



Winston H. Hickox
*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-1359
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 657-1485 • Web Site Address: <http://www.waterrights.ca.gov>



Gray Davis
Governor

NOTICE OF PUBLIC HEARING

**Hearing to Review the U.S. Bureau of Reclamation
Water Right Permits 11308 and 11310 (Applications 11331 and 11332)
To Determine Whether Any Modifications in Permit Terms and Conditions
Are Necessary to Protect Public Trust Values and Downstream Water Rights
On The Santa Ynez River Below Bradbury Dam (Cachuma Reservoir)**

**And To Consider Change Petitions
For Water Right Permits 11308 and 11310**

Phase I

**Commencing at 9:00 a.m. on Monday, November 6, 2000, and
Continuing, if Necessary, on November 7, 13 and 14, 2000**

**Phase 2 of This Hearing
Will be Continued on Additional Days,
As Necessary**

**State Water Resources Control Board
Paul R. Bonderson Building
901 P. Street, First Floor Hearing Room
Sacramento, CA 95814**

SUBJECT OF HEARING

This hearing is scheduled to receive evidence to determine if modifications in permit terms and conditions for Permits 11308 and 11310 of the U.S. Bureau of Reclamation (Reclamation) are necessary to protect public trust values and downstream water rights on the Santa Ynez River below Bradbury Dam (Cachuma Reservoir). The State Water Resources Control Board (SWRCB) will also consider evidence on whether it is appropriate to approve change petitions requesting modifications in place and purpose of use for Permits 11308 and 11310.

HEARING TO BE CONDUCTED IN PHASES

The hearing will be conducted in two phases. Persons wishing to participate in either phase of the hearing must file a Notice of Intent to Appear (NOI) pursuant to the requirements of this notice. Only those persons filing an NOI will receive the supplemental hearing notice for Phase 2 of this hearing. Persons wishing to limit their participation to Phase 2 of the hearing should mark the NOI accordingly.

BACKGROUND

In 1953, Reclamation completed Bradbury Dam. Originally, the dam impounded 205,000 acre-feet (af) in Lake Cachuma. Reservoir storage has been reduced by siltation to approximately 190,409 af. The operational yield of the Cachuma Project is about 25,714 af per year. Water is diverted from the reservoir through the Tecolote Tunnel and the South Coast Conduit to the City of Santa Barbara and surrounding communities.

Water is directly diverted and stored in the reservoir pursuant to Permits 11308 and 11310. In Condition 7 of Permits 11308 and 11310, the SWRCB reserved jurisdiction over the permits to determine the amounts, timing, and rates of releases of water past Bradbury Dam required to satisfy downstream rights. Protection of prior rights includes the release of water in such amounts and at such times and rates as will be sufficient to maintain percolation of water from the stream channel as such percolation would occur from unregulated flow, in order that the operation of the project shall not reduce natural recharge of groundwater from the Santa Ynez River below Bradbury Dam. Condition 7, as amended by Order WR 89-18, provided in pertinent part as follows:

"The [SWRCB], either upon the request of any party or on its own motion may, and shall, prior to the expiration of a 5-year observation period ending December 31, 1994, hear, review, and make such further and different order . . . as may be required concerning proper and adequate releases of water for downstream use, and recharge of groundwater, and concerning the investigations, measurements and studies to be conducted by [Reclamation], until a final determination and order can be made concerning the amounts, timing and rates of releases of water past Bradbury Dam in satisfaction of downstream rights, and the [SWRCB] retains continuing jurisdiction for such purposes during said 5-year observation period, or for such further time prior to issuance of license as the [SWRCB] may determine upon notice and hearing to be reasonably necessary for the aforesaid purposes."

Order WR 89-18 also added Condition 4 to Permits 11308 and 11310. Condition 4 contains the SWRCB's standard permit term, set forth in California Code of Regulations, title 23, section 789, subdivision (a), regarding the SWRCB's continuing authority to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water.

In 1990, the SWRCB held a consolidated hearing to consider outstanding issues within the Santa Ynez watershed, including a complaint filed by the California Sportfishing Protection Alliance (CSPA) against Reclamation in 1987. The complaint alleged that Reclamation had misused water within the meaning of Article X, Section 2 of the California Constitution by adversely affecting steelhead trout in the Santa Ynez River. That hearing was recessed, and subsequently the SWRCB determined that, before the SWRCB could take final action, further evaluation of the measures needed to protect the remnant steelhead fishery was necessary.

In Order WR 94-5, the SWRCB again determined that additional information was needed before the SWRCB could take final action addressing the measures needed to protect downstream water rights and public trust resources, including fishery resources. In Order WR 94-5, the SWRCB continued its reserved jurisdiction under Condition 7 until such time as long-term permit conditions are set to protect downstream water right holders. Order WR 94-5 required Reclamation to submit the following information no later than February 1, 2000:

- The Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) prepared in connection with the renewal of Reclamation's water supply contract with the Cachuma Project Authority and the City of Santa Barbara. (The EIS/EIR dated December 12, 1995 has been submitted to the SWRCB.)
- The reports or data compilations resulting from (1) a 1993 Memorandum of Understanding (MOU) between various parties concerning cooperation in research related to the protection of fish and fish habitat, and (2) a 1994 MOU which provided, among other things, for the establishment of a Fish Reserve Account to be used for the maintenance of fish below Bradbury Dam. (Various reports and data compilations have been submitted to the SWRCB. The "Draft Lower Santa Ynez River Fish Management Plan" dated April 20, 1999, has been submitted to the SWRCB)
- A report on the riparian vegetation monitoring program in and along the margins of the Santa Ynez River below Bradbury Dam. (The "Santa Ynez River Vegetation Monitoring Study" dated April 2000 has been submitted to the SWRCB.)
- Information developed and conclusions reached, if any, during the negotiations among the Cachuma Project Authority and the City of Lompoc (Lompoc) on Lompoc's water quantity and water quality concerns associated with the Cachuma Project's impacts, if any, on the Santa Ynez River, in the context of the overall water supply needs of Lompoc and the Cachuma Project Authority.
- A study report, or compilation of other existing materials, which clearly describes the impacts, or lack thereof, of the Cachuma Project on downstream diverters as compared to conditions which would have existed in the absence of the Cachuma Project.
- Any reports or other studies requested by SWRCB staff and agreed to by Reclamation and the Cachuma Project Authority or ordered by the SWRCB. (To date, the SWRCB made no requests.)

Order WR 94-5 also required the Chief of the Division of Water Rights (Division) to determine, by March 1, 2000, what additional environmental documentation, if any, was required by the California Environmental Quality Act (CEQA) in connection with the SWRCB's consideration of modifications to Reclamation's permits in order to protect downstream water rights and public trust resources. Order WR 94-5 required Reclamation to prepare any such additional environmental documentation and to submit a draft to the Division Chief by July 31, 2000. By letter dated April 23, 1998, the Division Chief directed Reclamation to prepare an administrative draft EIR. A Notice of Preparation of Draft EIR was issued May 14, 1999.

On August 18, 1997, the National Marine Fisheries Service (NMFS) listed the Southern California Evolutionarily Significant Unit (ESU) of steelhead, an ESU that is present in coastal streams from the Santa Maria River in San Luis Obispo County to Malibu Creek in Los Angeles County, as an endangered species under the federal Endangered Species Act (ESA). (62 Fed.Reg. 43937 (Aug. 18, 1997).) Reclamation consulted with NMFS under section 7 of the ESA for a Biological Opinion (BO) on the effects of the Cachuma Project on endangered steelhead (*Oncorhynchus mykiss*). NMFS issued a BO for the project on September 11, 2000.

Order WR 94-5 requires the SWRCB to commence the hearing required by Condition 7 of Permits 11308 and 11310 by December 1, 2000. The scope of the hearing must include consideration of the requirements to carry out Condition 4 of the permits.

Reclamation has filed petitions to consolidate the place of use and purposes of use for Permits 11308 and 11310. The SWRCB provided notice of the petitions, and subsequent amendments thereto, on December 2, 1983, January 12, 1984, and May 22, 1997. The modified place of use would be coincident with the boundaries of the service areas of the various water districts that receive water from the Cachuma Project. The existing place of use includes 175,000 acres. The modified place of use would include an additional 17,506 acres in the vicinity of Santa Barbara and Lake Cachuma. On February 17, 1999, Reclamation filed a change petition to add 130 acres of the Dos Pueblos Golf Links Project site to its place of use. The golf course project covers 208 acres, including 78 acres that are within the area covered by the petition noticed in 1997. Water diverted from the Santa Ynez River is delivered to Reclamation's contractors through a single water delivery system. Reclamation filed petitions to consolidate the purposes of use, enabling it to serve essentially the same purposes of use under both permits. (See the enclosed "Summary of Permits and Change Petitions" for a listing of the proposed changes.)

KEY ISSUES

Phase 1 – Change Petitions:

1. Would approval of the petitions for change in purpose and place of use result in any changes in Cachuma Project operations and flows in the Santa Ynez River, compared to the operations and flows that would exist if water from the Project were delivered only to areas within the current place of use?

Phase 1 – Compliance:

2. Has Reclamation complied with Order WR 94-5? If not, what enforcement or other action, if any, should the SWRCB take?

Phase 2 – Public Trust Resources:

3. Should Permits 11308 and 11310 be modified to protect public trust resources?

- a. What flow requirements, including magnitude and duration of flows released from Bradbury Dam, are necessary to protect public trust resources, including, but not limited to, steelhead, red-legged frog, tidewater goby and wetlands, in the Santa Ynez River downstream of Bradbury Dam? What terms, conditions or recommendations contained in the Biological Opinion, if any, should be incorporated into Reclamation's water right permits?
- b. What other measures, if any, are necessary to protect public trust resources?
- c. How will any proposed measures designed to protect public trust resources affect Reclamation and the entities who have water supply contracts with Reclamation?
- d. What water conservation measures could be implemented in order to minimize any water supply impacts?

Phase 2 - Downstream Water Rights:

- 4. Has any senior, legal user of water been injured due to changes in water quality resulting from operation of the Cachuma Project?
 - a. Has operation of the Cachuma Project affected water quality in the Lompoc Plains groundwater basin in a manner that impairs any senior water right holder's ability to beneficially use water under prior rights?
 - b. What permit terms, if any, should be included in Reclamation's water right permits to address the issue of water quality impacts to senior water right holders from injury due to changes in water quality?
- 5. Has operation of the Cachuma project injured any senior water right holders through reduction in the quantity of water available to serve prior rights and, if so, to what extent?
 - a. Condition 5 of Permits 11308 and 11310, as modified by Order 89-18, establishes an accounting methodology to determine the quantity of water that is available to serve prior rights on the Santa Ynez River downstream of Cachuma Reservoir. Should the accounting methodology be modified to protect prior rights or take into account new water supplies?
 - b. What other permit terms, if any, should be included in Reclamation's water right permits to protect senior water right holders from injury due to a reduction in the quantity of water available?
- 6. Should the petitions for change in purpose and place of use be approved?
 - a. Will approval of the change petitions operate to the injury of any legal user of the water involved?

b. Will approval of the change petitions adversely affect fish, wildlife, or other public trust resources?

HEARING PARTICIPATION

All persons who plan to participate in this hearing should carefully read the enclosure entitled “Information Concerning Participation in Hearing on Water Rights.” 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 Board on or before **4:00 P.M. on October 11, 2000**.

Questions concerning this notice may be directed to Katherine Mrowka at (916) 657-1951 or Dana Differding at (916) 657-2086. FAX #(916) 657-1485.

PARKING AND ACCESSIBILITY

The [enclosed map](#) shows the location of the Paul R. Bonderson building in Sacramento. Public parking is available in the State Garage on 10th Street between O and P Streets, in metered spaces on area streets, and in the public garages on L Street between 10th and 11th Streets and on P Street between 11th and 12th Streets.

The Paul R. Bonderson Building first-floor hearing room is accessible to persons with disabilities.

Signed By Edward C. Anton, for

Maureen Marché
Administrative Assistant to the Board

Enclosures

Date: September 25, 2000

Summary of Permits And Change Petitions		
Permit 11308		
Storage	275,000 afa	
Diversion Season	October 1 of each year to June 30 of the following year	
Direct Diversion	100 cfs	
Diversion Season	January 1 to December 31	
Place of Use	Boundaries shown on map for Goleta County Water District, City of Santa Barbara, Montecito County Water District, Summerland County Water District, Carpinteria County Water District, Santa Ynez River Water Conservation District	Petition for Change: (1) Add 17,500 acres; (2) Add 130 acres.
Purpose of Use	Irrigation, domestic, salinity control, incidental recreational	Petition for Change: Add municipal, industrial
Permit 11310		
Storage	275,000 afa	Combined Right Limitation on Storage for Permits 11308 and 11310 – 275,000 afa
Diversion Season	October 1 of each year to June 30 of the following year	
Direct Diversion	50 cfs	
Diversion Season	January 1 to December 31	
Place of Use	Boundaries shown on map for Goleta County Water District, City of Santa Barbara, Montecito County Water District, Summerland County Water District, Carpinteria County Water District, Santa Ynez River Water Conservation District	Petition for Change: (1) Add 17,500 acres; (2) Add 130 acres.
Purpose of Use	Municipal, industrial, incidental recreational	Petition for Change: Add irrigation, domestic, salinity control, stockwatering

Staff Exhibits By Reference

1. Application 11331 (Permit 11308) – Cat. 1, Volumes 1 to 37; Cat. 2., Volumes 1 to 7; Cat. 20, Vol. 5, USBR Ex. 20; application and change petition maps
2. Application 11332 (Permit 11310) – Cat. 1, Volumes 1 to 3, application and change petition maps
3. Negative Declaration, Changes to the Permitted Place and Purpose of Use for the Cachuma Project, Santa Barbara County, SWRCB Permits 11308 and 11310, Cachuma Operations and Maintenance Board, adopted November 2, 1998
4. Addendum to Final EIR for the Dos Pueblos Golf Links Project Regarding Water Service from Goleta Water District and Related Approvals dated July 1998, prepared by Goleta Water District and County of Santa Barbara. Final EIR (92-EIR-16; SCH 92041056)
5. Final EIR/EIS for the Cachuma Project Contract Renewal, Volumes 1 and II, including appendices and Fish Resources Technical Report, December 1995.
6. Draft Environmental Impact Report (EIR) for the Cachuma Project For Review of Reclamation’s Water Right Permits
7. Final EIR for the Cachuma Project for Review of Reclamation’s Water Right Permits
8. Santa Ynez River Vegetation Monitoring Study, Santa Barabara County, CA, Final Phase I Report, April 2000, A11331, Cat. 9, Volume 7
9. Draft Lower Santa Ynez River Fish Management Plan, Volumes I and II, April 20, 1999
10. Evaluation of Ground-Water Flow and Solute Transport in the Lompoc Area, U.S. Geological Survey Report 97-4056
11. Endangered Species Act Section 7 Consultation, Biological Opinion, U.S. Bureau of Reclamation Operation and Maintenance of the Cachuma Project on the Santa Ynez River in Santa Barbara County, California, September 11, 2000

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 is attached. (See Enclosure 1(a).) The regulations also may be viewed at the Division of Water Rights's web site:
<http://www.waterrights.ca.gov/Title23Regs.htm>.

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 water right holders whose exercise of their water rights may be modified as a result of this hearing, persons or entities who have filed an unresolved written complaint with the SWRCB concerning the subject matter of the hearing, and other interested persons or entities who intend to present evidence. 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 6 copies thereof which must be received by the SWRCB no later than **4:00 p.m. on October 11, 2000**. 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.

Following receipt of the Notices of Intent to Appear, the SWRCB will mail to each participant who has submitted a notice a service list of participants. No later than **October 23, 2000**, 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 6 copies of each of its exhibits to the SWRCB and serve a copy of each exhibit on every participant on the service list. With its exhibits, each participant must submit to the SWRCB and serve on the other participants a completed Exhibit Identification Index. 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 **4:00 p.m. on October 23, 2000** and served on the other participants on or before that date.

Please note that any participant intending to rely on exhibit(s) previously submitted to the SWRCB for a previous hearing concerning the Cachuma Project must resubmit the exhibit(s) to the SWRCB in accordance with the procedural requirements specified in this notice.

If possible, each participant should submit to the SWRCB and serve on the other participants an electronic copy, as well as a hard copy, of the Exhibit Identification Index. The electronic copy should be submitted on a disk or as an attachment to electronic mail sent to WrHearing@waterights.swrcb.ca.gov, with the subject heading of "Cachuma Project Hearing - Applications 11331 and 11332." The electronic copy must be in a version supported by Microsoft Excel 97 (preferred) or Word 97. The SWRCB will post a list of all exhibits submitted for the hearing on its website at <http://www.waterights.ca.gov/hearings>. The following requirements apply to exhibits:

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.

- 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.
 - e. If possible, oversized maps or other documents should be used only for illustrative purposes during the hearing, and should not be designated as exhibits to be entered into evidence. An 8 ½" by 11" copy of any oversized document should be designated as the exhibit.
5. **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. 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. 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's 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. (a).) 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 participants case in chief. Rebuttal evidence need not be submitted prior to the hearing. Rebuttal evidence is limited to evidence that is responsive to evidence

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 allow additional time for presentation of direct testimony during a party's case in chief upon a showing of good cause.

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, 6 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.

6. **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).)

7. **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.

8. **SUBMITTALS TO THE SWRCB:** Materials 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: Katherine Mrowka
Phone: (916) 657-1951
Fax: (916) 657-1485

With Subject of "Cachuma Project Hearing - Applications 11331 and 11332"

Exhibit Identification Index

Participant _____

Exhibit No.	Description	Status as Evidence	
		Introduced	Accepted

NOTICE OF INTENT TO APPEAR

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

CACHUMA PROJECT HEARING
Applications 11331 and 11332

Phase I - November 6, 7, 13 and 14, 2000

I/we plan to participate in Phase I: Yes No

I/we plan to participate in Phase II of the hearing: Yes No

I/we plan to call the following witnesses to testify at the hearing:

NAME	SUBJECT TO 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: _____

*For each person testifying as an expert witness, please attach a statement of qualifications.

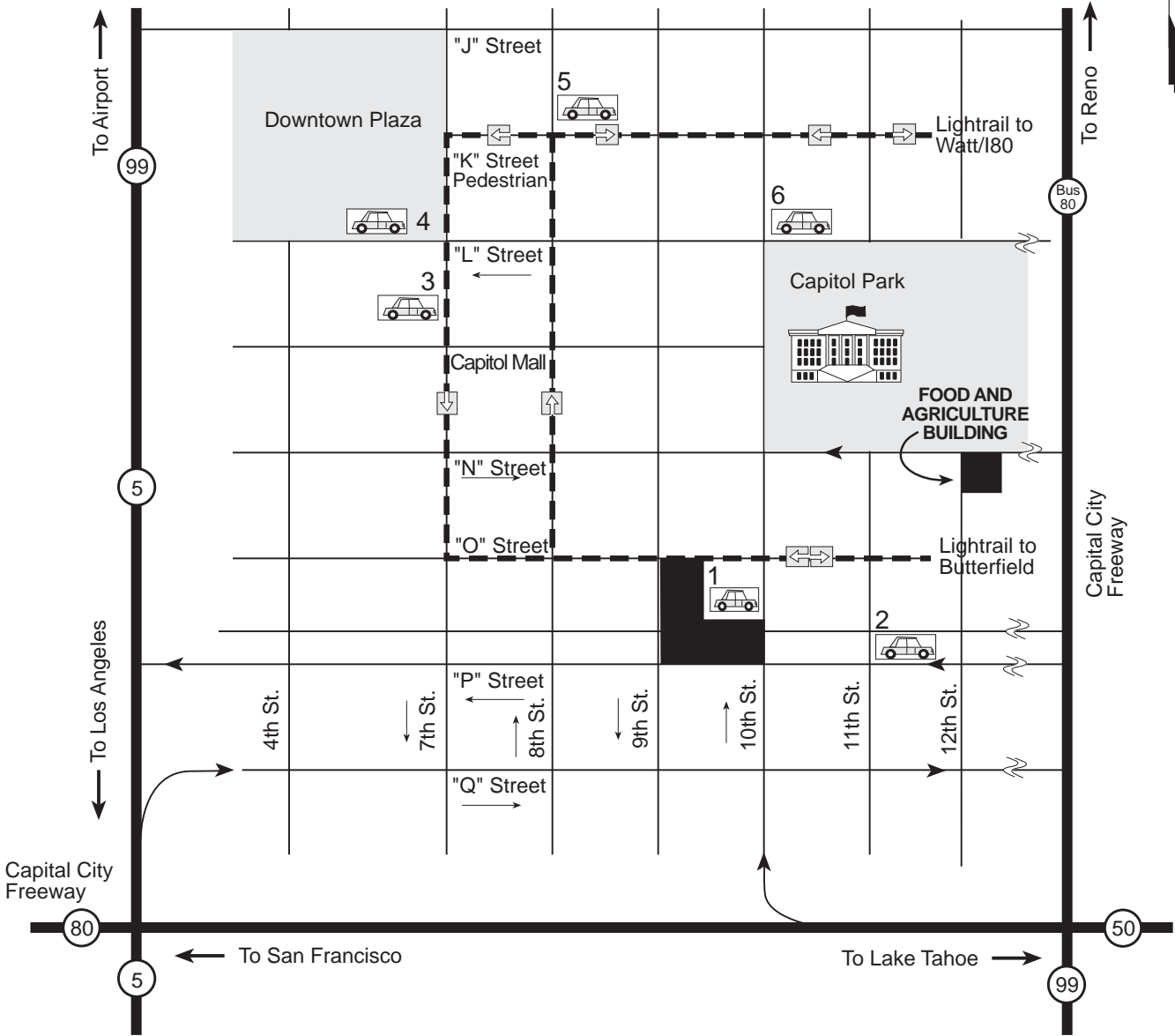
SWRCB Location Map

The main office of the State Water Resources Control Board is located at 901 P Street in Downtown Sacramento.

- [SWRCB Location Map \(PDF Format*; 17 KB\)](#)
- [SWRCB Location Map \(PDF Format\) - effective November 2, 2000](#)

* PDF is an [Adobe AcrobatTM](#) format and requires a PDF viewer plug-in to view or print.

[Back to Hearing Web Page](#)



Parking: 

State Water Resources Control Board

Bonderson Building

901 P Street

Sacramento

1. State Garage
\$0.75 per half hour
2. State Garage
\$0.75 per half hour
3. \$6.00 per day max
4. \$6.00 per day max
5. \$15.00 per day max
6. \$15.00 per day max