
State Water Resources Control Board

NOTICE OF ADDITIONAL DAYS OF PUBLIC HEARING AND PROCEDURAL RULING

The State Water Resources Control Board
Administrative Hearings Office
will hold a Pre-Hearing Conference and Public Hearing
on the petition for change filed by
the City of Solvang

for water-right Permit 15878 (Application A022423),
which authorizes diversions of water from the Santa Ynez River (underflow)
in Santa Barbara County.

**The Public Hearing will begin on
November 6, 2023, at 9 a.m.,
and continue on November 8, 9, 29 & 30, and
December 4, 6, 7, & 13, beginning at 9 a.m.**

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

Please access Zoom by using the link:

<https://waterboards.zoom.us/j/92786481140?pwd=b2xXK2ErbTdyenh3ZTFUUEJvSHdZQT09> with Meeting ID: 927 8648 1140 and Passcode: 786867

or by calling in at: +16699009128,,92786481140#,,,,*786867# US (San Jose)

Interested members of the public who would like to watch this hearing without participating may do so through the Administrative Hearings Office YouTube channel at:

<https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57>

PURPOSE OF HEARING

The purpose of this hearing is to receive evidence to be considered in determining whether the State Water Resources Control Board (State Water Board or Board) should approve the petition for change filed by the City of Solvang for water-right Permit 15878 (Application A022423), and, if so, whether any new terms or conditions should be added

to the permit. For additional information about this proceeding see the AHO's August 15, 2023 Amended Notice of Public Hearing.

PROCEDURAL RULING

The hearing officer held a pre-hearing conference on October 18, 2023. This procedural ruling follows from the pre-hearing conference.

All parties are directed to submit a proposed order of appearance of their case-in-chief and rebuttal witnesses to the AHO, with a copy to the service list, by the end of the day on October 27, 2023.

After considering the number of witnesses and the number of hearing days, the hearing officer expects to allow no more than 60 minutes of cross-examination of each of Solvang's witnesses by the fisheries entities collectively (CDFW, NMFS, and CalTrout). The hearing officer encourages the fisheries entities to work together to coordinate their collective 60 minutes of cross-examination for each witness. Likewise, Solvang will be allowed no more than 60 minutes to cross-examine each of the fisheries entities' witnesses. The hearing officer may allow additional time for cross-examination at the request of the parties if time allows during the hearing. The hearing officer may direct any cross-examiner to proceed to a new topic or conclude cross-examination if a particular line of questioning is not productive to resolution of the hearing issues. The hearing officer will impose equitable time limits on cross-examination by parties other than Solvang and the fisheries entities as necessary.

The hearing officer will allow each party to present up to three slides as a demonstrative aid in support of the party's opening statement. These slides may summarize the party's position with written text, may quote written witness testimony, and may include images or graphics if the image or graphic was included in an exhibit submitted by the party or any other party to the proceeding. The parties must submit any opening statement slides by the end of the day (11:59 p.m.) on October 31, 2023.

The public hearing will begin on November 6, 2023, 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 the hearing will end by 2:00 p.m. on November 9. The hearing officer reserves the discretion to re-order witnesses for purposes of presentation of oral summaries of testimony and for cross-examination as necessary to accommodate the hearing schedule and the availability of witnesses and counsel.

The hearing will begin with any opening statement by the City of Solvang, and then will proceed to Solvang's presentation of oral summaries of its witnesses' case-in-chief testimony. Because Solvang's witness Joe Gibson is not available on November 6, Mr. Gibson will testify no sooner than November 8. CDFW, NMFS, and CalTrout should be prepared to present their opening statements, if any, and oral summaries of one or more of their witnesses' case-in-chief testimony on November 6, if time allows, and continue on November 8 and 9 as necessary.

The hearing officer intends to allow presentation of oral summaries of testimony and cross-examination of only Solvang’s witnesses on November 29 and 30. The hearing officer also intends to forgo conducting hearing days on December 6 and 7 if possible, but asks the parties to reserve these days in case these additional hearing days are necessary to complete the hearing on schedule.

The parties may file closing briefs with the AHO by the end of the day (11:59 p.m.) on January 12, 2024. Each closing brief shall be a maximum of 20 pages, double-spaced, or 10 pages, single-spaced, in a font size not smaller than 12 points. For citations to hearing testimony, please include citations to the hour, minute and second of the beginning and end of the part of the hearing recording that is posted on the AHO-FTP folder for this hearing. For citations to hearing exhibits, please cite to the names and numbers of the exhibit files that are posted on the AHO-FTP page for this hearing.

HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline for parties to file written evidentiary objections to rebuttal exhibits.	October 26, 2023, by 11:59 p.m.
Deadline for parties to file a proposed order of appearance of case-in-chief and rebuttal witnesses.	October 27, 2023, by 11:59 p.m.
Deadline for parties to file responses to written evidentiary objections to case-in-chief exhibits.	October 31, 2023, by 11:59 p.m.
Deadline for parties to file opening statement slides.	October 31, 2023, by 11:59 p.m.
Hearing begins.	November 6, 2023, at 9:00 a.m.
Additional hearing days (as necessary).	November 8, 9, 29, & 30 and December 4, 6, 7, & 13, 2023, at 9:00 a.m.
Deadline for parties to submit closing briefs.	January 12, 2024, by 11:59 p.m.

Date: October 26, 2023

/s/ Nicole Kuenzi
 Nicole Kuenzi
 Presiding Hearing Officer

Attachment:
 -Service List

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