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## State Water Resources Control Board

### **SUPPLEMENTAL NOTICE OF HEARING**

The State Water Resources Control Board  
Administrative Hearings Office  
will hold a Public Hearing to determine whether to adopt  
a proposed cease-and-desist and administrative civil liability order to

#### **Kevin Gonzalves**

for alleged unauthorized diversions of water within the San Joaquin River Watershed  
in Merced County

**The Public Hearing will continue as necessary on  
July 30, 2020 and July 31, 2020 from 9:30 am to 4:30 pm**

The Administrative Hearings Office (“AHO”) held the teleconference hearing as scheduled on July 17, from 1:00 to 5:00 pm. Due to technical difficulties, the Live Stream broadcast on the AHO YouTube channel did not occur. Anyone interested in seeing and listening to the recording of this hearing may access it on the AHO’s YouTube channel at: <https://www.youtube.com/watch?v=bLSrMN3YJz4>

The AHO also has posted this file on the AHO-FTP site in the Hearing Documents folder for this hearing. The AHO’s notice of availability of the AHO-FTP sites, which provides information on accessing these sites, may be viewed at: [https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/docs/2020\\_05\\_05\\_notice ftp.pdf](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2020_05_05_notice ftp.pdf).

This hearing will continue on July 30, 2020, and, if necessary, on July 31, beginning each day at 9:30 am. These hearings will be by Zoom teleconference. The Zoom teleconference hearing will be recorded electronically and the AHO will post audio-only and audio-plus-video files of the hearing on the AHO’s YouTube channel and AHO-FTP site listed above after the hearing.

Any person interested in observing this hearing without participating may do so by accessing the Live Stream on the AHO YouTube channel with the following links:

July 30: <https://www.youtube.com/watch?v=JC4QrLYET-8>

July 31 (if necessary): <https://www.youtube.com/watch?v=qqCI3Pm2ub8>

Anyone participating in this hearing may do so with the following Zoom meeting link: <https://waterboards.zoom.us/j/94496494856?pwd=eU1FWTRYMUlrcjIzMWUxL1pmU0xyUT09> with Meeting ID: 944 9649 4856 and Password: 886302, or by calling in at

+16699009128,,94496494856#,,,,0#,,886302#. If there continue to be technical difficulties with the AHO YouTube channel for this hearing, then interested persons may use this Zoom meeting link to listen to and observe the hearing.

### **Orders Following July 17 Hearing**

As discussed near the end of the July 17 hearing, the hearing officer directs the parties to take the following actions:

1. The Prosecution Team (“PT”) shall create a document labeled “PT-4 revisions,” which shall show revisions of the sentences of the Damon Hess written proposed testimony (Exh. PT-4) in redline/strikeout format (just of the revised sentences and indicating where the original sentences are in Exh. PT-4). The PT shall upload this document to the AHO-FTP2 site on or before **Wednesday, July 22, at 4:00 pm.**
2. The PT shall upload pdf files of Exhibits PT-36 and PT-38 to the AHO-FTP2 site on or before **Wednesday, July 22, at 4:00 pm.**
3. The PT and Respondent each shall upload any rebuttal testimony and exhibits, and associated exhibit identification indices, to the AHO-FTP2 on or before **Friday, July 24, at 4:00 pm.**
4. The hearing officer reminds all parties that, as stated in paragraph 9.c. on page 15 of the March 12 Notice of Public Hearing:

. . . Rebuttal evidence is new evidence used to rebut evidence presented by another party. . .

. . . Rebuttal evidence will be limited to evidence that is responsive to evidence presented with another party's case-in-chief, and it does not include evidence that should have been presented during the case-in-chief of the party offering rebuttal evidence. Rebuttal evidence does not include repetitive evidence.

To demonstrate compliance with this requirement, each party shall list, in each part of the party’s rebuttal testimony, the evidence presented in the other party’s case-in-chief to which that part of the rebuttal testimony is responsive.

5. After both parties have uploaded their rebuttal testimony and exhibits, the AHO will post the parties’ rebuttal testimony and exhibits on the AHO-FTP site. If the PT submits revised versions of any of the PT’s rebuttal testimony and exhibits that the PT uploaded on July 17, then the AHO will post and consider only the revised versions of this testimony and these exhibits.

Consistent with the requirements in the May 15 Supplemental Notice, each party shall mail two paper copies of each rebuttal exhibit to the AHO on **July 24** at the mailing address stated in the March 12 notice, or have these paper copies hand-delivered to the AHO at the address for such deliveries listed in the March 12 notice.

6. Because of technical difficulties, Mr. Gonzalves was not able to complete his cross-examination of Damon Hess during the July 17 hearing. The hearing officer will allow Mr. Gonzalves to complete this cross-examination when he is conducting his cross-examination of Mr. Hess's rebuttal testimony.

Except as explicitly stated in this notice, all provisions of the March 12 Notice of Public Hearing, the May 15 Supplemental Notice of Public Hearing and Pre-Hearing Conference Order, and July 8, 2020 Notice of Conversion of In-Person Hearing to Teleconference Hearing remain in effect.

July 21, 2020

/s/ ALAN B. LILLY

Alan B. Lilly

Presiding Hearing Officer

Enclosure:

-Service List

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