
State Water Resources Control Board

NOTICE OF DRAFT PROPOSED ORDER

The State Water Resources Control Board
Administrative Hearings Office
held a Public Hearing on July 17, 30 and 31, and
September 9 and 16, 2020, and a site visit on
August 7, 2020
to determine whether to adopt
a proposed cease and desist order and administrative civil liability order to

Kevin Gonzalves

for alleged unauthorized diversions of water in the Canal Creek watershed
in Merced County.

On March 12, 2020, the Administrative Hearings Office (“AHO”) of the State Water Resources Control Board (“State Water Board” or “Board”) issued a Notice of Public Hearing and Pre-Hearing Conference regarding issues described in the draft Cease and Desist Order (CDO) in this matter. The applicable statutes, hearing issues and pre-hearing and hearing schedules are described in detail in the March 12 notice. On April 17, the AHO held the pre-hearing conference described in the March 12 notice.

On May 20, 2020, the AHO issued a Supplemental Notice of Hearing and Pre-Hearing Conference Order regarding issues described in the draft CDO and the Administrative Civil Liability (ACL) Complaint in this matter.

On July 17, 30 and 31, and September 9 and 16, 2020, the AHO held its public hearing on the draft CDO and ACL complaint by Zoom teleconference. On August 7, 2020, the AHO conducted a site visit. On September 23, 2020, the AHO issued a post-hearing order.

On November 6, 2020, the parties filed their post-hearing closing briefs and the matter was deemed submitted to the AHO under Water Code section 1114, subdivision (c)(1).

On February 2, 2020, the AHO issued a notice of extension of the February 4, 2020 deadline for transmittal of proposed order to March 8, 2021.

The AHO releases the enclosed draft proposed order for review and comments by the parties to this proceeding. Any comments on the proposed order shall be submitted to

the AHO on or before **April 15, 2021, at 4:00 pm**. The parties shall submit their comments by uploading them to the AHO-FTP2 site using the same process the parties used to submit their closing briefs.

After the deadline for comments has passed, the AHO will post copies of all comments it receives on the AHO-FTP site.

The prior submission of this matter to the AHO for preparation of a proposed order is vacated. The matter will be deemed re-submitted on April 15, 2021. The AHO will prepare its final proposed order and transmit it to the Clerk of the Board (with copies to the parties) after that date.

Date: March 8, 2021

SIGNATURE ON FILE
Alan B. Lilly, Presiding Hearing Officer

Enclosures:

- Service List (copies to be sent via e-mail only)
- Draft Proposed Order

SERVICE LIST

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