

---

## State Water Resources Control Board

### POST-HEARING ORDER

The State Water Resources Control Board  
Administrative Hearings Office  
held a hearing on regarding the pending petitions of

#### Garberville Sanitary District

to change water-right License 3404 and Permit 20789 (Applications A009686 and A029981), which authorize diversions of water from the South Fork Eel River in Humboldt County.

#### **BACKGROUND**

On March 30, 2021, 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 (“Hearing Notice”) regarding the petitions filed by the Garberville Sanitary District (“Garberville”) to change its water-right License 3404 (Application A009686) and water-right Permit 20789 (Application A029981). The background facts, applicable statutes, hearing issues, hearing procedures and related matters are described in that notice.

On May 11, 2021, the AHO held a pre-hearing conference. On May 17, 2021, the AHO issued a pre-hearing conference order. On June 15, 2021 the AHO held its public hearing on these petitions by Zoom teleconference. This order follows that hearing.

#### **POST-HEARING CLOSING BRIEFS**

As discussed by the hearing officer near the end of the June 15 hearing, any party that wants to file a post-hearing closing brief shall file it on or before **July 2, 2021, at 4:00 pm**. Each closing brief shall be organized in a format that addresses, in order, the following issues:

- 1) Should the State Water Board approve Garberville SD’s petitions to change the authorized place of use for License 3404 and Permit 20789?
  - a) Would the State Water Board’s approval of these petitions result in injury to any other legal user of water?
  - b) Would the State Water Board’s approval of these petitions unreasonably affect any fish, wildlife or other instream beneficial use?

- c) Would the State Water Board's approval of these petitions be in the public interest?
  - d) Would the State Water Board's approval of these petitions cause the initiation of any new water right?
  - e) What is the status of Garberville SD's actions to comply with the California Environmental Quality Act (CEQA) for these petitions?
- 2) If the State Water Board grants these petitions, what new terms or conditions, if any, should be added to this license and this permit when the petitions are granted?
- a) Should the AHO hearing officer include the Draft Amended License 3404 and Draft Amended Permit 20789 that were attached to the March 30, 2021 hearing notice in the draft proposed order the hearing officer will transmit to the Board?
  - b) If so, should the AHO hearing officer make any changes to these drafts before including them in the hearing officer's proposed order?
- 3) Does part 2 of section 3 of Attachment A of the State Water Board's *Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* apply to Garberville SD?

Each closing brief shall be a maximum of 10 pages, double-spaced, or five 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 page 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.

Each party shall upload its closing brief to the AHO-FTP2 site before **July 2, 2021, at 4:00 pm**. Each party also shall mail two paper copies of its closing brief to the AHO on or before this date to:

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

Alternatively, a party may send two paper copies of its closing brief to the AHO by overnight delivery, or have the briefs hand-delivered to:

Joe Serna Jr. CalEPA Building  
State Water Resources Control Board  
Administrative Hearings Office  
c/o Water Rights Records Unit  
1001 I Street, 2<sup>nd</sup> Floor, Room 114  
Sacramento, CA 95814

(For mailing, overnight delivery or hand-delivery, the party must give the paper copies to the U. S. Postal Service or courier on or before the deadline specified above. The Postal Service's or courier's delivery to the AHO may occur after this deadline.)

Parties do not need to serve copies of their closing briefs on the other parties. After the filing deadline, the AHO will post files of all parties' closing briefs on the AHO-FTP page for this hearing.

Date: June 16, 2021

SIGNATURE ON FILE  
Alan B. Lilly, Presiding Hearing Officer

Attachment:

-Service List (copies of notice sent by e-mail to listed e-mail addresses and by U.S. Mail to party without listed e-mail address)

**SERVICE LIST**  
**Garberville Sanitary District change petition hearing**

Jennie Short  
Ralph Emerson  
Garberville Sanitary District  
P.O. Box 211  
Garberville, CA 95542  
[jmshort@garbervillesd.org](mailto:jmshort@garbervillesd.org)  
[remerson@garbervillesd.org](mailto:remerson@garbervillesd.org)

Russ Gans, Esq.  
P.O. Drawer 1008  
Eureka, CA 95501  
[rgans@mitchelllawfirm.com](mailto:rgans@mitchelllawfirm.com)  
Attorney for Garberville SD

Cody Cox  
Robert Diperna  
Linda Sutton  
Redway Community Services District  
1150 Evergreen Road, Unit 2  
Redway, CA 95560  
[ccox.rcsd@gmail.com](mailto:ccox.rcsd@gmail.com)

Kristin Vogel  
P.O. Box 453  
Garberville, CA 95542  
[kv2@gotsky.com](mailto:kv2@gotsky.com)

Edward Voice  
P.O. Box 572  
Nice, CA 95464  
[evoice@mchsi.com](mailto:evoice@mchsi.com)

Ron Angier  
P.O. Box 1821  
Redway, CA 95560  
[ronangier@gmail.com](mailto:ronangier@gmail.com)

Carolyn Hino-Bourassa  
Laura Cochrane  
Meghan Joyce  
Carl Hulbert  
South Humboldt Community Park  
P.O. Box 185  
Garberville, CA 95542  
[ceikoh@yahoo.com](mailto:ceikoh@yahoo.com)  
[laura@sohumpark.org](mailto:laura@sohumpark.org)

Colette Metz Santsche  
Humboldt LAFCO  
1125 16<sup>th</sup> Street, Suite 202  
Arcata, CA 95521  
[colettem@humboldtlafo.org](mailto:colettem@humboldtlafo.org)

Linda Sutton  
P.O. Box 631  
Redway, CA 95560