to appear.

The Notice of Intent to Appear must state the name and address of the participant; and if the participant is a party, the name of each witness who will testify on the parties' behalf; a brief description of the proposed testimony; and an estimate of the time, not to exceed 20 minutes, that the witness will take to present a brief oral summary of the witness's testimony. The witness's testimony must be submitted in writing as described in section 4 below. Parties who do not intend to present a case in chief but who may wish to cross examine witnesses or present rebuttal should so indicate on the Notice of Intent to Appear. Parties who decide not to present a case in

chief after having submitted a Notice of Intent to Appear should notify the SWRCB and the other parties as soon as possible.

In order to expedite the exchange of information and lower the cost of participating in the hearing, the SWRCB encourages participants to submit written policy statements, written opening statements, written testimony, exhibits, and Exhibit Identification Indexes to the SWRCB in electronic form. In addition, participants may exchange the foregoing documents in electronic form. Hearing participants are not required to either submit these documents in electronic form or accept electronic service; however, those who choose to submit these documents electronically must comply with the requirements described in section 5, below. If you are willing to accept electronic media service in lieu of receiving hard copies of items, please check the appropriate box on the Notice of Intent to Appear.

Following receipt of the Notices of Intent to Appear, the SWRCB will mail to each party who has submitted a notice a service list of parties. The service list will indicate which parties agreed to accept electronic service. No later than **June 12, 2002** each party shall serve a copy of its Notice of Intent to Appear on each of the parties identified on the service list and shall submit to each party and to the SWRCB a statement of service that indicates the manner of service. If there is any change in the hearing schedule, only those persons or entities who have filed a Notice of Intent to Appear will be informed of the change.

4. **WRITTEN TESTIMONY AND OTHER EXHIBITS:** Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each participant proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.<sup>1</sup> Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A participant who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

Each participant shall submit to the SWRCB either: (1) **five** paper copies of each of its exhibits or (2) two paper copies and one electronic copy of each of its exhibits. Each participant shall also serve a copy of each exhibit and index on every participant on the service list. Participants may serve those parties who agree to electronic service with an electronic copy of exhibits. Participants must serve paper copies of exhibits on those participants who do not agree to electronic service.

With its exhibits, each participant must submit to the SWRCB and serve on the other participants a completed Exhibit Identification Index. If possible, each participant should submit to the SWRCB and serve on the other participants an electronic copy, as well as a paper copy of the Exhibit Identification Index. Please see Section 5 for details regarding electronic submissions. The exhibits and indexes for this hearing and a statement of service, must be **received** by the

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<sup>1</sup> The hearing officer may make an exception to this rule if the witness is adverse to the party presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officer may allow presentation of the oral direct testimony without requiring written testimony.

SWRCB by **4:00 p.m. on June 12, 2002** and served on the other parties by mail on or before that date.

The following requirements apply to exhibits:

- a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.
- b. The hearing officer has discretion to receive in evidence by reference relevant, otherwise admissible, public records of the SWRCB and documents or other evidence that have been prepared and published by a public agency, provided that the original or a copy was in the possession of the SWRCB before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A participant offering an exhibit by reference shall advise the other participants and the SWRCB of the titles of the documents, the particular portions, including page and paragraph numbers, on which the participant relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the SWRCB's files where the document may be found.

A participant seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other participants prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a participant waives the opportunity to obtain a copy of the exhibit, the participant sponsoring the exhibit will not be required to provide a copy to the waiving participant.

Exhibits that rely on unpublished technical documents will be excluded unless the unpublished technical documents are admitted as exhibits.

**5. ELECTRONIC SUBMISSIONS:** Participants are encouraged to submit the following documents to the SWRCB in electronic form: written opening statements, written policy statements, written testimony, exhibits, and Exhibit Identification Indexes. In addition, the foregoing documents may be served electronically on those participants who have agreed to accept electronic service. Paper copies of all other documents must be submitted to the SWRCB and served on the other parties, unless the hearing officer specifies otherwise.

Any documents submitted or served electronically must be in Adobe™ Portable Document Format (PDF), except for Exhibit Identification Indexes, which must be in a version supported by Microsoft Excel 97 (preferred) or Word 97. Electronic submittals to the SWRCB of documents less than 5 megabytes in size may be sent via electronic mail to:

[WrHearing@waterrights.swrcb.ca.gov](mailto:WrHearing@waterrights.swrcb.ca.gov). Electronic submittals to the SWRCB of documents greater than 5 megabytes in size should be sent by mail, in PDF format, on ZIP™, JAZ™, or compact disk (CD™) media. Electronic service on participants shall be in the same format as submittals to the SWRCB, but should be submitted to the other participants by mail on CD.

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

6. **ORDER OF PROCEEDING:** The SWRCB member serving as hearing officer will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events.

a. **Policy Statements:** Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (c), the SWRCB will provide an opportunity for presentation of nonevidentiary policy statements or comments by interested persons who are not participating in the hearing. Policy statements will be heard at the start of the hearing, immediately after the hearing officer identifies the parties and other participants. Policy statements are subject to the following provisions in addition to the regulation:

- i. Policy statements are not subject to the prehearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.
- ii. The SWRCB requests that policy statements be provided in writing before they are presented. Please see Section 5, above, for details regarding electronic submittal of policy statements. Oral summaries of the policy statements will be limited to five minutes or such other time as established by the hearing officer.

b. **Presentation of Cases in Chief:** Each participant may present a case in chief addressing the key issues identified in the hearing notice. The case in chief will consist of any opening statement provided by the participant, oral testimony, introduction of exhibits, and cross examination of the participant's witnesses. The hearing officer may allow redirect examination and recross examination. The hearing officer will decide whether to accept the participant's exhibits in evidence upon a motion of the participant after the case in chief has been completed.

- i. **Opening Statements:** At the beginning of a case in chief, the participant or the participant's attorney may make an opening statement briefly and concisely stating the objectives of the case in chief, the major points that the proposed evidence is intended to establish, and the relationship between the major points and the key issues. Oral opening statements will be limited to 20 minutes per participant. A participant may submit a written opening statement. Please see section 5, above, for details regarding electronic submittal of written opening statements. Any policy-oriented statements by a participant should be included in the participant's opening statement.
- ii. **Oral Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses will be allowed up to 20 minutes to summarize or emphasize their written testimony on direct examination.<sup>2</sup> Each participant will be allowed up to two hours total to present all of its direct testimony.<sup>3</sup>

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<sup>2</sup> The hearing officer may allow additional time for the oral direct testimony of the witness if the witness is adverse to the participant presenting the testimony and the hearing officer is satisfied that the participant could not produce written direct testimony for the witness.

<sup>3</sup> The hearing officer may, for good cause, approve a party's request to use more than two hours total to present direct testimony during the party's case in chief.

iii. **Cross Examination:** Cross examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, the hearing officer will decide whether the participant's witnesses will be cross examined as a panel. Cross examiners initially will be limited to one hour per witness or panel of witnesses. The hearing officer has discretion to allow additional time for cross examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross examination permitted by the hearing officer will be limited to the scope of the cross examination and the redirect examination, respectively. Witnesses may be cross examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) Ordinarily, only a participant or the participant's representative will be permitted to examine a witness, but the hearing officer may allow a participant to designate a person technically qualified in the subject being considered to examine a witness. SWRCB members and the SWRCB's counsel may ask questions at any time, and the SWRCB members and staff may cross examine any witness.

c. **Rebuttal:** After all participants have presented their cases in chief and their witnesses have been cross-examined, the hearing officer will allow participants to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented in another participant's case in chief. Rebuttal testimony and exhibits need not be submitted prior to the hearing. Rebuttal evidence is limited to evidence that is responsive to evidence presented in a case in chief, and it does not include evidence that should have been presented during the presenter's case in chief. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.

d. **Closing Statements and Legal Arguments:** At the close of the hearing or at other times if appropriate, the hearing officer may allow oral arguments or set a schedule for filing briefs or closing statements. If the hearing officer authorizes the participants to file briefs, five copies of each brief shall be submitted to the SWRCB, and one copy shall be served on each of the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.

e. **Large Format Exhibits:** Participants submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, participants may supply, for the hearing record, a reduced copy of a large format original if it is readable.

7. **EX PARTE CONTACTS:** During the pendency of this proceeding, commencing no later than the issuance of the Notice of Hearing, there will be no *ex parte* communications between SWRCB members or SWRCB staff and any of the participants regarding substantive issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding noncontroversial procedural matters are permissible, but ordinarily should be directed to SWRCB staff, not SWRCB members. (Gov. Code, § 11430.20, subd. (b).)

8. **RULES OF EVIDENCE:** Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

9. **SUBMITTALS TO THE SWRCB:** Notices of Intent to Appear, written testimony and other exhibits submitted to the SWRCB should be addressed as follows:

Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

Attn: Katherine Mrowka

**Phone: (916) 341-5353**

**Fax: (916) 341-5400**

**Email: [WrHearing@waterrights.swrcb.ca.gov](mailto:WrHearing@waterrights.swrcb.ca.gov)**

With Subject of “Santa Ana River Hearing on Revising the Declaration”