

## State Water Resources Control Board

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

The State Water Resources Control Board  
Administrative Hearings Office  
will hold a Second Pre-Hearing Conference  
and a Public Hearing to determine whether to prepare  
a proposed cease-and-desist order to

**BlueTriton Brands, Inc.**  
**(successor by name change to Nestlé Waters North America, Inc.)**

on the draft Cease and Desist Order  
issued by the State Water Resources Control Board,  
Division of Water Rights, Permitting and Enforcement Branch,  
on April 23, 2021.

**The Second Pre-Hearing Conference will begin on  
December 8, 2021 at 9:00 a.m.**

**The Public Hearing will begin on  
January 10, 2022 at 9:00 a.m.,  
and will continue as necessary on January 11-14, 2022,  
beginning each day at 9:00 a.m.**

**A site visit is scheduled for January 26-27, 2022.**

**The Public Hearing on rebuttal evidence will begin on  
February 15, 2022, beginning at 1:00 p.m.,  
and will continue as necessary on February 16-18, 2022,  
beginning each day at 9:00 a.m.**

**Additional hearing days will be scheduled if necessary.**

**The pre-hearing conference and hearings will be held by Zoom teleconference.**

To participate, please use the following link:  
<https://waterboards.zoom.us/j/97116503192?pwd=NjBnT3B5V2wwbGlrcXdoWIN3RmcyQT09> with Meeting ID: 971 1650 3192 and Passcode: 967163  
or the following number:  
+16699009128,,97116503192#,,,,\*967163# US (San Jose)

**E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR**

**To observe without participating, please access the  
Administrative Hearings Office YouTube channel:**

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

## **PURPOSE OF HEARING**

The purpose of this hearing is for the Administrative Hearings Office (“AHO”) to receive evidence relevant to, and arguments regarding, the Draft CDO described above and any responses or defenses to it. After the hearing, the AHO will prepare a proposed order for submission to and consideration by the State Water Board. The AHO’s proposed order will be based upon evidence and arguments in the administrative record developed before, during and after the hearing. This notice supersedes the AHO’s July 8, 2021 Notice of Pre-Hearing Conference and Public Hearing in this matter.

## **BACKGROUND**

### **Cease and Desist Order Statutes**

California Water Code section 1831 authorizes the State Water Resources Control Board (“State Water Board” or “Board”) to issue a cease-and-desist order when the Board determines that any person is violating, or threatening to violate, any of the requirements listed in subdivision (d) of section 1831. These prohibitions include the prohibition in Water Code section 1052 against the unauthorized diversion or use of water subject to Division 2 (sections 1000-5976) of the Water Code.

Water Code section 1834 provides that, when a violation of one or more of these requirements is occurring or threatening to occur, the Board shall notify the party making or threatening to make the alleged violation that he or she may request a hearing.

### **Draft Cease and Desist Order**

On April 23, 2021, Julé Rizzardo, Assistant Deputy Director for the Permitting and Enforcement Branch of the State Water Board’s Division of Water Rights (“Division”) issued a Notice (“Draft CDO Notice”) of Revised Report of Investigation and Draft Cease and Desist Order (“Draft CDO”) to Nestlé Waters North America, Inc. (“Nestlé”).

The Draft CDO alleged that Nestlé’s diversion and use of water from Strawberry Creek in San Bernardino County violated or threatened to violate the prohibition in Water Code section 1052 against the unauthorized diversion or use of water subject to Division 2 of the Water Code. The Draft CDO Notice, issued under Water Code section 1834, advised Nestlé that, if Nestlé wanted to request a hearing on the Draft CDO, then it had to submit a written request for hearing to the AHO within 20 days from Nestlé’s receipt of the notice. (See Water Code, § 1834, subd. (b).)

The Division has posted copies of its transmittal letter for the Draft CDO Notice, the Revised Report of Investigation, the Draft CDO, and related documents at: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/enforcement/complaints/nestle.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/complaints/nestle.html)

### **Request for Hearing**

On May 11, 2021, Robert E. Donlan of Ellison Schneider Harris & Donlan, L.L.P., attorneys for BlueTriton Brands, Inc. (“BlueTriton” or “Respondent”), filed a request for hearing on the matters and allegations in the Draft CDO Notice. This request for hearing stated that BlueTriton is the “successor by name change” to Nestlé, is “the owner of the water rights and obligations subject to the [Draft CDO] Notice, and is authorized to request a hearing in this matter.”

### **Administrative Hearings Office**

Water Code section 1110 established the AHO as an independent organizational unit within the State Water Board. Water Code section 1112, subdivision (a)(2), provides that, subject to an exception not applicable here, an AHO hearing officer shall preside over a hearing in any matter involving a notice of proposed cease and desist order under Water Code section 1834. Water Code section 1114, subdivision (c)(1), provides that, after holding this hearing, the AHO hearing officer shall prepare a proposed order and transmit it to the Board for the Board’s consideration.

### **Hearing Officer’s Ruling on BlueTriton’s Motion to Dismiss**

On November 4, 2021, the AHO hearing officer issued his ruling on BlueTriton’s August 5, 2021 motion to dismiss the Prosecution Team’s draft cease and desist order.

### **HEARING ISSUES**

The AHO hearing officer will receive evidence and arguments relevant to the following hearing issues:

- 1) Is the Respondent violating, or threatening to violate, the prohibition in Water Code section 1052, subdivision (a) (which is referred to in Water Code section 1831, subdivision (d)(1)) against the unauthorized diversion or use of water subject to Division 2 (sections 1000-5976) of the Water Code? This issue does not include any issues specifically associated with the judgments in *Western Municipal Water Dist. v. East San Bernardino County Water Dist.*, Riverside Superior Court No. 78426 (April 17, 1969) and *Orange County Water Dist. v. City of Chino*, Orange County Superior Court No. 117628 (April 17, 1969).
- 2) If any such violations or threatened violations are occurring, then should the State Water Board issue a cease-and-desist order to Respondent under Water Code section 1831?

- 3) If the State Water Board decides to issue a cease-and-desist order to Respondent under Water Code section 1831, then what provisions should be in the order?

### **Hearing Officer's Rulings on Other Parties' Requests to Add Hearing Issues**

On November 4, 2021, the AHO hearing officer issued his ruling on other parties' September 10, 2021 requests to add additional hearing issues. The AHO hearing officer will consider both the hearing issues stated above and his rulings on other parties' requests to add additional hearing issues when determining what evidence is relevant to this hearing.

### **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 throughout these proceedings. The hearing officer and other AHO staff members may consult with staff of the Division of Water Rights, attorneys in 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. The hearing officer and other AHO staff members will not discuss this matter with any members of the Board's Office of Enforcement or the Division's Enforcement Section or any other members of the Prosecution Team.

### **PROSECUTION TEAM**

The State Water Board Prosecution Team will include attorneys in the Board's Office of Enforcement and staff in the Division of Water Rights Enforcement Section. During the second pre-hearing conference, the AHO hearing officer will ask the Prosecution Team to specify its members.

### **SECOND PRE-HEARING CONFERENCE**

The hearing officer will hold a second pre-hearing conference on the date and at the time listed on the first page of this notice. The AHO will hold this conference by Zoom teleconference. The AHO will not allow any in-person appearances at this conference. To participate in this conference, please use the Zoom teleconference information provided on the first page of this notice.

To facilitate a clear understanding of who is speaking, the hearing officer will ask participants to identify themselves as necessary during the conference. The pre-hearing conference will be recorded electronically by Zoom teleconference. The hearing officer may prepare a pre-hearing conference order after the conference. The AHO is not ordering a court reporter for this pre-hearing conference. Any party may order a court reporter at his, her or its own expense.

The second pre-hearing conference will address the following issues:

1. Should the hearing officer change any of the deadlines for submitting exhibits and testimony, or the hearing dates, listed in this notice, or make any other changes to the hearing schedule?
2. What time limits should the hearing officer set for oral policy statements and oral summaries of written statements, and parties' opening statements, oral summaries of written testimony, cross-examination, and rebuttal testimony?
3. Are there any other procedural issues concerning the hearing that any of the participants would like to raise? If so, what are those issues?
4. What procedures and schedule should the AHO and the parties follow for the site visit?

Parties do not need to file second pre-hearing conference statements. If any party wants to file a second pre-hearing conference statement, then the party shall file the statement with the AHO before the deadline listed below. Any second pre-hearing conference statement may address any of the pre-hearing conference issues listed above. Because the AHO will post all second pre-hearing conference statements on the Water Board's FTP site, parties do not need to send copies of their statements to the other parties.

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

**Any person or entity who wants to participate in the second pre-hearing conference or the hearing in this matter must file a Notice of Intent to Appear (NOI) with the AHO, using the form enclosed with this notice, before the deadline listed below.** Because the AHO will post all NOIs on the Water Board's FTP site, parties do not need to send copies of their NOIs to the other parties. The AHO requests that all parties that already have filed NOIs in this proceeding file new NOIs, with their current witness lists and time estimates.

The AHO encourages parties to agree to accept electronic service (by e-mail and FTP downloads) 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 to them 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 and second pre-hearing conference statements, the AHO will post the NOIs and second pre-hearing conference statements on the Water Board's FTP site ("FTP site," discussed below) in the folder for this matter.

## **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>Dec. 1, 2021, 4:00 p.m.</b>
Deadline for filing optional second pre-hearing conference statements.	<b>Dec. 1, 2021, 4:00 p.m.</b>
Pre-hearing conference.	<b>Dec. 8, 2021, 9:00 a.m.</b>
Deadline for all parties to file exhibits and exhibit identification indices with AHO	<b>Dec. 17, 2021, 1:00 p.m.</b>
Hearing begins	<b>Jan. 10, 2022, 9:00 a.m.</b>
Additional hearing days (if necessary)	<b>Jan. 11-14, 2022, 9:00 a.m.</b>
Site visit	<b>Jan. 26-27, 2022</b>
Deadline for all parties to file rebuttal exhibits (including written proposed rebuttal testimony and summary slides) and exhibit identification indices with AHO	<b>Feb. 1, 2022, 1:00 p.m.</b>
Rebuttal hearing begins	<b>Feb. 15, 2022, 1:00 p.m.</b>
Additional rebuttal hearing days (if necessary)	<b>Feb. 16-18, 9:00 a.m.</b>
Deadline for all parties to file written closing briefs	<b>March 18, 2022, 1:00 p.m.</b>

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

All documents submitted to the AHO shall be addressed and submitted to the AHO by one of the following methods. (Parties may not upload NOIs or pre-hearing conference statements to the FTP site.)

<b>Method</b>	<b>Address</b>
By email (preferred method for documents besides exhibits):	<a href="mailto:AdminHrgOffice@waterboards.ca.gov">AdminHrgOffice@waterboards.ca.gov</a> adminhrgoffice@waterboards.ca.gov With Subject Line " <b>BlueTriton Brands, Inc. CDO Hearing</b> "
By Uploading to FTP site (preferred method for exhibits):	The AHO will provide a unique username and password to each party that has filed an NOI, which that party then may use to access the FTP site to upload exhibits and other documents.
By Mail:	State Water Resources Control Board Administrative Hearings Office, Mail Stop 2-A P. O. Box 100 Sacramento, CA 95812-0100

By Hand Delivery (see following paragraph):	Joe Serna Jr. CalEPA Building Administrative Hearings Office 1001 I Street, 2 <sup>nd</sup> Floor Sacramento, CA 95814
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Service of documents by hand-delivery may be more difficult or delayed due to closures of the CalEPA Building related to 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.

**PROSECUTION TEAM PRE-HEARING CONFERENCE ISSUES**

1. The Prosecution Team’s August 5, 2021 Pre-Hearing Conference Statement, on pages 3-4, refers to redacted documents that were referenced in the Division’s 2017 and 2021 Reports of Investigation. It states that the Division made redactions to these documents to prevent disclosure of information that BlueTriton claimed contained trade secrets. In its statement, the Prosecution Team proposes that it submit unredacted versions of these documents separately. It is not clear whether the Prosecution Team is proposing that it submit the unredacted versions of these documents to just the AHO, or to both the AHO and other parties.

The AHO directs representatives of the Prosecution Team and BlueTriton to discuss whether BlueTriton objects to having these unredacted documents included in the public hearing record for this matter, and, if so, what arrangements can be made to address the trade-secret issues. The AHO does not want to receive any documents that would not be made available to all other Parties and included in the hearing record, because of concerns about *ex parte* communications and because the findings in the AHO’s proposed order may not be based on documents that are not included in the hearing record. If necessary, the AHO will consider a request from BlueTriton or the Prosecution Team for a protective order that would allow the Prosecution Team or BlueTriton to file these documents with the AHO, for all other parties to receive copies of them, and for them to be included in a protected portion of the hearing record.

2. The Prosecution Team’s August 5, 2021 Pre-Hearing Conference Statement, on page 4, requests clarification as to whether the documents for which there are links in the pdf files of certain documents posted on the Division’s Enforcement Section webpage are included in the administrative record.

The documents that are accessible through these links are not in the initial administrative record that the AHO has prepared for this hearing. If any party wants

any of these documents to be included in the administrative record, then that party must file the documents as exhibits.

3. The Prosecution Team's August 5, 2021 Pre-Hearing Conference Statement, on page 4, asks whether, if the Prosecution Team calls witnesses from other agencies to testify, these witnesses may have their own agency counsel present and whether these agency counsel may object when these witnesses are cross-examined.

The AHO hearing officer will allow any attorney that is not representing a party to this hearing to participate in the hearing for the limited purpose of objecting to questions asked of the witness that the attorney represents or whose agency the attorney represents.

### **BLUE TRITON PRE-HEARING CONFERENCE ISSUES**

BlueTriton's August 5, 2021 Pre-Hearing Conference Statement, on pages 2-3, raises various issues regarding the legal standards that apply to "the legal classification of groundwater at issue in this matter, and the burdens of proof for this proceeding."

The Parties may address these issues in their closing briefs, and, if necessary, during the hearing.

### **INITIAL ADMINISTRATIVE RECORD; POLICY STATEMENTS**

The AHO has copied documents from the public records posted by the Division of Water Rights Enforcement Section on the State Water Board's webpage, and documents the AHO has received, that may be relevant to this proceeding, and has included them in the initial administrative record for this hearing. The AHO has posted this initial administrative record on the Board's FTP site in the folder for this matter. Instructions on how to access this folder on the Board's FTP site are in Section 8 below.

The AHO has received several e-mails from interested people, stating their views about the hearing issues or this proceeding. The AHO has treated these e-mails as policy statements. See section 4 below for descriptions of the rules that apply to policy statements. The AHO has prepared pdf files of all of these e-mails and has filed them in a folder titled "Policy Statements" in the initial administrative record. People who have submitted these policy statements do not need to re-submit them during the pre-hearing and hearing process.

## **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 AHO notices and other AHO 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/).

## **INTERESTED PERSONS E-MAIL LIST; SERVICE LIST**

Any person may add his or her e-mail address to the interested persons e-mail list for this matter by subscribing to the applicable Board LYRIS e-mail list. To subscribe, please use the following link:

[https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html).

After logging on at this link, please provide your full name, entity affiliation, if any, and e-mail address, click the box beneath the Administrative Hearings Office tab for the *BlueTriton\_Nestle\_Water\_Rights\_Hearing* list and click the Subscribe button. (If the tab for the LYRIS list for this hearing is not available when you click on this link, please try again a few days later.) Future notices and communications related to this matter issued by the AHO will be sent to all e-mail addresses on this LYRIS e-mail list for this hearing and to all e-mail addresses on the AHO's general LYRIS e-mail list.

After the second pre-hearing conference, the AHO will issue a pre-hearing conference order with an updated service list, or just an updated service list. The AHO will include in this updated service list only the people and entities that have filed NOIs and the people and entities who have advised the AHO that they want to be on the updated service list for this matter. If you want to continue to receive AHO notices and other parties' filings regarding this proceeding and are not filing an NOI, then you must advise the AHO in writing, using one of the methods listed above, that you want to be on the AHO's updated service list for this proceeding. You do not need to send copies of your request to the other parties. If you already have filed such a request with the AHO, you do not need to file a new request.

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

The second pre-hearing conference and hearing will be live-streamed through the AHO YouTube channel, accessible by clicking on the link listed on the first page of this notice and 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 AHO 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 conclusions of the second pre-hearing conference and the hearing, recordings of the morning and afternoon YouTube live-stream sessions will be available on the AHO 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>

The AHO is not ordering a court reporter for this hearing. Any party may order a court reporter at his, her or its own expense.

### **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 second pre-hearing conference, hearing procedures or the filing of documents, then that party shall make such communication to the AHO in writing (by e-mail or letter) and, except as otherwise provided in this notice, shall 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.

Any party submitting any document to the AHO shall transmit copies of the document to all of the other parties on the current service list for this hearing. 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 for which these service requirements apply, 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: [http://www.waterboards.ca.gov/laws\\_regulations](http://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 will allow parties to 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 enforcement hearings, the parties normally include a State Water Board prosecution team and a respondent. The prosecution team and the respondent 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 prosecution team and the respondent in water-right enforcement matters.

The State Water Board, or the Executive Director under State Water Board Resolution No. 2012-0061, may issue an order approving a settlement agreement between the prosecution team and the respondent in a water-right enforcement matter. The hearing officer normally will give all parties opportunities to comment on any settlement agreement submitted to the AHO before the AHO transmits a proposed order approving the settlement agreement to State Water Board or Executive Director, 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), the State Water Board Prosecution Team, BlueTriton Brands, Inc., California Department of Fish and Wildlife, San Bernardino Valley Municipal Water District, Story of Stuff Project, Sierra Club, Center for Biological Diversity, Save Our Forest Association, Steven Loe and Amanda Frye are 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. (See Cal. Code Regs., tit. 23, § 648.1, subd. (a) & (b).) A person or entity that has not been identified as a party in preceding paragraph that wants to participate as a party in this hearing shall file a Notice of Intent to Appear with the AHO before the deadline specified in this notice. The person or entity shall include an attachment to the Notice of Intent to Appear form 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, the hearing office will allow only parties 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. Such interested persons may submit policy statements in writing before the hearing or present or summarize them 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 to parties' exhibits or testimony, 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 should file Notices 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 want 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 before 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.

As discussed in the preceding section, the AHO requests that any interested person who will not be participating as a party, but will be presenting only an oral non-evidentiary policy statement or oral summary of a written policy statement, file a Notice of Intent to Appear before the deadline and specify in the notice that the person only will be presenting a policy statement or summary.

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 proposed 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 as an expert witness in the party's Notice of Intent to Appear. Parties that do not intend to present cases-in-chief but want to cross-examine witnesses or present rebuttal testimony should so indicate on their Notices of Intent to Appear.<sup>1</sup> A party that decides not to present a case-in-chief after having

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<sup>1</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 file closing briefs.

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 an updated 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 or asked to be on the updated service list. 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 oral policy statements or summaries.

**6. WRITTEN PROPOSED TESTIMONY AND OTHER EXHIBITS:** Exhibits include all written proposed 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 written proposed direct testimony of each witness 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 proposed testimony absent good cause. Each party shall designate each of its witness's written proposed testimony as a separate exhibit. Each party must submit all of its witnesses' written proposed testimony with the party's other exhibits before 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 proposed 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 proposed 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 information about rebuttal evidence.

The AHO's normal practice is to prepare and circulate an Excel spreadsheet containing a list of the documents in the administrative record that the hearing officer expects to move into the evidentiary record during the hearing. These documents are "AHO exhibits." The AHO will post this list to the State Water Board's FTP site and notify the parties of the posting of this list at the time the AHO moves the parties' uploaded exhibits into the downloads folder (see section 8).

**7. EXHIBIT FORMATTING AND ORGANIZATION:** A party submitting evidence must file with the AHO both the exhibits and an Exhibit Identification Index. The Exhibit Identification Index 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, the State Water Board Prosecution Team's exhibits should be numbered PT-1, PT-2, etc., BlueTriton Brands, Inc.'s exhibits should be numbered BlueTriton-1, BlueTriton-2, etc., the California Department of Fish and Wildlife's exhibits should be numbered CDFW-1, CDFW-2, etc., and other parties should use similar numbering, with prefixes that are abbreviations of the parties' names. 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 written proposed testimony, but should not number or letter these headings and should not re-start the paragraph numbering in each section.

The AHO encourages parties to use pleading paper with line numbers in the left margins for their witnesses' written proposed testimony.

**Each party must submit to the AHO the exhibits and exhibit identification indices for this hearing before the deadline specified in the Hearing Notice.**

The AHO may treat a party's failure to submit exhibits before this deadline 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 hearing office has admitted the unpublished technical documents into evidence.
- 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 the large-format version or the reduced copy, or both, will be admitted into evidence.
- e. Documents uploaded by the parties normally must be in Adobe Portable Document Format (PDF), except that spreadsheets may be submitted in Microsoft Excel format, slide presentations may be submitted in Microsoft PowerPoint format, and exhibit identification indices must be submitted in Microsoft Excel format.
- f. 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.

**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 State Water Board's FTP site in electronic form (in addition to filing two paper copies of each exhibit with the AHO) unless the hearing officer authorizes submission of exhibits in different formats.

The State Water Board's 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. AHO-FTP Download Folders:**

The AHO will create a folder for each proceeding on the State Water Board’s FTP site. The folder for each proceeding will contain all administrative record documents related to that proceeding and may contain various subfolders, including subfolders for background documents and hearing documents. Only AHO personnel may upload files to this folder. The AHO will post each party’s hearing exhibits, exhibit identification indices and closing briefs to this folder promptly after each filing deadline. The AHO may add other administrative record documents to this folder during this proceeding (including recordings of hearings). The documents in this folder will be the AHO’s administrative record for this proceeding. Anyone may download documents from the AHO-FTP download folder for any proceeding at any time.

If any party believes that the AHO should add documents to, or remove any documents from, this folder for this proceeding, then the party may file a request to the hearing officer for such action (by e-mailing the request to the AHO e-mail inbox), 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. Parties’ Upload Accounts:**

The AHO will create a separate upload account for each party that files an NOI as a party for this hearing, so that the party may upload the party’s exhibits and other documents to the folder for that account. In most cases, these accounts will be specific for each party and each hearing and the AHO will close the accounts for each hearing 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 and closing briefs) using the party’s upload account. Only the party may upload files to the party’s folder, and only the AHO may view, transfer and download files from this folder. After the applicable filing deadline, AHO staff will move documents uploaded by each party to the administrative record in the AHO-FTP download folder for the proceeding, so all other parties may view and download the documents.

Each party shall upload its exhibits and exhibit identification index to the party's folder on the State Water Board's 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 Board's 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 Board's 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 one paper copy of each of the party's exhibits that is less than 100 pages long and the party's 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. Parties do not need to file a paper copy of any exhibit that is more than 100 pages long. Any party that elects not to submit paper copies of such exhibits shall state this election in the party's proof of service.

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 and advise the parties that these documents are available for downloading from that folder. 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 the FTP site, then the party may mail two paper copies of all its exhibits to the AHO at:

State Water Resources Control Board  
Administrative Hearings Office  
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  
1001 I Street  
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. SECOND PRE-HEARING CONFERENCE:** The hearing officer will conduct a second pre-hearing conference before the hearing to discuss the issues listed above. This notice states the date and time of the second pre-hearing conference. The hearing officer may issue 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 oral policy statements and oral summaries of written 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 proposed testimony. The hearing officer then will allow other parties to cross-examine the witnesses who have presented written proposed testimony or oral summaries of their written proposed 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 the party's request or motion after completion of all examinations of the party's witnesses.

The AHO requests that documents such as written proposed testimony, motions, written comments, and briefs be submitted to the AHO on pleading paper (with each line numbered in the left margin) using 12-point font and one-inch margins. If pleading paper is not available, the documents described above shall be double-spaced. For either format, the party shall sequentially number the paragraphs in the written testimony.

- 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 proposed testimony into the record, but instead shall just provide a summary. 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 testimony. **Each party will be allowed a maximum of 45 minutes total for its witnesses to summarize all of their written proposed 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. **Cross-examinations initially will be limited to 45 minutes per witness or panel of witnesses.** 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. **Hearing Officer's Questions:** 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 will allow parties to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence another party has presented in its case-in-chief.

All parties shall submit any written proposed rebuttal testimony and rebuttal exhibits by the deadline specified in this notice. Any written proposed rebuttal testimony shall 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 parties shall file any written closing briefs by the deadline specified in this notice. Each party's closing brief shall not exceed 20 pages, double-spaced. The parties shall follow the procedures described above for uploading exhibits to the parties' folders on the State Water Board's FTP site when they upload their closing briefs, and shall file one paper copy 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 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. New users of Zoom may want to review Zoom's support guide: <https://support.zoom.us/hc/en-us/categories/200101697>.

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 record all status conferences, pre-hearing conferences, and hearings using the Zoom videoconference recording software and will post an audio-plus-video file and a Zoom-generated transcript of each such proceeding on the Water Board's FTP site as part of the administrative record for this matter. The AHO will not order a court reporter for any status conferences, pre-hearing conferences, or hearings. Any interested party may order a court reporter at the party's own expense. Any party that arranges for a court reporter and intends to submit the reporter's transcript to the AHO should inform the court reporter that court reporters' transcripts submitted to the AHO will become public documents upon submission and that the AHO will post them to the Water Board's FTP site.

The official record of all AHO proceedings includes the audio-plus-video recording files of all AHO conferences and hearings. All citations in written briefs should be to time stamps provided in the audio-plus-video recording files on the Water Board's FTP site. If a party intends to cite to a court reporter's transcript as a parallel citation to the citations to the audio-plus-video recording file, that party should arrange for a copy of the court reporter's transcript to be transmitted to the AHO on or before the deadline to file any brief citing to the transcript. Once the party transmits the court reporter's transcript to the AHO, the court reporter's transcript will become part of the administrative record for the matter and will be posted on the Water Board's FTP site, but the audio-plus-video recording files will remain the official records of the proceedings and all citations to the proceedings in written submissions like closing briefs shall include citations to these files.

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.

November 17, 2021  
Date

/s/ ALAN B. LILLY  
Alan B. Lilly  
Presiding Hearing Officer

Enclosures:

- Notice of Intent to Appear form
- Sample Exhibit Identification Index form
- Service List

**NOTICE OF INTENT TO APPEAR FORM**

(Name of Participant or Party) \_\_\_\_\_ plans to participate in the water right hearing regarding the BlueTriton Brands, Inc. Public Hearing,

**Scheduled to begin on January 10, 2022**

**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.

**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

### **Representatives of participating parties:**

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