



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 327-8235
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>



Gray Davis
Governor

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**NOTICE OF PRE-HEARING CONFERENCE,
PUBLIC HEARING
AND
PETITION TO REVISE
DECLARATION OF FULLY APPROPRIATED STREAM SYSTEMS
REGARDING THE AMERICAN RIVER, SACRAMENTO COUNTY**

A Public Hearing will be held on May 31, 2002, on the Petition filed by the Southern California Water Company requesting that the State Water Resources Control Board (SWRCB) revise the Declaration of Fully Appropriated Streams to allow for appropriation from the American River of treated groundwater discharged into the American River or its tributaries.

**A Pre-hearing Status Conference will commence
on Thursday, April 25, 2002, at 2:00 p.m.**

**at
Joe Serna Jr./Cal EPA Building
Coastal Hearing Room – Second Floor
1001 I Street, Sacramento**

The Hearing will commence on Friday, May 31, 2002, at 9:00 a.m.*

**at
Joe Serna Jr./Cal EPA Building
Sierra Room – Second Floor
1001 I Street, Sacramento**

* Non-evidentiary policy statements will be heard beginning at 9:00 a.m.

SUBJECT OF HEARING

This hearing is scheduled to receive evidence regarding a petition to revise the Declaration of Fully Appropriated Stream Systems (Declaration) for the American River in Sacramento County.

BACKGROUND

Pursuant to Water Code sections 1205 through 1207, the SWRCB has adopted and periodically revised a Declaration of Fully Appropriated Streams (Declaration). The Declaration includes a list of stream systems or their reaches that are determined to be fully appropriated either year-round or during specified months. Placing a stream on the Declaration precludes the SWRCB from accepting any application to appropriate water from a specified stream system where the proposed appropriation is inconsistent with the conditions contained in the Declaration. The SWRCB has determined that the American River system in Sacramento County is fully appropriated from July 1 through October 31 from the confluence of the Sacramento River upstream. The American River system was included in the original Declaration adopted by SWRCB Order WR 89-25, and it remains listed on the most recent revised Declaration adopted by SWRCB Order WR 98-08. Order 89-25 cited State Water Rights Board Decisions 1108 and 1211 for the finding that no unappropriated water is available from the American River system during the season specified. The finding of no unappropriated water available in Decision (D) 1211 cites previous decisions by the Board (D 893, D 1045, D 1082, D 1098), finding that downstream existing rights on the American River and the Sacramento-San Joaquin Delta require the entire flow of the American River during the months of July through October of an average year.

Several decisions implementing instream flows necessary to protect fisheries and recreation on the Lower American River have been issued since the issuance of D 893 and other decisions that were the basis for including the American River among the stream systems declared to be fully appropriated. In 1972, the SWRCB issued D 1400, setting fisheries flows for the American River higher than those in D 893, as a condition of the permits for the proposed Auburn Dam. Auburn Dam was never constructed, and the D 1400 flows were never imposed. However, the U.S. Bureau of Reclamation currently implements modified D 1400 flows that incorporate the flow objectives of the Anadromous Fisheries Restoration Program pursuant to the Central Valley Project Improvement Act. The subject of water rights and instream flows was also addressed in a January 2, 1990, judgment of the Superior Court for the County of Alameda (*Environmental Defense Fund, Inc. v. East Bay Municipal Utility District*, (Super. Ct. County of Alameda, 1990, No. 425955) (*Hodge Decision*)). While only binding on the parties involved in the litigation, the 1990 judgment provided a basis for crafting a physical solution that includes minimum instream flows for various seasons in the American River. The environmental effects of any proposed diversion, public trust concerns, and fishery needs will all be addressed if and when any application is processed by the SWRCB.

In addition, the Lower American River, from Nimbus Dam to its junction with the Sacramento River, is protected throughout the year under the California Wild and Scenic Rivers Act. (Pub. Resources Code § 5093 et seq.) “No application which proposes an appropriation of water in connection with construction of a dam, reservoir, or other water impoundment facility shall be constructed on any river designated in Public Resources Code Section 5093.54 will be accepted for filing.” (Cal. Code of Regs., title 23, § 734 (a).) In accordance with California Code of Regulations, title 23, section 734(c), the SWRCB may accept for filing an application to appropriate water in connection with construction of a water diversion facility on any river designated in Public Resources Code Section 5093.54,

other than a dam, reservoir, or other water impoundment facility, “[p]rovided, no permit is issued on any such application unless the Secretary of the Resources Agency first determines (1) that such facility is needed to supply domestic water to the residents of the county or counties through which the river flows and (2) that such facility will not adversely affect its free-flowing condition or natural character. Such determination shall be in addition to other findings which the board is required by law to make.” “No permit shall be issued if the board finds that the appropriation would impair the extraordinary scenic, recreational, fishery, or wildlife values of any such designated river.” (Cal. Code Regs., tit. 23, § 734 (b).) The effects of any proposed diversion on the wild and scenic status of the lower American River will be addressed if and when any application is processed by the SWRCB.

In accordance with California Code of Regulations, title 23, section 871, the SWRCB may revoke or revise the Declaration either on its own motion or on a petition of an interested person. The SWRCB may revise a condition of the Declaration to allow for the acceptance for filing and processing of an application to appropriate water from a stream system previously declared to be fully appropriated. On November 8, 2001, the Southern California Water Company (SCWC) submitted a petition and supporting information to the SWRCB requesting that the Declaration be revised to allow for acceptance and processing of an application to appropriate water discharged by Aerojet into the American River.

SCWC, operating as Arden Cordova Water Service, is a domestic water supplier for the Rancho Cordova area in Sacramento County. According to SCWC’s petition, several of its wells have been rendered unusable by contamination released into the groundwater by the Aerojet-General Corporation (Aerojet) and Aerojet’s subsidiaries. Aerojet pumps contaminated groundwater, treats it, and then discharges the treated groundwater to Buffalo Creek, which is tributary to the American River, under the Central Valley Regional Water Quality Control Board’s Order No. 98-113, National Pollutant Discharge Elimination System (NPDES) No. CA0083861, adopted on April 17, 1998. Order No. 98-113 authorizes Aerojet to discharge up to 3,450 gpm to Buffalo Creek. SCWC states in its petition that the water that is the subject of the petition is non-native water that was not considered by the SWRCB when it declared the American River to be fully appropriated. SCWC requests that it be allowed to file an application to appropriate the same amount of water from the American River that is discharged by Aerojet, less conveyance losses. SCWC submitted an application to accompany their petition on January 18, 2002. The proposed application has not been accepted, but has been retained by the SWRCB.

The SCWC petition is speculative as to the scope of water at issue: “While Aerojet is currently authorized to discharge as much as 3,500 gpm, this quantity may be increased in the future, and such additional discharges would also be subject to appropriation by SCWC.” This hearing will address water discharged under NPDES Permit No. CA0083861 and foreseeable revisions to the same NPDES permit only (hereinafter referred to as “treated groundwater discharged into the American River”). The hearing officer reserves the right to further define and/or limit the scope, both geographic and temporal, of the water at issue in this hearing as more facts become available.

The Chief of the Division of Water Rights has reviewed the petition and supporting information provided by SCWC and has concluded that there is reasonable cause to conduct a hearing on the question of whether the Declaration should be revised to allow for

acceptance and processing of water right applications to appropriate treated groundwater that

is discharged to the American River. The hearing on the petition to revise the Declaration is not a hearing on the merits of SCWC's water right application, nor would approval of the petition require a finding that water is available in the quantity or during the entire season of diversion specified in the application. Rather, the hearing is limited to the purpose of determining if the Declaration should be revised to allow the SWRCB to process water right applications filed to appropriate water added to the American River in connection with discharges of treated groundwater. Approval of the petition would allow the SWRCB to accept for filing water right applications related to discharges of treated groundwater into the American River and to begin processing SCWC's application in accordance with applicable provisions of Water Code section 1200 et seq.

KEY ISSUES

Should the SWRCB revise the Declaration to allow the Division of Water Rights to accept and process water right applications to appropriate "treated groundwater discharged into the American River"?

- Has adequate information been provided to demonstrate that there is a change in circumstances since the American River system was included in the FAS Declaration?
- How much, if any, of the water discharged by groundwater treatment operations is water that was not considered at the time the American River system was included in the FAS Declaration?
- To what extent, if any, have flows in the American River been affected by groundwater treatment operations, including both pumping and discharging, since the American River system was included in the FAS Declaration?
- Has the petitioner provided sufficient hydrologic data, water usage data, or other relevant information to support a determination that there is unappropriated water in the American River system during the season applied for to justify revising the Declaration for the purpose of accepting and processing water right applications related to the discharges of treated groundwater into the American River?

The SWRCB may in its discretion modify the scope or content of these key hearing issues following the pre-hearing conference. Section 871, et seq. of Title 23, California Code of Regulations (regulations) sets forth the procedure and requirements applicable to revision of the Declaration.

HEARING PARTICIPATION

IF YOU WANT TO TAKE PART IN THIS HEARING you should carefully read the enclosure entitled "[Information Concerning Appearance at Water Right Hearing.](#)" As stated in that enclosure, parties intending to present evidence at the hearing must submit a [Notice of Intent to Appear](#), which must be received by the SWRCB on or before **Tuesday, April 9, 2002.**

To facilitate exchange of testimony, exhibits and witness qualifications, on or about

Friday, April 12, 2002, the SWRCB will mail out a list of those parties who have indicated an intent to participate in the hearing.

Copies of witnesses' proposed testimony, exhibits, list of exhibits, and qualifications must be served upon and received by the SWRCB and each of the parties who have indicated their intent to appear no later than **Tuesday, April 30, 2002**.

PARKING AND ACCESSIBILITY

The [enclosed map](#) shows the location of the Joe Serna Jr./Cal EPA Building and public parking sites in Sacramento. The Joe Serna Jr./Cal EPA Building Sierra Room is accessible to persons with disabilities.

IF YOU HAVE ANY QUESTIONS

Arthur G. Baggett, Jr. will be the hearing officer presiding over this proceeding. SWRCB hearing team members will be Samantha Olson, Staff Counsel, Paul Murphey, Associate Engineering Geologist, and Jean McCue, Staff Engineer. During the pendency of this proceeding, commencing no later than the issuance of this notice, there will be no *ex parte* communications between SWRCB members or SWRCB staff and any of the participants regarding substantive issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding noncontroversial procedural matters are permissible, and may be directed to either the hearing officer or staff counsel. (Gov. Code, § 11430.20, subd. (b).)

Communications regarding routine, noncontroversial procedural matters should be directed to staff counsel. Ms. Olson may be reached at (916) 327-8235.

/s/

Maureen Marché
Clerk to the Board

Enclosure

Date: March 6, 2002

[Joe Serna Jr./Cal EPA Building and public parking sites in Sacramento.](#)

Enclosure 1

INFORMATION CONCERNING APPEARANCE AT WATER RIGHT HEARINGS

The following procedural requirements will apply and will be strictly enforced for purposes of the above-mentioned hearing.

1. **HEARING PROCEDURES GENERALLY:** The hearing will be conducted in accordance with the procedures for hearings set forth at California Code of Regulations, title 23, sections 648-649.6 and 760, as they currently exist or may be amended. A copy of the current regulations, and the underlying statutes, governing adjudicative proceedings before the State Water Resources Control Board (SWRCB) is available upon request or may be viewed at the SWRCB's web site:
http://www.swrcb.ca.gov/water_laws/.

Each party has the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even if that matter was not covered in the direct examination, impeach any witness, rebut adverse evidence, and subpoena, call and examine an adverse party or witness as if under cross examination. The hearing officer may extend these rights to a non-party participant or may limit the participation of a non-party participant.

Any requests for exceptions to the procedural requirements specified in this notice shall be filed in writing. To provide time for other participants to respond, the hearing officer will rule on procedural requests filed in writing no sooner than fifteen days after receiving the request, unless an earlier ruling is necessary to avoid disrupting the hearing.

2. **PARTIES:** The parties are the petitioner and persons or entities who have unresolved objections, and any other persons or entities authorized by the hearing officer to participate in the hearing as parties. Only parties and other participants who are authorized by the hearing officer will be allowed to present evidence. A person or entity who appears and presents only a policy statement will not be allowed to participate in other parts of the hearing. The rules for policy statements are discussed below.
3. **NOTICE OF INTENT TO APPEAR:** Participants in this hearing must file a Notice of Intent to Appear and five copies thereof which must be received by the SWRCB no later than **4:00 p.m. on Tuesday, April 9, 2002**. Failure to submit a Notice of Intent to Appear and exhibits in a timely manner may be interpreted by the SWRCB as intent not to appear.

The Notice of Intent to Appear must state the name and address of the participant; the name of each witness who will testify on the participant's behalf; a brief description of the proposed testimony; and an estimate of the time, not to exceed 20 minutes, that the witness will take to present a brief oral summary of the witness's testimony. The witness's testimony must be submitted in writing as described in section 4 below. Participants who do not intend to present a case in chief but who may wish to cross-examine witnesses or present rebuttal should so indicate on the Notice of Intent to Appear. Participants who decide not to present a case in chief after having submitted a Notice of Intent to Appear should notify the SWRCB and the other participants as soon as possible.

In order to expedite the exchange of information and lower the cost of participating in the hearing, the SWRCB encourages participants to submit written policy statements, written opening statements, written testimony, exhibits, and Exhibit Identification Indexes to the SWRCB in electronic form. In addition, participants may exchange the foregoing documents in electronic form. Hearing participants are not required to submit these documents in electronic form or accept electronic service; however, those who choose to submit these documents electronically must comply with the requirements described in section 5, below. If you are willing to accept electronic media service in lieu of receiving hard copies of items, please check the appropriate box on the Notice of Intent to Appear.

The SWRCB will mail a service list of parties to exchange information to each hearing party who has submitted a Notice of Intent to Appear. Hearing participants who intend to make only policy statements are not required to exchange information and will not receive testimony or exhibits from the parties. The service list will indicate which participants agreed to accept electronic service. No later than **Tuesday, April 30, 2002**, each participant shall serve a copy of its Notice of Intent to Appear on each of the participants identified on the service list along with a statement of service that indicates the manner of service. If there is any change in the hearing schedule, only those persons or entities who have filed a Notice of Intent to Appear will be informed of the change.

4. **WRITTEN TESTIMONY AND OTHER EXHIBITS:** Exhibits include written testimony, statements of qualifications of expert witnesses, and other documents to be used as evidence. Each participant proposing to present testimony on factual or other evidentiary matters at the hearing shall submit such testimony in writing.¹ Written testimony shall be designated as an exhibit, and must be submitted with the other exhibits. Oral testimony that goes beyond the scope of the written testimony may be excluded. A participant who proposes to offer expert testimony must submit an exhibit containing a statement of the expert witness's qualifications.

Each participant shall submit to the SWRCB **five** paper copies of each of its exhibits. The SWRCB also requests one electronic copy of each of its exhibits. Each participant shall also serve a copy of each exhibit on every participant on the service list. Participants may serve those parties who agree to electronic service with an electronic copy of exhibits. Participants must serve paper copies of exhibits on those participants who do not agree to electronic service.

With its exhibits, each participant must submit to the SWRCB and serve on the other participants a completed Exhibit Identification Index. If possible, each participant should submit to the SWRCB and serve on the other participants an electronic copy, as well as a paper copy of the Exhibit Identification Index. Please see Section 5 for details regarding electronic submissions.

A statement of service with manner of service indicated shall be filed with each participant's exhibits. The exhibits and indexes for this hearing, and a statement of

¹ The hearing officer may make an exception to this rule if the witness is adverse to the participant presenting the testimony and is willing to testify only in response to a subpoena or alternative arrangement. In such a case, the hearing officer may allow presentation of the oral direct testimony without requiring written testimony.

service, must be **received** by the SWRCB by **4:00 p.m. on Tuesday, April 30, 2002** and served on the other participants on or before that date.

The following requirements apply to exhibits:

- a. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.
 - b. The hearing officer has discretion to receive in evidence by reference relevant, otherwise admissible, public records of the SWRCB and documents or other evidence that have been prepared and published by a public agency, provided that the original or a copy was in the possession of the SWRCB before the notice of the hearing is issued. (Cal. Code Regs., tit. 23, § 648.3.) A participant offering an exhibit by reference shall advise the other participants and the SWRCB of the titles of the documents, the particular portions, including page and paragraph numbers, on which the participant relies, the nature of the contents, the purpose for which the exhibit will be used when offered in evidence, and the specific file folder or other exact location in the SWRCB's files where the document may be found.
 - c. A participant seeking to enter in evidence as an exhibit a voluminous document or database may so advise the other participants prior to the filing date for exhibits, and may ask them to respond if they wish to have a copy of the exhibit. If a participant waives the opportunity to obtain a copy of the exhibit, the participant sponsoring the exhibit will not be required to provide a copy to the waiving participant.
 - d. Exhibits that rely on unpublished technical documents will be excluded unless the unpublished technical documents are admitted as exhibits.
5. **ELECTRONIC SUBMISSIONS:** Participants are encouraged to submit the following documents to the SWRCB in electronic form: written opening statements, written policy statements, written testimony, exhibits, and Exhibit Identification Indexes. In addition, the foregoing documents may be served electronically on those participants who have agreed to accept electronic service. Paper copies of all other documents must be submitted to the SWRCB and served on the other parties, unless the hearing officer specifies otherwise.

Any documents submitted or served electronically must be in Adobe™ Portable Document Format (PDF), except for Exhibit Identification Indexes, which must be in a version supported by Microsoft Excel 97 (preferred) or Word 97. Electronic submittals to the SWRCB of documents less than 5 megabytes in size may be sent via electronic mail to: WrHearing@waterrights.swrcb.ca.gov, with subject of “**American River FAS Petition**”. Electronic submittals to the SWRCB of documents greater than 5 megabytes in size should be sent by mail, in PDF format, on ZIP™, JAZ™, or compact disk (CD™) media. Electronic service on participants shall be in the same format as submittals to the SWRCB, but should be submitted to the other participants by mail on CD.

Participants who agree to electronic service may request that specific documents be provided to them in paper copy. Requests should be made to the participant who submitted the document, not to the SWRCB. Participants who receive such a request

shall provide a paper copy of the requested document within five days of the date the request is received. The SWRCB will post a list of all exhibits submitted for the hearing on its website at <http://www.waterrights.ca.gov/hearings>.

6. **ORDER OF PROCEEDING:** The SWRCB member serving as hearing officer will follow the Order of Proceedings specified in California Code of Regulations, title 23, section 648.5. Participants should take note of the following additional information regarding the major hearing events.
 - a. **Policy Statements:** Pursuant to California Code of Regulations, title 23, section 648.1, subdivision (c), the SWRCB will provide an opportunity for presentation of nonevidentiary policy statements or comments by interested persons who are not participating in the hearing. Policy statements will be heard at the start of the hearing, immediately after the hearing officer identifies the parties and other participants. Policy statements are subject to the following provisions in addition to the regulation:
 - i. Policy statements are not subject to the prehearing requirements noted above for testimony or exhibits, except that persons wishing to make policy statements are requested to file a Notice of Intent to Appear, indicating clearly an intent to make only a policy statement.
 - ii. The SWRCB requests that policy statements be provided in writing before they are presented. Please see Section 5, above, for details regarding electronic submittal of policy statements. Oral summaries of the policy statements will be limited to five minutes or such other time as established by the hearing officer.
 - b. **Presentation of Cases in Chief:** Each participant may present a case in chief addressing the key issues identified in the hearing notice. The case in chief will consist of any opening statement provided by the participant, oral testimony, introduction of exhibits, and cross examination of the participant's witnesses. The hearing officer may allow redirect examination and recross examination. The hearing officer will decide whether to accept the participant's exhibits in evidence upon a motion of the participant after the case in chief has been completed.
 - i. **Opening Statements:** At the beginning of a case in chief, the participant or the participant's attorney may make an opening statement briefly and concisely stating 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 20 minutes per participant. A participant may submit a written opening statement. Please see section 5, above, for details regarding electronic submittal of written opening statements. Any policy-oriented statements by a participant should be included in the participant's opening statement.
 - ii. **Oral Testimony:** All witnesses presenting testimony shall appear at the hearing. Before testifying, witnesses shall swear or affirm that the written and oral testimony they will present is true and correct. Written testimony shall not be read into the record. Written testimony affirmed by the witness is direct testimony. Witnesses will be allowed up to 20 minutes to summarize or

- emphasize their written testimony on direct examination.² Each participant will be allowed up to two hours total to present all of its direct testimony.³
- iii. **Cross Examination:** Cross examination of a witness will be permitted on the party's written submittals, the witness' oral testimony, and other relevant matters. If a participant presents multiple witnesses, the hearing officer will decide whether the participant's witnesses will be cross-examined as a panel. Cross-examiners initially will be limited to one hour per witness or panel of witnesses. The hearing officer has discretion to allow additional time for cross examination if there is good cause demonstrated in an offer of proof. Any redirect examination and recross examination permitted by the hearing officer will be limited to the scope of the cross examination and the redirect examination, respectively. Witnesses may be cross-examined on relevant subjects that are not covered in the direct testimony. (Gov. Code, § 11513, subd. (b).) Ordinarily, only a participant or the participant's representative will be permitted to examine a witness, but the hearing officer may allow a participant to designate a person technically qualified in the subject being considered to examine a witness. SWRCB members and the SWRCB's counsel may ask questions at any time, and the SWRCB members and staff may cross-examine any witness.
- c. **Rebuttal:** After all participants have presented their cases in chief and their witnesses have been cross-examined, the hearing officer will allow participants to present rebuttal evidence. Rebuttal evidence is new evidence used to rebut evidence presented in another participant's case in chief. Rebuttal testimony and exhibits need not be submitted prior to the hearing. Rebuttal evidence is limited to evidence that is responsive to evidence presented in a case in chief, and it does not include evidence that should have been presented during the presenter's case in chief. It also does not include repetitive evidence. Cross-examination of rebuttal evidence will be limited to the scope of the rebuttal evidence.
- d. **Closing Statements and Legal Arguments:** At the close of the hearing or at other times if appropriate, the hearing officer may allow oral arguments or set a schedule for filing briefs or closing statements. If the hearing officer authorizes the participants to file briefs, five copies of each brief shall be submitted to the SWRCB, and one copy shall be served on each of the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.
- e. **Large Format Exhibits:** Participants submitting large format exhibits such as maps, charts, and other graphics shall provide the original for the hearing record in a form that can be folded to 8 ½ x 11 inches. Alternatively, participants may supply, for the hearing record, a reduced copy of a large format original if it is readable.

² The hearing officer may allow additional time for the oral direct testimony of the witness if the witness is adverse to the participant presenting the testimony and the hearing officer is satisfied that the participant could not produce written direct testimony for the witness.

³ The hearing officer may, for good cause, approve a party's request to use more than two hours total to present direct testimony during the party's case in chief.

7. **EX PARTE CONTACTS:** During the pendency of this proceeding, commencing no later than the issuance of the Notice of Hearing, there will be no *ex parte* communications between SWRCB members or SWRCB staff and any of the participants regarding substantive issues within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Communications regarding noncontroversial procedural matters are permissible, but ordinarily should be directed to SWRCB staff, not SWRCB members. (Gov. Code, § 11430.20, subd. (b).)
8. **RULES OF EVIDENCE:** Evidence will be admitted in accordance with Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.
9. **SUBMITTALS TO THE SWRCB:** Notices of Intent to Appear, written testimony and other exhibits submitted to the SWRCB should be addressed as follows:

Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000
Attn: Jean McCue
Phone: (916) 341-5351
Fax: (916) 341-5400
Email: WrHearing@waterrights.swrcb.ca.gov
With Subject of **“American River FAS Petition”**

Exhibit Identification Index

Participant SWRCB Staff Exhibits

Exhibit No.	Description	Status as Evidence		
		Introduced	Accepted	By Official Notice
SWRCB 1	Petition of Southern California Water Company to revise the Declaration of Fully Appropriated Stream Status of the Lower American River			
SWRCB 2	Pending Application No. X003385			
SWRCB 3	SWRCB Order WR 98-08, November 19, 1998			
SWRCB 3a	SWRCB Order WR 98-08, Exhibit A, November 19, 1998			
SWRCB 3b	SWRCB Order WR 98-08, Schematics Delineating Critical Reach of Stream Systems by County, November 19, 1998			
SWRCB 4	SWRCB Decision Nos. 893, 1045, 1082, 1108 and 1211			
SWRCB 5	Central Valley Regional Water Quality Control Board Order No. 98-113, National Pollutant Discharge Elimination System No. CA0083861			
SWRCB 6	SWRCB Final Environmental Impact Report for Implementation of the 1995 Bay/Delta Water Quality Control Plan, November 1999			

Exhibit Identification Index

Participant _____

Exhibit No.	Description (If exhibit is in electronic format, please include file name.)	Status as Evidence		
		Introduced	Accepted	By Official Notice

NOTICE OF INTENT TO APPEAR

_____ plans to participate in the water right hearing regarding:
(name of party or participant)

Petition to Revise
Declaration of Fully Appropriated Stream Systems
Regarding
the American River, Sacramento County

Scheduled for
May 31, 2002

- I/we intend to present a policy statement only:
- I agree to accept electronic service:
- I/we plan to call the following witnesses to testify at the hearing:

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)

(If more space is required, please add additional pages or use reverse side)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative

Signature: _____ Dated: _____

Name (Print): _____

Mailing Address: _____

Phone Number: (____) _____ Fax Number: (____) _____

E-mail Address: _____