
State Water Resources Control Board

**NOTICE OF RESCHEDULING
OF PUBLIC HEARING**

The State Water Resources Control Board
will hold a Public Hearing on the

**Proposed Revocation of Permit 11043 (Application 13225)
of Monterey County Water Resources Agency
Salinas River, Monterey County**

The Public Hearing listed above,
originally scheduled to commence on **January 28, 2013**,
has been rescheduled to commence

on

**Tuesday, August 13, 2013 at 9:00 a.m.
and continue, if necessary, on
Wednesday, August 14, 2013 and Thursday, August 15, 2013**

in the Sierra Hearing Room
Joe Serna, Jr.-Cal/EPA Building
1001 I Street, Second Floor
Sacramento, CA

PURPOSE OF HEARING

The purpose of this hearing is for the State Water Resources Control Board (State Water Board or Board) to receive evidence relevant to determining whether Permit 11043 (Application 13225), assigned to Monterey County Water Resources Agency, should be revoked for failure to commence, prosecute with due diligence, and complete the work necessary to appropriate water or apply the water to beneficial use as required by the permit, the Water Code or the rules and regulations of the State Water Board.

PLEASE TAKE NOTICE

Please note that the changes described in this notice do not change the scope of the hearing or hearing requirements as originally noticed, unless expressly noted herein. This notice provides notification of the following changes or clarifications: (1) rescheduling of the originally scheduled hearing date; (2) an opportunity for participants to submit an amended Notice of Intent to Appear; (3) change in the deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service; (4) listing of hearing team staff exhibits; (5) addition of a third key issue related to the second key issue in the original November 21, 2012 hearing notice; and (6) clarification regarding requests for additional time to present witness testimony.

The hearing has been rescheduled to commence on the date listed above. In addition, the deadline for submittal of exhibits and other hearing documents to the State Water Board has been changed and a new deadline to submit amended Notices of Intent to Appear has been added, as described below.

12 Noon, Wednesday, June 12, 2013

Deadline for receipt and service of amended Notice of Intent to Appear

12 Noon, Wednesday, July 10, 2013

Deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service.

If participants do not wish to amend their existing Notice of Intent to Appear, they do not need to submit an amended Notice of Intent to Appear.

For further information, please refer to the original hearing notice of November 21, 2012, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/mcwra/index.shtml.
The November 21, 2012 Notice of Public Hearing remains in effect except for the changes noted herein.

Hearing Team Staff Exhibits

The following public documents will be offered, by reference, as staff exhibits at the hearing:

SWRCB-1: All water right files related to Application 13225 (Permit 11043)

SWRCB-2: State Water Resources Control Board Order WR 82-13

Key Issues:

The original hearing notice contains the following Key Issues. In the original notice they were listed as two questions under Key Issue 1. They now have been separated into two separate Key Issues:

- (1) Should Permit 11043 (Applications 13225) be revoked in accordance with Water Code section 1410?
- (2) Did MCWRA prosecute with due diligence and complete construction of the project and apply the water to beneficial use as contemplated by the permit and in accordance with the Water Code and the rules and regulations of the State Water Board?

The following Key Issue, Key Issue 3, has been added to further expand the inquiry under Key Issue 2:

- (3) Did Monterey County Water Resources Agency meet all of the dates set forth in Paragraph 3 of Board Order WR 82-13? If Monterey County Water Resources Agency did not meet the dates specified in Paragraph 3 of Board Order WR 82-13, did Monterey County Water Resources Agency petition the Board for an extension of time prior to the date in question, and did the Board find good cause for a time extension?

Requests for Additional Time to Present Witness Testimony

Page 12, section 9(b)(iii), of the original November 21, 2012 hearing notice enclosure titled, "Information Concerning Appearance at Water Right Hearings," states, "[w]itnesses will be allowed up to **20 minutes** to summarize or emphasize their written testimony on direct examination. Each party will be allowed up to **one hour total** to present all of its direct testimony.³" Footnote 3 at the bottom of page 12 states "The hearing officers may, for good cause, approve a party's request for additional time to present direct testimony during the party's case-in-chief." Requests for additional time will be denied unless the party requesting the additional time shows good cause. To show good cause, parties are expected to explain how the testimony requiring extra time is relevant to a key issue in the hearing. Explanation of good cause can be written on the Notice of Intent to Appear or included as an attachment. **Requests for additional time for case-in-chief witnesses, including an explanation of good cause, are due by the deadline to submit amended Notices of Intent to Appear described above.**

Deadline for Objections

12 Noon, Thursday, May 23, 2013

Deadline for receipt and service of objections to this notice.

12 Noon, Wednesday, June 19, 2013

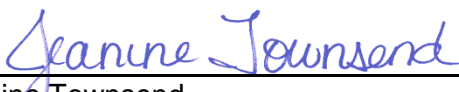
Deadline for receipt and service of objections to Notices of Intent to Appear or amended Notices of Intent to Appear.

IF YOU HAVE ANY QUESTIONS

During the pendency of this proceeding, there shall be no *ex parte* communications between State Water Board members or State Water Board hearing team staff and any of the other participants, including members of the prosecution team regarding substantive or controversial procedural matters within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.)

Questions regarding non-controversial procedural matters (Gov. Code, § 11430.20, subd. (b)) should be directed to Senior Staff Counsel Samantha Olson at (916) 327-8235, or by email to solson@waterboards.ca.gov, or Staff Engineer Jean McCue at (916) 341-5351, or by email to jmccue@waterboards.ca.gov.

May 14, 2013
Date


Jeanine Townsend
Clerk to the Board

Enclosure

**SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION:
MONTEREY COUNTY WATER RESOURCES AGENCY
PROPOSED REVOCATION HEARING**

**SERVICE LIST
(REVISED January 16, 2013)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

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| <p>MONTEREY COUNTY WATER RESOURCES AGENCY Kevin M. O'Brien 621 Capitol Mall, 18th Floor Sacramento, CA 95814 (916) 444-1000 kobrien@downeybrand.com daladjem@downeybrand.com</p> | <p>DIVISION OF WATER RIGHTS PROSECUTION TEAM David Rose State Water Resources Control Board 1001 I Street Sacramento, CA 95814 (916) 341-5196 DRose@waterboards.ca.gov</p> |
| <p>MARY ORRADRE, ET AL. Thomas Virsik Law Offices of Patrick Maloney 2425 Webb Avenue, Suite 100 Alameda, CA 94501 (510) 521-4575 pjmlaw@pacbell.net</p> | <p>MARINA COAST WATER DISTRICT Roger K. Masuda Griffith & Masuda, A Professional Law Corporation P.O. Box 510 Turlock, CA 95381 (209) 667-5501 rmasuda@calwaterlaw.com</p> |
| <p>SALINAS VALLEY WATER COALITION Nancy Isakson 3203 Playa Court Marina, CA 93933 (831) 224-2879 nisakson@mbay.net</p> | <p>MONTEREY COUNTY FARM BUREAU Norman C. Groot P.O. Box 1449 Salinas, CA 93902-1449 (831) 751-3100 norm@montereycfb.com</p> |
| <p>Kevin Piearcy P.O. Box 1355 Gonzales, CA 93926 (831) 679-2525 Pumph20101@hotmail.com</p> | |