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## State Water Resources Control Board

### **STATUS CONFERENCE ORDER; NOTICE OF NEW STATUS CONFERENCE**

The State Water Resources Control Board  
Administrative Hearings Office  
will hold a new status conference in the AHO proceeding  
on the issues the court has referred  
to the Board pursuant to Water Code section 2000 in

***City of Marina v. RMC Lonestar,***  
**Monterey County Superior Court No. 20CV001387.**

**The new status conference will begin on  
May 2, 2023 at 1:30 p.m.**

The new status conference will be held by Zoom teleconference.

Any interested party may participate in the Zoom teleconference  
of the new status conference by using this link:

<https://waterboards.zoom.us/j/95899889673?pwd=R2lwcjZjS2xwdWVRaXg3ZlhtWXg4UT09>, with Meeting ID: 958 9988 9673 and Passcode: 561435

or by calling in at:

+16699009128,,95899889673#,,,,\*561435# US (San Jose)

Any interested member of the public who would like to watch this new status conference  
without participating may access the Administrative Hearings Office YouTube channel  
at:

<https://www.youtube.com/@swrcbadministrativehearing728/streams>

### **BACKGROUND**

On May 6, 2022, the State Water Resources Control Board (“State Water Board”) Administrative Hearings Office (“AHO”) issued its Notice of Public Hearing and Pre-Hearing Conference in this proceeding. The purpose of this proceeding, background, hearing issues and related information are discussed in that notice.

On April 24, 2023, the AHO held a status conference in this proceeding. This order and notice follow that status conference. Except as expressly stated in this order, all provisions of all prior AHO notices and orders in this proceeding remain in effect.

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

## **STATUS CONFERENCE ORDER**

During the April 24, 2023 status conference, and in prior e-mails, the parties' attorneys notified the AHO that the parties' technical experts will not be able to complete the model files, written proposed testimony and related exhibits by the deadlines specified in Exhibit A to the March 20, 2023 Post-Hearing Order, because the technical experts still are working on their groundwater modeling work. During the status conference, the parties' attorneys were not able to propose new deadlines for these actions. Considering these facts, I issue the rulings in the following paragraphs.

The April 17, 24 and 26 and May 4 and 8, 2023 deadlines, the May 9, 2023 pre-hearing conference date, and the May 10-12 and 15-19, 2023 hearing dates in Exhibit A to the March 20, 2023 Post-Hearing Order and Notice are vacated. The planned deadline of June 12, 2023 for the parties' attorneys to file their closing briefs and proposed text for the remaining sections and answers in the draft outline of draft referee's report that was attached to the AHO's February 6, 2023 Post-Hearing Order and Notice of Additional Hearing Dates is vacated.

On or before **May 1, 2023, at 1:00 pm**, the parties' attorneys shall file a joint status conference statement with the AHO. One of the attorneys shall make this filing by e-mail to [adminhrqoffice@waterboards.ca.gov](mailto:adminhrqoffice@waterboards.ca.gov), with all the e-mail addresses listed in the service list for this proceeding listed in the e-mail's cc line. The joint status conference statement shall state the parties' proposals for new deadlines and dates for the following actions. The joint status conference statement shall list the parties' proposals for the deadlines and dates on which they agree, and it shall state each party's proposal for the deadlines and dates on which they do not agree.

- (a) deadline for submittal and exchange of calibrated regional and local model files (former deadline was April 17, 2023);
- (b) deadline for submittal and exchange of model scenario files, written proposed testimony and related exhibits (former deadline was April 24, 2023);
- (c) deadline for submittal and exchange of written proposed rebuttal testimony and related exhibits (former deadline was May 4, 2023);
- (d) deadline for submittal and exchange of witnesses' summary slides (former deadline was May 8, 2023);
- (e) date for pre-hearing conference (former date was May 9, 2023);
- (f) hearing dates (former dates were May 10-12 and 15-19, 2023); and
- (g) deadline for submittal and exchange of closing briefs and proposed text for sections and answers in February 6, 2023 draft outline of draft referee's report (former deadline was June 12, 2023).

When the parties submit their witnesses' summary slides described in item (d), each witness's summary slides shall summarize: (i) the principal points of the witness's direct testimony for these hearing dates, (ii) the model assumptions on which the witness agrees with the other side's witnesses; (iii) the model assumptions on which the witness disagrees with the other side's witnesses, the reasons for disagreement, and the reasons why the witness believes that his or her model assumptions are more valid than the other side's model assumptions; and (iv) the differences in model results that result

from the differences in model assumptions. Each slide shall contain references to the page numbers of the written proposed testimony or other exhibits that are discussed in the slide.

My plan is for each technical witness to present a summary of all his or her slides, to be subject to questions from me, and, if necessary, to be subject to follow-up questions from the other attorneys. My plan is for the California-American Water Company's witnesses to go first (with Mr. Durbin being the first witness), followed by Marina Coast Water District's and City of Marina's witnesses. I will allow follow-up rebuttal testimony only if it is necessary to address points made in witnesses' summaries that were not presented in the witnesses' written proposed direct or rebuttal testimony.

The joint status conference statement shall propose a schedule that has at least two weeks between the deadline for item (b) and the deadline for item (c), at least one week between the deadline for item (c) and the deadline for item (d), and at least one week between the deadline for item (d) and the first hearing date in item (f).

**NOTICE OF NEW STATUS CONFERENCE**

The AHO will hold a new status conference on the date, and beginning at the time, listed on the first page of this order and notice. The purpose of the new status conference will be to discuss the joint status conference statement that parties' attorneys will be submitting on May 1, 2023, and to develop a new schedule for the deadlines and dates listed on the preceding page of this order and notice.

At least one attorney for each party shall participate in the new status conference and be prepared to address these issues and commit to a revised schedule on behalf of the party the attorney represents. The parties shall arrange to have their technical experts available on standby to participate in the status conference in case I want to ask them questions about the status of and schedule for completion of their technical work and documents.

April 25, 2023  
Date

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

Attachment:

Service List (copies of notice sent by e-mail only, to all listed e-mail addresses)

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