

## State Water Resources Control Board

September 4, 2014

VIA REGULAR AND ELECTRONIC MAIL

To: Order WR 2012-0012 Hearing Service List (via electronic mail)  
Wood Irrigation Company Customers/Property Owners Mailing List (via regular mail)

**ADVANCE COURTESY NOTICE OF TENTATIVE DATES FOR A SUPPLEMENTAL HEARING AND PRE-HEARING CONFERENCE RELATED TO ORDER WR 2012-0012 (ORDER GRANTING RECONSIDERATION) - IN THE MATTER OF THE PETITIONS FOR RECONSIDERATION OF ORDER WR 2011-0005**

The purpose of this letter is to provide Woods Irrigation Company (Woods) customers<sup>1</sup> within Woods' service area, and parties to State Water Resources Control Board (State Water Board) Order [WR 2012-0012](#) proceeding with this Advance Courtesy Notice of tentative dates for a supplemental hearing and pre-hearing conference.

Pursuant to Condition 1 of Order WR 2012-0012, the purpose of this supplemental hearing is for Woods' customers to "participate as parties, call witnesses, and cross-examine witnesses that have already testified on behalf of other parties, in order to supplement the evidentiary record with evidence of water rights held by the Woods' customers. The additional evidence will be used for the purpose of considering whether to adopt an order revising Order [WR 2011-0005](#)."

The following are the dates tentatively scheduled by the State Water Board:

- Pre-Hearing Conference<sup>2</sup>: January 15, 2015
- Supplemental Hearing: March 9, 10, 11, and 12, 2015

The State Water Board must schedule its hearings well in advance. Therefore, if you have a conflict with the above tentatively scheduled dates, please let me know within ten days of the

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<sup>1</sup> In Order WR 2012-0012, although the State Water Board referred to petitioners R.D.C. Farms, Inc., Ronald & Janet Del Carlo, Eddie Vierra Farms, LLC, Dianne E. Young, and Warren P. Schmidt, Trustee of the Schmidt Family Revocable Trust, as Woods' "Customers", participation in the proposed hearing will not be limited to only these petitioners.

<sup>2</sup> The hearing officers, Board Members Frances Spivy-Weber and Steven Moore, will conduct a pre-hearing conference to discuss the scope of the hearing and any other procedural issues. The goal of the pre-hearing conference is to ensure that the hearing proceeds in an orderly and expeditious manner. The pre-hearing conference will not be used to hear arguments on, or determine the merits of, any hearing issues, other than procedural matters, unless the parties agree to resolve a hearing issue by stipulation. Following the pre-hearing conference, the State Water Board may, at its discretion, modify the hearing procedures or issues set forth by the formal Notice of Supplemental Hearing, in whole or in part. All parties to the hearing must attend the pre-hearing conference. Failure to attend the pre-hearing conference may result in exclusion from participation in the hearing.

date of this Advance Courtesy Notice. A request for a change of the tentatively scheduled dates must be accompanied by a reason for the conflict. The State Water Board will only provide alternative dates for the pre-hearing conference and supplemental hearing for good cause.

In the near future, the State Water Board will issue a formal Notice of Supplemental Hearing and Pre-Hearing Conference specifying the dates, time, place, scope and other information regarding this proceeding. For more information relating to this matter, please visit the Division of Water Rights project-dedicated website: [Woods Irrigation Company – Cease and Desist Order Hearing](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/woods_irrigation/index.shtml) ([http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/woods\\_irrigation/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/woods_irrigation/index.shtml))

### **SEPARATION OF FUNCTIONS**

A staff prosecution team will be a party to this hearing. The prosecution team is separated from the hearing team and is prohibited from having *ex parte* communications with any members of the State Water Board and any members of the hearing team regarding substantive issues and controversial procedural issues within the scope of this proceeding. This separation of functions also applies to the supervisors of each team. (Gov. Code, §§ 11430.10-11430.80.)

### **SETTLEMENTS**

The prosecution team and any other parties or potential parties, at their discretion, may engage in settlement discussions. Due to the separation of functions, **the hearing team cannot participate** in settlement discussions. Should the parties reach settlement, they should notify the hearing team as soon as possible.

If you wish to discuss the possibility of settlement prior to hearing, you must contact prosecution team members Assistant Deputy Director, John O'Hagan, at (916) 341-5368 ([John.O'Hagan@waterboards.ca.gov](mailto:John.O'Hagan@waterboards.ca.gov)), or Staff Counsel, David Rose, at (916) 341-5196 ([David.Rose@waterboards.ca.gov](mailto:David.Rose@waterboards.ca.gov)).

### **NON-CONTROVERSIAL PROCEDURAL QUESTIONS**

During the pendency of this proceeding, there shall be no *ex parte* communications regarding substantive or controversial procedural matters within the scope of the proceeding between State Water Board members or hearing team members and any of the other participants, including members of the prosecution team. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters should be directed to Staff Counsel Marianna Aue at (916) 327-4440 ([Marianna.Aue@waterboards.ca.gov](mailto:Marianna.Aue@waterboards.ca.gov)), or Staff Engineer Ernest Mona at (916) 341-5359 ([Ernie.Mona@waterboards.ca.gov](mailto:Ernie.Mona@waterboards.ca.gov)). (Gov. Code, § 11430.20, subd. (b).)

Sincerely,



Ernest Mona  
Hearing Unit

Enclosures:  
Order WR 2012-0012 Hearing Service List  
WIC Customers/Property Owners Mailing List

**MAILING SERVICE LIST**

(July 2012, Updated: 03/13/14, 03/14/14, 08/27/14)

Order WR 2012-0012 (Order Granting Reconsideration)

In the Matter of the Petitions for Reconsideration of WRO 2011-0005

(VIA ELECTRONIC MAIL)

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WOODS IRRIGATION COMPANY  
CUSTOMERS/PROPERTY OWNERS  
Order WR 2012-0012 (Order Granting Reconsideration)  
In the Matter of the Petitions for Reconsideration of WRO 2011-0005

(VIA REGULAR MAIL)

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DEL SOLDATO, JOSEPHINE 5400 S MAYBECK RD STOCKTON, CA 95206	GURDIP SINGH AND GULJINDER KAUR 1581 BLUE LUPINE LN MANTECA, CA 95337	PELLEGRI, LARRY TRUSTEE 6588 W JACOBS RD STOCKTON, CA 95206
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