

---

## State Water Resources Control Board

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

The State Water Resources Control Board  
Administrative Hearings Office  
will hold a Pre-Hearing Conference and a Public Hearing  
on the pending water-right application (A029657) of

#### **The County of San Joaquin**

for a permit to appropriate water from the  
South Fork American River at the Freeport Regional Water Authority Facility  
on the Sacramento River

**The Pre-Hearing Conference will begin on  
July 13, 2021, at 9 a.m.**  
and will be held by Zoom teleconference

**The Public Hearing will begin on  
August 30, 2021, at 9 a.m.,  
and continue on August 31 and September 1, beginning at 9 a.m.,  
and will be held by Zoom teleconference.**

Representatives of parties and other people who want to participate in this pre-hearing  
conference or 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/95722679101?pwd=VHdxLzl0dWVXRythck43bWtocU85dz09>  
with Meeting ID: 957 2267 9101 and Passcode: 382877  
or by calling in at:  
+16699009128,,95722679101#,,,,\*382877# 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-g8I-C7Nig/videos?view=57>

## **PURPOSE OF HEARING**

The purpose of this hearing is to receive evidence that the Administrative Hearings Office (AHO) and State Water Resources Control Board (State Water Board or Board) will consider when determining whether to: (1) cancel or deny water-right Application 29657 under Water Code section 1276 or section 1335, or California Code of Regulations, title 23, section 840; or (2) establish a time schedule for the applicant to submit information necessary for the State Water Board's Division of Water Rights (Division) to process Application 29657.

## **BACKGROUND**

San Joaquin County (County or Applicant) filed water-right Application 29657 (Original Application) with the Division on February 9, 1990. The Original Application requested a permit to appropriate 620 cubic feet per second (cfs) of water by direct diversion and 190,000 acre-feet per year (afy) of water by diversion to storage, with an annual diversion limit of 322,000 afy. The proposed season of diversion is December 1 of each year through June 30 of the following year. The proposed uses of water are municipal, industrial, and irrigation within a gross service area of 399,700 acres within San Joaquin County, including municipal water supply for the cities of Lodi, Stockton, Lathrop, and Manteca.

The Original Application identified two alternative sources of water and sets of proposed points of diversion for the appropriation. Under Alternative A, the County would divert water from the American River at Nimbus Dam through the Folsom South Canal to storage in a proposed Clay Station Reservoir on Laguna Creek. Alternative A includes Laguna Creek as an additional source of water. Under Alternative B, the County would divert water from the South Fork American River to storage in a proposed County Line Reservoir on Deer Creek, and in a proposed Clay Station Reservoir on Laguna Creek. Alternative B includes Deer Creek and Laguna Creek as additional sources of water (besides the South Fork American River).

Since filing the Original Application, the County has filed four amendments to the application, dated: August 31, 2003 (Amended Application), April 28, 2005 (Second Amended Application), October 10, 2007 (Third Amended Application), and June 27, 2014 (Fourth Amended Application).

The Amended Application reduced the proposed maximum authorized rate of diversion to 350 cfs, the proposed maximum authorized amount of annual diversions to storage to 147,000 afy, and the maximum combined annual diversions to 147,000 afy. The Amended Application did not include any of the proposed points of diversion identified in the Original Application and substituted a new proposed point of diversion at the Freeport Regional Water Authority Intake Facility on the Sacramento River. The Amended Application also included various proposed points of rediversion, and storage in a proposed Duck Creek Reservoir on Duck Creek, tributary to the Calaveras River.

In an attachment to the application, the County confirmed that it would prepare the water availability studies that are necessary to assure that its diversions from the Sacramento River would not exceed the amounts of water available at the proposed point of diversion on the South Fork American River identified under Alternative B of the Original Application.

The Second Amended Application retained the revisions of the Amended Application, included new and revised proposed points of rediversion, and added underground storage in the groundwater basin underlying the proposed place of use in San Joaquin County as a method and place of storage.

The Third Amended Application added a more-detailed description of the methodology that the County would use to measure the amounts of water placed into and withdrawn from underground storage, added proposed points of rediversion, and updated the description of proposed points of rediversion identified in the Second Amended Application.

The Division issued a public notice of the Third Amended Application on January 25, 2008, and a public re-notice of the Third Amended Application on March 12, 2008. The Division received 16 protests to the application, all of which remain unresolved.<sup>1</sup>

On October 19, 2010, the Division issued an order cancelling Application 29657 because the County had failed to provide information requested by the Division, including information necessary to comply with the California Environmental Quality Act, and failed to diligently pursue the application. On November 18, 2010, the County filed a petition for reconsideration of the Division's order cancelling Application 29657. On June 10, 2011, the State Water Board adopted an order that granted the County's petition for reconsideration. (State Water Board Order WR 2011-0014-EXEC.) Through this order, the Board remanded the matter to the Division to act on the County's proposed application-development schedule, and directed the Division to cancel Application 29657 again if "it becomes apparent that the County will not meet the timelines in any Division-approved project schedule." (*Id.*, p. 3.)

On October 3, 2011, the Division approved the County's proposed application-development schedule. The Division's approval of additional time for the County to pursue Application 29657 was contingent on the County's timely completion of all elements of the schedule. The Division informed the County that its failure to meet any of the deadlines in the schedule or its failure to provide requested information could result in cancellation of the application without further notice. (Barbara Evoy, Deputy Director of the Division of Water Rights, letter to Thomas J. Shephard, Sr., October 3, 2011.) The Division modified this approval at the request of the County on December

---

<sup>1</sup> The Division counted the joint protest filed by the Department of Fish and Wildlife, North Central Region, and the Department of Fish and Wildlife, Delta Region, as two separate protests. If this joint protest is counted as one protest, the Division received 15 protests to the County's application.

14, 2011, to extend several deadlines in the application-development schedule. The last correspondence from the County in the Division's files for this application is the County's Fourth Amended Application, dated June 27, 2014.

The Fourth Amended Application removed the proposed Duck Creek Reservoir as a place of storage and removed the proposed points of diversion for the reservoir. The Fourth Amended Application added information about the proposed underground storage through recharge basins adjacent to the North San Joaquin Water Conservation District's and Stockton East Water District's existing and proposed conveyance infrastructure systems. The County included an amended application-development schedule with the Fourth Amended Application. The proposed amended schedule did not include all elements of the schedule previously approved by the Division and proposed postponing some important deadlines in the schedule the Division approved in 2011.

### **ASSIGNMENT OF PETITIONS TO THE ADMINISTRATIVE HEARINGS OFFICE**

Water Code section 1110 established the Administrative Hearings Office (AHO) within the State Water Board. Water Code section 1112, subdivision (c)(2), provides that the State Water Board may assign adjudicative hearings to the AHO. Subdivision (c)(3) of this section provides that an AHO hearing officer may perform additional work requested by the Board.

On June 24, 2020, Erik Ekdahl, Deputy Director of the Division, sent a memorandum to Eileen Sobeck, the State Water Board's Executive Director, proposing to transfer Application 29657 to the AHO. On June 24, 2020, Ms. Sobeck issued a memorandum assigning the application to the AHO.

### **STATUS CONFERENCE**

The AHO issued a Notice of Status Conference on January 5, 2021, and held a status conference in this matter on March 16, 2021. In its status conference statement and during the status conference, the County indicated its intent to continue to pursue Application 29657. The City of Stockton, North San Joaquin Water Conservation District, and Stockton East Water District appeared at the status conference in support of the application.

Of the original 16 protestants to Application 29657, California Salmon and Steelhead Association and Defenders of Wildlife did not file Notices of Intent to Appear (NOI) and did not participate in the status conference. El Dorado Water & Power Authority was an original protestant to the application but has since been dissolved. Former Authority member agencies El Dorado Water Agency and El Dorado Irrigation District filed NOIs and participated in the status conference and indicated their intent to maintain the protest filed by El Dorado Water & Power Authority. The remaining protestants indicated in their status conference statements or during the status conference their intents to maintain their protests. In addition, City of Folsom, City of Roseville,

Sacramento Suburban Water District, and Woodland-Davis Clean Water Agency filed NOIs and appeared at the status conference in opposition to Application 29657.

In its status conference statement and during the status conference, the County summarized the history of Application 29657 and the County's actions in pursuing the application. (2021-03-09 San Joaquin County & City of Stockton joint Status Conference Statement, pp. 2-7.) The County identified several general planning documents as indicative of its progress in pursuing Application 29657 but confirmed that it had not begun developing the project-specific environmental document that is necessary for the Board to act on the application. (*Id.*, p. 8.) The County also confirmed that it had not obtained a right of access to the Freeport Diversion Facility as a point of diversion for the project and that it intends to further investigate the feasibility of using the head of the Folsom South Canal at Lake Natoma as an alternative point of diversion. (*Id.*, pp. 13 & 14).

The County opposed scheduling a hearing for the Board to consider whether to cancel or deny Application 29657 and requested 18 to 24 months to develop a schedule for completing the additional planning and documentation necessary for the Board to process the application. (*Id.*, p. 2.) The participants in the status conference who opposed Application 29657 generally supported cancellation of Application 29657 by the Board without a hearing.

Based on the information in the administrative record, the status conference statements, and the statements of the County's and other participants' representatives during the status conference, the AHO concludes that it is appropriate to schedule a hearing in this matter to consider whether Application 29657 should be cancelled or denied, or whether the AHO should set a time schedule for the County to submit information necessary for the Division to process its application. A hearing before the AHO will provide a public process in which the County and interested parties may participate and submit the evidence and information on which the AHO may prepare a proposed decision for the Board's consideration.

### **APPLICABLE STATUTES AND REGULATIONS**

After a water-right application has been filed by an applicant, Water Code section 1275 provides that the Board "may request additional information reasonably necessary to clarify, amplify, correct, or otherwise supplement the information required to be submitted under Article 2 (commencing with Section 1260) or Article 3 (commencing with Section 1270)." This additional information may include, but is not limited to: (a) information demonstrating that unappropriated water is available for appropriation; (b) information demonstrating compliance with applicable requirements of the Fish and Game Code or the federal Endangered Species Act of 1973; and (c) information demonstrating compliance with Division 13 (commencing Section 21000) of the Public Resources Code. "If, within the period provided, the applicant does not provide the information requested under Section 1275, the application shall be canceled unless for

good cause shown the board allows additional time in which to submit the requested information.” (Wat. Code, § 1276.)

Protestants to an application and the applicant are required by Water Code section 1333 to make good faith efforts to resolve the protests. “The board may request from a protestant or the applicant additional information that the board determines is reasonably necessary to attempt to resolve the protest.” (Wat. Code, § 1334.) “The board may cancel a protest or application for failure to provide information requested by the board under this article,” within a reasonable period provided by the Board. (Wat. Code, §§ 1334 & 1335.)

Water Code section 1255 directs the Board to reject an application when in its judgment the proposed appropriation would not best conserve the public interest. California Code of Regulations, title 23, section 840, states, following Water Code section 1255:

An application will be denied when it appears after hearing or a proceeding in lieu of hearing that (a) the applicant does not intend to initiate construction of the works required for the contemplated use of water within a reasonable time and thereafter diligently prosecute the construction and use of water to completion, or (b) the applicant will not be able to proceed within a reasonable time, either because of absence of a feasible plan, lack of the required financial resources, or other cause.

Water Code sections 1276 and 1335, and California Code of Regulations, title 23, section 840, thus provide three independent bases on which the Board may cancel or deny a water-right application if the applicant fails to submit information requested by the Board or to diligently pursue the application.

## **HEARING ISSUES**

The purpose of this hearing is to receive evidence relevant to the following hearing issues:

### **1. Should the Board cancel Application 29657 under Water Code section 1276?**

- a. Has the Applicant failed to provide information requested by the Board to demonstrate that unappropriated water is available for appropriation?
- b. Has the Applicant failed to provide information requested by the Board to demonstrate compliance with all applicable requirements of the Fish and Game Code and the federal Endangered Species Act of 1973?
- c. Has the Applicant failed to provide information requested by the Board to comply with Division 13 (commencing with Section 21000) of the Public Resources Code?
- d. Has the Applicant failed to provide other information requested by the Board that is reasonably necessary to clarify, amplify, correct, or otherwise supplement information required to be submitted under Article 2

(commencing with section 1260) or Article 3 (commencing with section 1270)?

- e. Has the Applicant shown good cause for the Board to allow additional time in which to submit the requested information?

**2. Should the Board cancel Application 29657 under Water Code section 1335?**

- a. Has the Applicant failed to provide information requested by the Board that the Board determined is reasonably necessary to attempt to resolve a protest?
- b. Has the Applicant shown good cause for the Board to allow additional time in which to submit the requested information?

**3. Should the Board deny Application 29657 under California Code of Regulations, title 23, section 840?**

- a. Does the Applicant intend to initiate construction of the works required for the contemplated use of water within a reasonable time and thereafter diligently prosecute the construction and use of water to completion?
- b. Will the Applicant be unable to proceed within a reasonable time because of absence of a feasible plan, lack of required financial resources, or other cause?

**4. Should the Board establish a time schedule for the Applicant to submit information necessary for the Division to process Application 29657?**

**HEARING OFFICER AND HEARING TEAM**

An AHO hearing officer will preside during the pre-hearing conference and the hearing. Other AHO staff members may be present and may assist the hearing officer during the pre-hearing conference and the hearing, and throughout these proceedings. The hearing officer and other AHO staff members may consult with staff of the Division of Water Rights, staff of the Board's Office of Chief Counsel, 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.

**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. To participate in the pre-hearing conference, please use the Zoom teleconference information provided on the first page of this notice. Because of the current COVID-19 pandemic, no in-person appearances will be allowed for this pre-hearing conference.

To facilitate a clear understanding of who is speaking, the hearing officer will ask each person to identify himself or herself as necessary during the conference. The pre-

hearing conference will be electronically recorded by Zoom teleconference. The hearing officer will prepare a pre-hearing conference order after the conference.

The pre-hearing conference will address the following issues:

1. The deadlines for submitting exhibits and testimony, and the hearing dates, are listed below. Should the hearing officer change any of these deadlines or hearing dates or make other changes to the hearing schedule?
2. Should the hearing officer set a deadline for submission of rebuttal evidence and require rebuttal testimony to be submitted in writing in advance of the hearing?
3. What time limits should apply to policy statements, opening statements, oral summaries of written testimony, cross-examination, and rebuttal testimony during the hearing?
4. Any other procedural issues concerning the hearing raised by the participants.

Parties do not need to file pre-hearing conference statements. If any party wants to file a pre-hearing conference statement, then the party shall file the pre-hearing conference statement with the AHO, and serve copies of it on the other parties listed in the attached service list, by the deadline listed below. Any pre-hearing conference statement may address any of the issues listed above.

### **NOTICES OF INTENT TO APPEAR**

**Any person or entity who wants to participate in the pre-hearing conference or the hearing in this matter must file a Notice of Intent to Appear (NOI) with the AHO, using the form in this notice, before the deadline listed below.** The AHO encourages parties to agree to accept electronic service (by e-mail) of all documents regarding this hearing. If a party is not willing to do this, then the party may check the appropriate box on the NOI form. Parties not agreeing to accept electronic service of documents will experience delays as paper copies of documents are transmitted by U.S. Mail. If this box is not checked, then the AHO will assume that the party agrees to accept electronic service.

After the deadline to submit NOIs, the AHO will post the NOIs on the Water Board AHO FTP site (FTP site) in the folder for this matter and include the updated service list with any pre-hearing conference order.



## **HEARING SCHEDULE AND DEADLINES**

<b>Deadlines / Schedule</b>	<b>Date and Time</b>
Deadline for any party who wants to participate in the hearing to file an NOI.	<b>July 8, 2021, 12:00 p.m.</b>
Deadline for filing optional pre-hearing conference statements.	<b>July 8, 2021, 12:00 p.m.</b>
Pre-hearing conference.	<b>July 13, 2021, 9:00 a.m.</b>
Deadline for all parties to file exhibits and exhibit identification indices with AHO and serve copies on all other parties	<b>July 30, 2021, 12:00 p.m.</b>
Hearing begins.	<b>August 30, 2021, 9:00 a.m.</b>
Additional hearing days (as necessary)	<b>August 31 and September 1, 2021, 9:00 a.m., and additional dates as necessary.</b>

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

All documents submitted to the AHO, including NOIs and status conference statements, shall be addressed and submitted by one of the following methods (with proofs of service, as discussed above):

<b>Method</b>	<b>Address</b>
By email (preferred method for documents other than exhibits):	<a href="mailto:AdminHrgOffice@waterboards.ca.gov">AdminHrgOffice@waterboards.ca.gov</a> adminhrгоffice@waterboards.ca.gov With Subject Line “ <b>San Joaquin County Application 29657</b> ”
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 email to AdminHrgOffice@Waterboards.ca.gov with “ <b>Request for AHO-FTP download 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, Mail Stop 2-C P. O. Box 100 Sacramento, CA 95812-0100
By Hand Delivery (see note below):	Joe Serna Jr. CalEPA Building Administrative Hearings Office 1001 I Street, 2 <sup>nd</sup> Floor Sacramento, CA 95814

Service of documents by hand-delivery may be more difficult or delayed due to closures of the CalEPA Building during the COVID-19 pandemic. Please plan ahead if you wish to hand deliver documents and e-mail AHO staff in advance at [AdminHrgOffice@waterboards.ca.gov](mailto:AdminHrgOffice@waterboards.ca.gov) to arrange for hand-delivery of documents.

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 and has included them 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.

### **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 notices and other 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/)

### **HEARING LIVE-STREAM AND RECORDING**

The pre-hearing conference and hearing will be live-streamed through the Administrative Hearings Office YouTube channel, accessible by clicking on the link provided below. The live-stream will consist of a morning session and an afternoon session. Each session may be accessed through the appropriate link on the Administrative Hearings Office YouTube channel. 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 Administrative Hearings Office YouTube channel. These recordings will include automatic captions for accessibility.

The live-stream and recordings may be accessed at the following link: <https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57>

## **SEPARATION OF FUNCTIONS; PROHIBITION ON EX PARTE COMMUNICATIONS**

All parties are prohibited from having any *ex parte* communications with any members of the AHO hearing team. (See Wat. Code, § 1110, subd. (c); Gov. Code, §§ 11430.10-11430.80.) The AHO has posted a discussion of *ex parte* communications on the AHO's webpage at [https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/docs/2021/2021\\_04\\_06\\_webpage\\_faq.pdf](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2021/2021_04_06_webpage_faq.pdf). (See response to FAQ 18.)

If any party wants to communicate with the AHO at any time regarding any procedural or substantive issue regarding these proceedings, including any issue regarding the pre-hearing conference, hearing procedures or filing of documents, then that party shall make such communication to the AHO 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 with 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.

Before the AHO circulates the list of parties described below, any party submitting any document to the AHO for this proceeding (including the party's NOI, described below) shall transmit copies of the document to all of the other parties listed in the attached service list. After the AHO circulates the list of parties that have filed NOIs, any party submitting any document to the AHO shall transmit copies of the document to all of the other parties on the NOI list. This transmittal may be by e-mail to parties for whom e-mail addresses are listed in the service list. For other parties, this transmittal shall be by U.S. Mail. Whenever any party files any document with the AHO for this proceeding, the party shall include a proof of service using one of the methods described above that confirms that the party has transmitted copies of the document to all other parties and that describes the method of service.

Please do not attempt to communicate by telephone or in person with any AHO hearing team member regarding any procedural or substantive issue concerning this hearing, 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 he or she deems appropriate.

- 1. HEARING PROCEDURES:** The Administrative Hearings Office (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 Resources Control Board's website: [https://www.waterboards.ca.gov/laws\\_regulations/](https://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 and protestants. The applicant 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 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 AHO 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 applicant or 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 approve a settlement agreement between the applicant 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 State Water Board or the Executive Director for approval before the State Water Board or Executive Director acts on the request, 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), San Joaquin County, Freeport Regional Water Authority, Sacramento County Water Agency, Friends of the River, California Department of Fish and Wildlife, California Sportfishing Protection Alliance, Glenn-Colusa Irrigation District, San Luis & Delta Mendota Water Authority, State Water Contractors, Westlands Water District, Kern County Water Agency, Sacramento Municipal Utility District, Contra Costa Water District, El Dorado Water Agency, El Dorado Irrigation District, Save the American River Association, United States Bureau of Reclamation, and California Department of Water Resources are parties to this proceeding. The hearing officer will also allow City of Stockton, North San Joaquin Water Conservation District, Stockton East Water District, San Juan Water District, City of Folsom, City of Roseville, Sacramento Suburban Water District, and Woodland-Davis Clean Water Agency to participate as parties to this proceeding.

The hearing officer may allow any other person or entity that timely files a Notice of Intent to Appear to participate in the hearing as a party, and not just to present a policy statement. (See Cal. Code Regs., tit. 23, § 648.1, subd. (a) & (b).) A person or entity that has not been identified as a party in this notice that wants to participate as a party in this hearing shall file a Notice of Intent to Appear with the AHO no later than the deadline specified in this notice. The person or entity shall include in the Notice of Intent to Appear information 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.

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, only parties will be allowed to present evidence, make objections, and examine witnesses.

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. Policy statements may be submitted in writing in advance of the hearing or presented orally during the hearing. The hearing officer will not permit a person or entity that appears and presents only a policy statement to make objections, 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 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 intend to participate in the hearing as parties must file either an electronic copy or a paper copy of a Notice of Intent to Appear with the AHO no later than 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 applications, the requirement to file a Notice of Intent to Appear by the deadline is a request for additional information pursuant to Water Code section 1334. The Board may cancel an application or protest if the applicant or protestant does not file an NOI by the deadline.

The AHO requests that any interested person who will not be participating as a party, but will be presenting only a non-evidentiary policy statement, file a Notice of Intent to Appear by the deadline and specify in the notice that the person only will be presenting a policy statement.

As provided in California Code of Regulations section 648.4, subdivision (b), the Notice of Intent to Appear for parties (but not for people only presenting policy statements) must state the name and address of the participant. For parties, the Notice of Intent to Appear also must state: (1) the name of each witness whom the party intends to call at the hearing; (2) a brief description of the subject of each witness's proposed testimony; and (3) an estimate of the time that the party requests for each of its witnesses to present an oral summary of his or her written testimony. (See section 6 for requirements that apply to written testimony.) The total time requested for summaries of all of each party's witnesses shall not to exceed the total time limit for oral summaries of written testimony described in section 10, part b.ii. If a party intends to call any expert witnesses, the party shall designate each expert witness in the party's Notice of Intent to Appear.

Parties that do not intend to present cases-in-chief but wish 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.

Parties that are not willing to accept electronic service of hearing documents must check the appropriate box on the Notice of Intent to Appear. Because service of documents to such parties normally will be by U.S. Mail, such parties will experience delays in receiving hearing documents.

The AHO will e-mail or mail a service list with the names of parties and their contact information to each person or entity that has submitted a Notice of Intent to Appear. The service list will indicate if any party is not willing to accept electronic service. If there is any change in the hearing schedule, the hearing officer will send a notice of such change to the parties on the service list and interested persons who have filed Notices of Intent to Appear expressing their intentions to present only policy statements.

- 6. WRITTEN TESTIMONY AND OTHER EXHIBITS:** Exhibits include all written testimony, statements of qualifications of expert witnesses, and other documents to be submitted as evidence. 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 proposed direct testimony of each witness in writing 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 testimony absent good cause. Each party shall designate each of its witness's written testimony as a separate exhibit. Each party must submit all of its witnesses' written testimony with the party's other exhibits by 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 testimony.

The AHO encourages all parties 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 his or her written testimony. The parties must label the slides for each witness as a separate exhibit and submit it by the exhibit submittal deadline.

See section 10, part c. for more information about rebuttal evidence.

---

<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.

- 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 Excel format.

Each party should label exhibits with a short version of the party's name and sequential numbers. For example, San Joaquin County's exhibits should be numbered SJ County-1, SJ County-2, etc., Reclamation's exhibits should be numbered Reclamation-1, Reclamation-2, etc., and DWR's exhibits should be numbered DWR-1, DWR-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 his or her 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 re-start the paragraph numbering in each section.

**Each party must submit to the AHO the exhibits and exhibit indices for this hearing no later than the deadline specified in the Hearing Notice.** The AHO may treat a party's failure to timely submit exhibits 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. 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.

- b. 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.

- c. The hearing officer normally will exclude exhibits that rely on unpublished technical documents unless the unpublished technical documents also are admitted as exhibits.
- d. 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 both the large-format version and reduced copy will be admitted into evidence.

- 8. SUBMISSIONS OF DOCUMENTS:** To expedite the exchange of documents, reduce paper use, and lower the cost of participating in the hearing, all participants must submit hearing documents by uploading them to the FTP site in electronic form (in addition to two paper copies) unless the hearing officer authorizes submission of exhibits in different formats.

The 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 accounts".

**a. Download Folders:**

To access the AHO-FTP download folders, please submit an email request to the AHO at [AdminHrgOffice@Waterboards.ca.gov](mailto:AdminHrgOffice@Waterboards.ca.gov) with "Request for AHO-FTP download password" in the subject line. After receiving such e-mail requests, AHO staff will provide a username and password to the requester for access to the AHO-FTP download folders. It is not necessary to include other parties in the cc line for these email requests.

Anyone may download documents from the AHO-FTP download folders at any time. The AHO will create a folder for each proceeding that contains all documents related to that hearing and may contain subfolders for background documents and hearing documents. Only AHO personnel may upload files to these folders. The AHO will post exhibits and exhibit indices to these folders promptly after each filing deadline. The AHO may add other documents to the administrative record during this proceeding (including recordings of hearings) by posting them to these folders. The documents in these folders will be the AHO's administrative record for this proceeding.

If any party believes that the AHO should add or remove any documents in these folders, then the party may file a request to the hearing officer for such action, 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. Upload Folders:**

The AHO will provide a separate upload account for each party that files an NOI to appear as a party for this hearing so that the party may upload the party's exhibits and other documents to the FTP site. In most cases, these accounts will be specific for each party and each hearing and the AHO will close the accounts after the hearing and related proceedings have been completed.

Any party to this proceeding may upload documents for this proceeding (primarily exhibits and Exhibit Identification Indices) using the party's upload account. Only the party and AHO personnel may upload, view, download, or delete any files from the party's folder. After the applicable filing deadline, AHO staff will move documents uploaded by each party to the party's upload account folder to the administrative record in the AHO-FTP download folder for the proceeding, so all other parties may view and download the documents.

Documents uploaded by the parties normally must be in Adobe Portable Document Format (PDF), except that spreadsheets may be submitted in Microsoft Excel, slide presentations may be submitted in Microsoft PowerPoint, and Exhibit Identification Indices shall be submitted in Microsoft Excel.

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.

Each party shall upload its exhibits and Exhibit Identification Index to the 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 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 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 that the party has uploaded the documents.

Each party also shall mail or hand-deliver two paper copies of its exhibits and Exhibit Identification Index to one of the AHO's two addresses listed below, with a proof of service of these paper copies. A party may provide this proof of service of these paper copies by sending an e-mail or letter to the AHO, with the transmittal of copies of the e-mail or letter to the other parties shown in the e-mail "cc" (carbon copy) list or the cc portion of the letter. The party shall make this mailing of the paper copies of the party's exhibits by the exhibit filing deadline, but the AHO does not need to receive the mailed paper copies of the exhibits by this deadline.

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 for that hearing and advise the parties that these documents are available for download. 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 documents that the party has submitted, and a separate electronic folder of any documents the AHO has renamed or renumbered, in the administrative record folder.

If a party cannot upload exhibits to FTP site, then the party may mail paper copies of its exhibits to the AHO at:

State Water Resources Control Board  
Administrative Hearings Office, Mail Stop 2-C  
P. O. Box 100  
Sacramento, CA 95812-0100

Alternatively, a party may send paper copies of its exhibits to the AHO by overnight delivery to:

Joe Serna Jr. CalEPA Building  
State Water Resources Control Board  
Administrative Hearings Office, Mail Stop 2-C  
1001 I Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95814

If a party uses either of these alternative means of filing paper copies of its exhibits with the AHO in lieu of electronically filing the exhibits, then the party shall complete the filing of the paper copies by 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, time limits for summaries of testimony, opening statements and policy statements, rebuttal evidence, and any other appropriate procedural issues. This notice states the date and time of the pre-hearing conference. The hearing officer may issue additional 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. The hearing officer will set time limits for each element of the proceeding specified below before or during the hearing.
  - a. Policy Statements:** The hearing officer will allow interested persons to present policy statements at the start of the hearing before the presentations of cases-in-chief. **Oral policy statements and oral summaries of written policy statements will be limited to 5 minutes.**
  - 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 the 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 testimony. The hearing officer then will allow other parties to cross-examine the witnesses who have presented written testimony or oral summaries of their written testimony. The hearing officer may allow re-direct examination and re-cross examination. The hearing officer will decide whether to accept the party's exhibits into evidence upon a request or motion by the party after completion of all examination 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. **Oral opening statements will be limited to 5 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 testimony into the record. A witness provides his or her direct testimony when he or she confirms that a designated exhibit or exhibits is or are his or her written testimony. The hearing officer may allow additional time for oral summaries or clarifying testimony, and the parties may discuss the need for additional time for such summaries or clarifications during the pre-hearing conference, if one is held, or during the party's presentation of the party's witnesses.
- 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 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. **Questions by Hearing Officer:** 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:** After all parties have presented their cases-in-chief and their witnesses have been cross-examined, the hearing officer may allow parties to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence another party has presented in its case-in-chief.

Unless the hearing officer orders otherwise, parties do not need to submit rebuttal testimony or exhibits before the hearing. The hearing officer may set a schedule for submittal of written rebuttal testimony or exhibits before the hearing or after the parties have presented their cases-in-chief. The hearing officer may require written rebuttal testimony to specify the previously submitted testimony that is being rebutted. Cross-examination of witnesses offering rebuttal evidence normally will be limited to the scope of the rebuttal evidence.

- 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 FTP site when they upload their closing briefs, and shall file two paper copies with the AHO. 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 post all closing briefs to the administrative record folder for this matter on the FTP site.

**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. TELECONFERENCE HEARING:** Due to the on-going COVID-19 pandemic and the associated closure of the Joe Serna Jr. CalEPA Building to the public, the AHO currently is conducting all hearings and conferences by Zoom teleconference. The AHO may continue to conduct some or all of its hearings by Zoom teleconference after this pandemic and associated closure end. The hearing notice specifies the method by which this hearing will be conducted.

Before the hearing, the AHO will provide a Zoom meeting link for people who want to participate in the hearing or pre-hearing conference to all parties and interested persons who have filed NOIs. To facilitate a clear understanding of who is speaking, the hearing officer will ask each person to identify himself or herself as necessary during the teleconference hearing. The hearing officer prefers that parties participate by both audio and video through the Zoom meeting link. If this is not possible, then the hearing officer will accept audio-only participations.

The AHO will not order a court reporter for videoconference pre-hearing conferences or hearings. Any interested party may order a court reporter at the party's own expense. The AHO will record the teleconference pre-hearing conference and hearing and will post an audio-plus-video file and a Zoom-generated transcript of the hearing on the FTP site as part of the administrative record for this matter.

Parties should test their devices' video and audio functions before the start of the hearing or pre-hearing conference. At the lower left-hand side of the Zoom window is a microphone and a video camera symbol. If there is a red line across the symbols, your microphone is on mute and video camera is off.

Please plan to call into the video conference at least 10 minutes before the scheduled hearing or pre-hearing conference time to ensure you can resolve any technical issues before the hearing or pre-hearing conference begins. You will initially be in a virtual waiting room and will be admitted to the hearing by a member of the AHO office. When you speak, please turn your video on and unmute your microphone by clicking on the symbols in the lower left-hand side of the Zoom window. During the hearing, please be respectful and patient, raising your hand on-screen to get the hearing officer's attention. To reduce acoustic background noise, please remain on mute if you are not speaking. If you have other devices that are tuned into the meeting, please turn off the speaker volume of those devices. Other participants will be able to see your name, depending on your Zoom account settings. Other participants may also see the last three digits of your phone number unless you have called in anonymously. During the hearing, AHO staff may add designations of participants' names to the Zoom display.

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. If restarting the device does not work, try calling into the hearing using the phone number provided to you with the Zoom meeting information.

In lieu of participating in the Zoom hearing, anyone may watch past or present AHO hearings by clicking "Watch AHO Hearings" on [https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office). People watching AHO hearings by this method will not be able to participate in the hearing, and will not be identified to anyone else.

Date: June 10, 2021

SIGNATURE ON FILE  
Nicole L. Kuenzi, Hearing Officer

Attachments:

- Notice of Intent to Appear Form
- Exhibit Identification Index
- Service List



**NOTICE OF INTENT TO APPEAR**

(Name of Participant or Party) \_\_\_\_\_ plans to participate in the water right hearing regarding San Joaquin County Application 29657 Hearing

**Scheduled to begin on August 30, 2021**

**1) Check only one of the following boxes:**

- Option 1:** I/we intend to present a policy statement only and, therefore, not to participate as a party in this hearing.
- Option 2:** I/we intend to participate as a party by presenting any of the following: an opening statement, direct testimony, cross-examination or rebuttal, and intend to participate as a party in this hearing.

**Reason for Requesting Party Status.** If you are not identified as a party in the Hearing Notice, describe why you should be allowed to participate as a party:

---



---



---



---

**2) If you selected Option 2 above and intend to provide direct testimony, complete the witness table below. If not, skip to item 3 below.**

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 pages.)

**3) Fill in the following information of the participant, party, attorney, or other representative:**

Name (type or print):

---

Represented party (if applicable):

---

Mailing Address:

---

Telephone Number:

---

E-mail Address:

---

Optional:

I/we decline electronic service of hearing-related materials.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## SERVICE LIST

Updated March 18, 2021

### ***By Email Only:***

Barbara A. Brenner  
White Brenner LLP  
1414 K Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
[barbara@whitebrennerllp.com](mailto:barbara@whitebrennerllp.com)  
*Attorney for San Joaquin County*

Kirin Virk  
San Joaquin County Counsel  
44 N. San Joaquin St., Suite 679  
Stockton, CA 95202  
[kvirk@sjgov.org](mailto:kvirk@sjgov.org)

Fritz Buchman  
Kris Balaji  
Matt Zidar  
San Joaquin County Department of  
Public Works  
Attn: Director of Public Works  
P.O. Box 1810  
Stockton, CA 95201  
[fbuchman@sjgov.org](mailto:fbuchman@sjgov.org)  
[kbalaji@sjgov.org](mailto:kbalaji@sjgov.org)  
[mzidar@sjgov.org](mailto:mzidar@sjgov.org)

Jon Rubin  
Westlands Water District  
P.O. Box 6056  
Fresno, CA 93703  
[JRubin@WWD.ca.gov](mailto:JRubin@WWD.ca.gov)

Jeanne Zolezzi  
Herum Crabtree Suntag  
5757 Pacific Avenue, Suite 222  
Stockton, CA 95207  
[jzolezzi@herumcrabtree.com](mailto:jzolezzi@herumcrabtree.com)  
*Attorney for Stockton East Water District*

Mel Lytle, Ph.D.  
City of Stockton  
Municipal Utilities Department  
11373 N. Lower Sacramento Rd.  
Lodi, CA 95242  
[Mel.lytle@stocktonca.gov](mailto:Mel.lytle@stocktonca.gov)

Robert B. Maddow  
Douglas E. Coty  
Bold, Polisner, Maddow, Nelson &  
Judson  
2125 Oak Grove Road, Suite 210  
Walnut Creek, CA 94598  
[rmaddow@bpmnj.com](mailto:rmaddow@bpmnj.com)  
[dcoty@bpmnj.com](mailto:dcoty@bpmnj.com)  
*Attorneys for Contra Costa Water  
District*

William Jennings  
California Sportfishing Protection  
Alliance  
3536 Rainier Avenue  
Stockton, CA 95204  
[Deltakeep@me.com](mailto:Deltakeep@me.com)

Chris Shutes  
California Sportfishing Protection  
Alliance  
1608 Francisco St.  
Berkeley, CA 94703  
[blancapaloma@msn.com](mailto:blancapaloma@msn.com)

Michael Jackson  
California Sportfishing Protection  
Alliance  
P.O. Box 207  
Quincy, CA 95971  
[mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net)

Rebecca Akroyd  
San Luis & Delta-Mendota Water  
Authority  
1331 Garden Highway, 2<sup>nd</sup> Floor  
Sacramento, CA 95833  
[Rebecca.akroyd@sldmwa.org](mailto:Rebecca.akroyd@sldmwa.org)

Joseph Byrne  
Best Best & Krieger LLP  
1121 L Street, Suite 1050  
Sacramento, CA 95814  
[Joseph.byrne@bbklaw.com](mailto:Joseph.byrne@bbklaw.com)  
*Attorney for State Water Contractors  
and Kern County Water Agency*

Kira Johnson  
Best Best & Krieger LLP  
300 S. Grand Avenue, 25<sup>th</sup> Floor  
Los Angeles, CA 90071  
[kira.johnson@bbklaw.com](mailto:kira.johnson@bbklaw.com)  
*Attorney for State Water Contractors  
and Kern County Water Agency*

Ronald Stork  
Friends of the River  
1418 20<sup>th</sup> Street, Suite 100  
Sacramento, CA 95811  
[rstork@friendsoftheriver.org](mailto:rstork@friendsoftheriver.org)

Jennifer Spaletta  
Spaletta Law PC  
P.O. Box 2660  
Lodi, CA 95241  
[jennifer@spalettalaw.com](mailto:jennifer@spalettalaw.com)  
*Attorney for North San Joaquin Water  
Conservation District*

Andrew M. Hitchings  
Somach Simmons & Dunn  
500 Capitol Mall, Suite 1000  
Sacramento, CA 95814  
[ahitchings@somachlaw.com](mailto:ahitchings@somachlaw.com)  
*Attorney for Glenn-Colusa Irrigation  
District*

Aaron Ferguson  
Somach Simmons & Dunn  
500 Capitol Mall, Suite 1000  
Sacramento, CA 95814  
[aferguson@somachlaw.com](mailto:aferguson@somachlaw.com)  
*Attorney for Glenn-Colusa Irrigation  
District and Sacramento County Water  
Agency*

Forrest W. Williams, Jr.  
Sacramento County Water Agency  
10151 Florin Road  
Sacramento, CA 95829  
[williamsf@SacCounty.net](mailto:williamsf@SacCounty.net)

Janice Snyder  
Freeport Regional Water Authority  
700 H Street, Suite 2650  
Sacramento, CA 95814  
[snyderja@SacCounty.net](mailto:snyderja@SacCounty.net)

Paul Helliker  
San Juan Water District  
P.O. Box 2157  
Granite Bay, CA 95746  
[phelliker@sjwd.org](mailto:phelliker@sjwd.org)

Lisa M. Holm  
Bureau of Reclamation  
2800 Cottage Way CGB-440  
Sacramento, CA 95825  
[lholtm@usbr.gov](mailto:lholtm@usbr.gov)

Erick Soderlund  
Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 95814  
[Erick.soderlund@water.ca.gov](mailto:Erick.soderlund@water.ca.gov)

Kevin M. O'Brien  
Downey Brand  
621 Capitol Mall, 18<sup>th</sup> Floor  
Sacramento, CA 95814  
[kobrien@downeybrand.com](mailto:kobrien@downeybrand.com)  
*Attorney for El Dorado Water Agency*

Brian D. Poulsen, Jr.  
Rachel Sarge  
El Dorado Irrigation District  
2890 Mosquito Rd.  
Placerville, CA 95667  
[bpoulsen@eid.org](mailto:bpoulsen@eid.org)  
[rsarge@eid.org](mailto:rsarge@eid.org)

Ryan Bezerra  
Holly J. Jacobson  
Bartkiewicz, Kronick, & Shanahan P.C.  
1011 22<sup>nd</sup> St.  
Sacramento, CA 95816  
[rsb@bkslawfirm.com](mailto:rsb@bkslawfirm.com)  
[hjj@bkslawfirm.com](mailto:hjj@bkslawfirm.com)  
*Attorneys for City of Folsom, City of  
Roseville, Sacramento Suburban Water  
District, and Woodland-Davis Clean  
Water Agency*

Joe Schofield  
Sacramento Municipal Utility District  
P.O. Box 15830  
Sacramento, CA 95852-0830  
[Joe.Schofield@smud.org](mailto:Joe.Schofield@smud.org)

Bridget Gibbons  
California Department of Fish and  
Wildlife  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
[Bridget.Gibbons@wildlife.ca.gov](mailto:Bridget.Gibbons@wildlife.ca.gov)

Nancee Murray  
California Department of Fish and  
Wildlife  
P.O. Box 944309  
Sacramento, CA 94244  
[Nancee.Murray@wildlife.ca.gov](mailto:Nancee.Murray@wildlife.ca.gov)

Clyde Macdonald  
Save the American River Association  
1190 Perkins Way  
Sacramento, CA 95818  
[clydewallace2@yahoo.com](mailto:clydewallace2@yahoo.com)