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## State Water Resources Control Board

### **PROCEDURAL RULING AND NOTICE OF ADDITIONAL HEARING DAY**

The State Water Resources Control Board  
Administrative Hearings Office  
held hearing days on September 11 through 15, 2023,  
in Phase 3 of 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 AHO will hold an additional hearing day for Phase 3 of this proceeding on  
September 26, 2023,  
from 9:00 a.m. to 5:00 p.m.**

The hearing will be held by Zoom teleconference.

Any interested party may participate in the Zoom teleconference  
of the hearing by using this link:

[https://waterboards.zoom.us/j/95899889673?pwd=R2lwclZjS2xwdWVRaXg3ZlhtWXg4  
UT09](https://waterboards.zoom.us/j/95899889673?pwd=R2lwclZjS2xwdWVRaXg3ZlhtWXg4UT09), 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 hearing 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 September 11 through 15, 2023, the AHO held hearing days for Phase 3 of this proceeding. This order and notice follow those hearing days. Except as expressly stated

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

in this order and notice, all provisions of all prior AHO notices and orders in this proceeding remain in effect.

**STATUS CONFERENCE ORDER**

Following the hearing days conducted from September 11 through 15, the parties and the hearing officer determined that an additional hearing day is necessary to complete Phase 3 of the hearing. The AHO will conduct an additional day of hearing in Phase 3 of this proceeding on **September 26, 2023, from 9:00 a.m. to 5:00 p.m.**

The AHO intends to schedule hearing day in addition to the September 26 hearing day, if necessary, to address evidentiary or other procedural matters raised by the parties. The hearing officer intends that the parties would not be required to make their expert witnesses available during this procedural hearing day. The hearing officer directs the parties to meet and confer about scheduling an additional procedural hearing day and submit a proposed date to the AHO by **September 22, 2023, before 5:00 p.m.**

During Phase 3 of the hearing, the attorneys for Cal-Am indicated their intent to raise evidentiary objections to some of the exhibits and testimony submitted by Marina Coast Water District and the City of Marina. The hearing officer requests that Cal-Am identify the basic premise of their motion and identify the portions of the administrative record that support their motion in writing by **September 22, 2023, before 5:00 p.m.** This direction is without prejudice to Cal-Am’s right to raise additional evidentiary objections after the completion of the evidentiary portion of Phase 3 of the hearing. Cal-Am will have the opportunity to supplement its motion orally during the hearing and other parties will have the opportunity to respond.

Because of the need for additional hearing days, the hearing officer is extending the deadline for the parties to submit closing briefs and proposed text for the draft referee’s report. The deadline for submittal to the AHO of closing briefs and proposed text for all sections and questions in the February 6, 2023 draft outline of the draft referee’s report for which proposed text has not already been submitted is **October 31, 2023, by 1:00 pm.**

September 21, 2023  
Date

/s/ Nicole L. Kuenzi  
Nicole L. Kuenzi  
Presiding Hearing Officer

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

Service List  
City of Marina v. RMC Lonestar Court Reference

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