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## State Water Resources Control Board

**TO:** Amanda Montgomery  
Section Chief, Permitting Section  
**DIVISION OF WATER RIGHTS**

Andy Sawyer  
Assistant Chief Counsel  
**OFFICE OF CHIEF COUNSEL**

**FROM:** Nicole L. Kuenzi  
Presiding Hearing Officer  
**ADMINISTRATIVE HEARINGS OFFICE**

**DATE:** March 6, 2023

**SUBJECT:** SEPARATION OF PERMITTING STAFF FOR THE PROCEEDING ON MENDOCINO DISTRICT'S PETITIONS FOR PARTIAL ASSIGNMENT OF STATE-FILED APPLICATIONS 12919 AND 12920 AND WATER RIGHT APPLICATIONS 12919C AND 12920B

On March 9, 2021, the Executive Director of the State Water Resources Control Board (State Water Board or Board) assigned the pending petitions for partial assignment of state filed applications 12919 and 12920 and accompanying water right applications 12919C and 12920B filed by Mendocino County Russian River Flood Control and Water Conservation Improvement District (Mendocino District) to the Administrative Hearings Office (AHO) for further proceedings.

This memorandum describes the separation of certain staff of the State Water Board's Division of Water Rights (Permitting Team) from the AHO hearing officer, Board Members, Board management, and AHO staff and other Division of Water Rights staff who may advise the hearing officer or other decision-makers in this proceeding (Hearing Team). The purpose of the separation of the Permitting Team from the Hearing Team is to avoid ex parte communications with the hearing officer or other decision-makers while this proceeding is pending.

The Permitting Team are staff of the State Water Board's Division of Water Rights (Division) who may meet with and otherwise communicate with representatives of the Mendocino District and other parties to this proceeding about substantive and potentially controversial procedural issues related to Mendocino District's water right petitions and applications. The Permitting Team will be separate from the Hearing

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

Team for the duration of this proceeding. No member of the Permitting Team will communicate with any member of the Hearing Team about substantive or potentially controversial procedural issues related to Mendocino District's petitions for partial assignment of state filed applications 12919 and 12920 and accompanying water right applications 12919C and 12920B, unless that communication is made in writing and copied to the service list or is made during a noticed status conference in which all parties may participate.

You have identified the following Division staff as members of the Permitting Team in this proceeding:

- Katherine Lee, Supervising Senior Environmental Scientist
- JC Conneely, Water Resource Control Engineer
- Andrew Deeringer, Attorney IV
- Will Scharffenberger, Graduate Legal Assistant

As a member of the Hearing Team, you should not communicate with these staff while this proceeding is pending before the AHO about substantive or potentially controversial procedural issues related to Mendocino District's water right petitions and applications. Amanda Montgomery should not substantively supervise Katherine Lee or JC Conneely and Andy Sawyer should not substantively supervise Andrew Deeringer or Will Scharffenberger with respect to their work on these petitions and applications.