



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC WATER RIGHT HEARING

The State Water Resources Control Board will hold a hearing on Administrative Civil Liability Complaint No. 262.5– 27 issued against Boulder Creek Golf and Country Club for diversion or use of water from Hare Creek and an unnamed stream both tributary to Boulder Creek in Santa Cruz County

The hearing will commence on Wednesday, August 25, 2004 at 10:00 a.m.

at

**Joe Serna, Jr./Cal-EPA Building
1001 I Street, Second Floor Sierra Hearing Room
Sacramento, CA**

SUBJECT OF THE HEARING

The purpose of this hearing is for the State Water Resources Control Board (SWRCB) to receive evidence relevant to determining whether it should affirm Administrative Civil Liability (ACL) Complaint No. 262.5 – 27 (Complaint) issued by the Chief of the Division of Water Rights (Division) to Boulder Creek Golf and Country Club (Boulder Creek Golf).

BACKGROUND

The SWRCB issued License 8199 (Application 19877) to Boulder Creek Golf in 1967, and Permit 18224 (Application 24172) in 1981. License 8199 authorizes the diversion of 45 acre-feet of water from Hare Creek to storage in Hare Reservoir No. 1. The season of diversion is October 1 of each year to May 1 of the succeeding year. Permit 18224 authorizes collection of 61.5 acre-feet of water from Hare Creek to storage in Hare Reservoir No. 2. The season of diversion is November 1 of each year to April 30 of the succeeding year.

Permit 18224 contains special terms (numbered 13 through 18) to protect and maintain fishery resources and riparian habitat in Hare Creek, Boulder Creek, and the San Lorenzo River. Pursuant to these terms, Boulder Creek Golf must: (i) pay for the annual replacement planting of 1,000 steelhead trout yearlings (Term 13); (ii) maintain specified flows downstream of the Hare Reservoirs (Term 14); (iii) install and maintain adequate streamflow and reservoir volume measuring devices (Terms 15 and 17); (iv) retain a specified amount of water in storage for releases necessary to satisfy the maintenance of downstream fish life and riparian habitat

California Environmental Protection Agency

(Term 16); and (v) maintain and submit to the SWRCB bimonthly records of streamflows, reservoir volumes, amounts released into Hare Creek, and amounts withdrawn from storage for irrigation use (Term 18).

Water Code section 1055, subdivision (a), authorizes the Executive Director of the SWRCB to issue a complaint to any person on whom administrative civil liability may be imposed under Water Code section 1052. On May 17, 1999, the Executive Director of the SWRCB delegated this authority to the Chief of the Division.

On July 23, 2003, the Chief of the Division issued ACL Complaint No. 262.5-27 against Boulder Creek Golf. The complaint alleges that Boulder Creek Golf has not made required releases from storage, has not installed and maintained stream flow devices, has not paid the Department of Fish and Game (DFG) for replacement of steelhead trout, has not submitted bimonthly records to the SWRCB, and has made illegal diversion and storage of water to an unnamed reservoir (also known as Pond 3). The unauthorized diversion or use of water is a trespass against the State. (*See* Wat. Code § 1052, subd.(a).) The Complaint proposes an ACL amount of \$15,000. The Complaint includes in substance the following allegations:

- Since 1983, Division staff conducted four field investigations of the project covered by Permit 18224. Each time, Division staff found that Boulder Creek Golf had violated its permit terms and conditions. Violations included lack of streamflow measuring devices on Hare Creek and failure to provide streamflow records for Hare Creek.
- By letter dated April 8, 2002, Boulder Creek Golf's agent submitted streamflow records for years 1996 through 2001. On review of these records, the Division identified violations of Permit 18224's terms and conditions that included failure to submit complete streamflow records and failure to release water from its reservoirs to maintain specified downstream flows.
- Boulder Creek Golf has never paid the DFG for the annual replacement planting of 1,000 steelhead trout yearlings, as required by Term 13 of Permit 18224.
- On June 8, 2001, Division staff found that Boulder Creek Golf has an unnamed reservoir (Pond 3) on an unnamed stream (Robin Hood Creek or King Creek) not covered by a permit or license. Division staff inspected the reservoir again on February 27, 2003 and found the reservoir to be constructed on an unnamed stream tributary to Boulder Creek thence San Lorenzo River.
- Since at least 1991, Boulder Creek Golf has collected water to storage in the unnamed reservoir (Pond 3) from the unnamed stream and potentially from Hare Creek for golf course irrigation. Boulder Creek Golf has carried over water stored from one season to the next without a valid water right. To date, Boulder Creek Golf has not taken any action to obtain a water right permit authorizing the storage of water at the reservoir.

On August 13, 2003, Boulder Creek Golf timely submitted a request for hearing.

KEY ISSUES

The SWRCB's decision whether to adopt ACL Complaint No. 262.5-27 will be based upon the record developed at the hearing. Boulder Creek Golf, the Division's Prosecution Team, and any other interested parties should submit exhibits and testimony responsive to the following issues that will be considered during the hearing:

1. **Are Boulder Creek Golf's water diversions or use unauthorized, constituting a trespass under Water Code section 1052, subdivision (a)? Did Boulder Creek Golf fail to comply with the terms and conditions of Permit 18224?**
2. **Does Boulder Creek Golf divert or use water to operate an unauthorized reservoir (Pond 3) located on an unnamed stream (Robin Hood Creek or King Creek), tributary to Boulder Creek thence San Lorenzo River? Does Boulder Creek Golf have an alternative basis of right for the reservoir?**
3. **Should the SWRCB order liability in response to Administrative Civil Liability Complaint No. 262.5-27? Is the proposed administrative civil liability amount appropriate?**

ABOUT THIS HEARING

In this hearing, the Division of Water Rights will be represented by a prosecution team who will be a party in the hearing. The prosecution team will consist of Mark Stretars, Senior Engineer; Jose Alarcon, Staff Engineer; and Barbara Katz, Senior Staff Counsel. The prosecution team is separated by an ethical wall from the hearing team, and is prohibited from having *ex parte* communications with members of the hearing team regarding substantive issues and controversial procedural issues within the scope of this hearing.

The hearing team will consist of the hearing officer and the hearing staff (see below). The hearing staff will assist the hearing officer and the other members of the SWRCB in the hearing.

HEARING PARTICIPATION

IF YOU WANT TO TAKE PART IN THIS HEARING, you should carefully read the enclosure entitled "Information Concerning Appearance at Water Right Hearings." 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 no later than **noon on Thursday, July 15, 2004**.

To facilitate exchange of testimony, exhibits and witness qualifications, on or about **Wednesday, July 21, 2004**, 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 received by the SWRCB and served on each of the parties who have indicated their intent to appear, no later than **noon on Thursday, August 5, 2004.**

PARKING, ACCESSIBILITY, AND SECURITY

The enclosed maps show 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.

Due to enhanced security precautions at the Cal/EPA Headquarters Building, all visitors are required to register with security prior to attending any meeting. To sign in and receive a visitor's badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current drivers license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

IF YOU HAVE ANY QUESTIONS

SWRCB Member Nancy Sutley will preside as hearing officer over this proceeding. Other Board members may be present during the hearing. SWRCB hearing team members will be Samantha Olson, Staff Counsel, and Paul Murphey, Engineering Geologist. 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.) Questions regarding non-controversial procedural matters should be directed to Mr. Murphey at (916) 341-5435 or Ms. Olson, at (916) 327-8235.


Debbie Irvin
Clerk to the Board

Date: June 10, 2004

Enclosures

Interested Party List

Ellison, Schneider & Harris LLP
c/o Christopher M. Sanders
2015 H Street
Sacramento, CA 95814-3109

Boulder Creek Golf & Country Club, Inc.
c/o Ben B. White
211 Double Bogey Drive
Boulder Creek, CA 95006

Barbara Katz
Office of Chief Counsel
State Water Resources Control Board
101 I Street, 22nd Floor
P.O. Box 100
Sacramento, CA 95812

Kevin Urquhart, Senior Biologist
Department of Fish and Game
20 Lower Ragsdale, Suite 100
Monterey, CA 93940

National Marine Fisheries Service
c/o Mr. Ambrose
Federal Building, Room 325
777 Sonoma Avenue
Santa Rosa, CA 95404

**Mandatory Hearings Mailing List
Boulder Creek ACL**

California Farm Bureau Federation
c/o William Du Bois
Natural Resources Consultant
11th & L Building, Room 626
Sacramento, CA 95814

Nino J. Mascolo
Southern California
Edison Company
2244 Walnut Grove Avenue
Rosemead, CA 91770

U.S. Fish & Wildlife Service
Ecological Division
2800 Cottage Way, Room E1803
Sacramento, CA 95825

Stetson Engineering
c/o Ali Shahrwody
2171 E. Francisco Blvd, Ste K
San Rafael, CA 94901

U.S. Bureau of Reclamation
c/o John Renning MP-440
2800 Cottage Way
Sacramento, CA 95825

Bartkiewicz, Kronick
& Shanahan
c/o Alan B. Lilly
1011 Twenty-Second Street
Sacramento, CA 95816-4907

Calif. Fisheries Restoration Foundation
c/o Martin Seldon
1146 Pulora Court
Sunnyvale, CA 94087-2331

City Attorney's Office – PUC Team
City and County of San Francisco
1390 Market Street, Suite 418
San Francisco, CA 94102

U.S. Fish & Wildlife Service
Ventura Fish & Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 93003

Ms. Nancee Murray, Senior Staff Counsel
California Department of Fish & Game
Office of General Counsel
1416 9th Street, 12th Floor
Sacramento, CA 95814

Mr. Larry Week, Chief
Native Anadromous Fish and Watershed Branch
California Department of Fish & Game
1416 9th Street, 12th Floor
Sacramento, CA 95814

California Environmental
Protection Agency
c/o Terry Tamminen
Secretary for Environmental Protection
1001 I Street, 25th Floor
Sacramento, CA 95814

City of Los Angeles
c/o Mr. David R. Pettijohn
Department of Water & Power
Water Resources Business Unit
111 North Hope Street, Rm 1460
Los Angeles, CA 90012

Whitnie Henderson
Association of California Water Agencies
910 K Street, Suite 100
Sacramento, CA 95814-3577

Roger W. Briggs
Executive Officer
RWQCB, Central Coast Region (3)
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Insert map here

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 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 Boulder Creek Golf, the Division's prosecution team, 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 that 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 two copies of a Notice of Intent to Appear, which must be received by the SWRCB no later than **noon on Thursday, July 15, 2004**. 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: (1) the name and address of the participant, (2) the name of each witness who will testify on the participant's behalf, (3) a brief description of the proposed testimony, and (4) an estimate of the time (not to exceed 20 minutes) that the witness will need to present a brief oral summary of the witness' testimony. The witness' 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 **noon on Friday July 30, 2004**, each participant shall serve a copy of its Notice of Intent to Appear on each of the participants identified on the service list and shall also serve on the SWRCB and the participants on the service list a statement of service that indicates the manner of service. If there is any change in the hearing schedule, only those persons or entities that 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 either: five paper copies of each of its exhibits or three paper copies and 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.

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.

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 service, must be **received** by the SWRCB by **noon on Thursday, August 5, 2004**, 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. Additionally, such exhibits may be submitted to the SWRCB in electronic form, using a file format readable by Microsoft Office 97 software.
 - 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@waterights.swrcb.ca.gov with a subject of “**Boulder Creek Golf ACL**”. 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.waterights.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 (d), 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

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.

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, six 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.
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 non-controversial 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: Paul Murphey
Phone: (916) 341-5435
Fax: (916) 341-5400
Email: WrHearing@waterrights.swrcb.ca.gov
With Subject of "Boulder Creek Golf ACL"

NOTICE OF INTENT TO APPEAR

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

Administrative Civil Liability against Boulder Creek Golf

Scheduled for
August 25, 2004

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we agree to accept electronic service of hearing-related materials.
- 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: _____

Exhibit Identification Index

Participant _____

Exhibit No.	Description	Status as Evidence		
		Introduced	Accepted	By Official Notice