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## State Water Resources Control Board

### **PRE-HEARING CONFERENCE ORDER**

The State Water Resources Control Board  
Administrative Hearings Office  
issues this pre-hearing conference order  
for **Phase 1A** of the hearing on the pending petitions of

**Consolidated Irrigation District, Fresno Irrigation District,  
and Alta Irrigation District,  
and  
Semitropic Improvement District of Semitropic Water Storage District**

to revoke or revise the Declaration of Fully Appropriated Stream Systems  
with respect to the Kings River System;

on a potential revocation of

**Water-Right Licenses 11517 and 11521;**

and on a proposed cease and desist order against

**the Kings River Water Association and its member units**

for the alleged unauthorized diversion  
or threat of an unauthorized diversion of water from the Kings River System,  
as alleged in the complaint filed by

**Semitropic Improvement District of Semitropic Water Storage District.**

**The Public Hearing (Phase 1A) will begin on  
June 2, 2021, from 9 a.m. to 5 p.m.**

**and will continue as necessary on  
June 3 and June 4, 2021, from 9 a.m. to 5 p.m.,  
June 17, 2021, from 1 p.m. to 5 p.m.,  
and June 18, 2021, from 9 a.m. to 5 p.m.**

The hearing will be held by Zoom teleconference.  
Please access Zoom by using the link:

[https://waterboards.zoom.us/j/93473351912?pwd=RIZpQ2J5TUJGbndZZzI4akNuRHBP  
UT09](https://waterboards.zoom.us/j/93473351912?pwd=RIZpQ2J5TUJGbndZZzI4akNuRHBP<br/>UT09) with Meeting ID 934 7335 1912 and Passcode 946529  
or by calling in at: +16699009128,,93473351912#,,,,\*946529# US (San Jose)

**Interested members of the public who would like to watch the pre-hearing  
conference or hearing without participating may do so through the Administrative  
Hearings Office YouTube channel at:**

[https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8I-  
C7Nig/videos?view=2&live\\_view=502&view\\_as=subscriber](https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8I-<br/>C7Nig/videos?view=2&live_view=502&view_as=subscriber)

## **BACKGROUND**

On December 2, 2020, the Administrative Hearings Office (AHO) of the State Water Resources Control Board (State Water Board or Board) issued a Notice of Public Hearing and Pre-Hearing Conference (Notice of Public Hearing) on two pending petitions to revoke or revise the Declaration of Fully Appropriated Stream Systems (FAS Declaration) with respect to the Kings River System and related issues raised in a complaint (Semitropic Complaint) filed by Semitropic Improvement District of Semitropic Water Storage District (Semitropic) against Kings River Water Association (KRWA) and its member units.

The AHO held pre-hearing conferences on January 26, March 23, April 7, and May 11, 2021. The hearing officer issued a procedural ruling on February 19, 2021, an Amended Notice of Public Hearing and Pre-Hearing Conference on March 19, 2021, and a Pre-Hearing Conference Order and Notice of Additional Hearing Dates and Notice of Pre-Hearing Conference on April 23, 2021. This order follows the May 11 pre-hearing conference.

## **PRE-HEARING CONFERENCE ORDER**

The rulings on the following procedural issues are based on the May 11 pre-hearing conference.

### *Submittal of Rebuttal Exhibits*

The parties must file any rebuttal exhibits and exhibit identification indices by 4 p.m. on May 26, 2021. Each party intending to submit rebuttal evidence should upload its exhibits and exhibit identification index to the AHO-FTP2 folder, on the Water Board's FTP site, before this deadline. Staff from the AHO will be available on May 26 at the Joe Serna Jr. CalEPA Building, 1001 I Street, Sacramento, California, to receive hand delivery of paper copies of rebuttal exhibits. Please e-mail staff at the AHO at [AdminHrgOffice@waterboards.ca.gov](mailto:AdminHrgOffice@waterboards.ca.gov) to arrange for hand delivery. In the alternative, parties may send paper copies of rebuttal exhibits to the AHO by overnight delivery, postmarked on or before May 26, to:

Joe Serna Jr. CalEPA Building  
State Water Resources Control Board  
Administrative Hearings Office  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

### *Opening and Closing Briefs*

Parties may submit opening briefs for Hearing Phase 1A. The deadline for parties to submit opening briefs is May 28, 2021, by 4 p.m. Opening briefs shall be no more than 15 pages single-spaced or 30 pages double-spaced, in a font size not smaller than 12 points.

Parties may also submit closing briefs for Hearing Phase 1A. The deadline for parties to submit closing briefs is July 9, 2021, by 4 p.m. Closing briefs shall be no more than 15 pages single-spaced or 30 pages double-spaced, in a font size not smaller than 12 points.

### *Evidentiary Motions*

The hearing officer will accept written motions in limine and similar evidentiary motions filed with the AHO by May 21, 2021, at 4 p.m. The parties may file written responses to these motions with the AHO by May 28, 2021, at 4 p.m. The hearing officer will rule on any motions before or during the hearing.

### *Order of Proceeding*

The hearing for Phase 1A of this matter will begin at 9 a.m. on June 2, 2021. The hearing will begin with opening statements or policy statements by any party or

interested person who will not be presenting a case-in-chief. These opening statements or policy statements will be limited to five minutes. The hearing officer will then address any pending evidentiary motions or other procedural matters before moving to the parties' cases-in-chief.

Each party may make an opening statement of no more than five minutes before presenting its case-in-chief witnesses. The case-in-chief presentations will be conducted in the following order, with the following time limitations for oral summaries of direct testimony of the party's witnesses:

<b>PARTY</b>	<b>TIME</b>
<b>Semitropic</b>	120 minutes
<b>KRWA</b>	120 minutes
<b>Alta, Consolidated, &amp; Fresno Irrigation Districts (Irrigation Districts)</b>	120 minutes
<b>Tulare Lake Basin Water Storage District</b>	75 minutes (as indicated in the party's March 30 NOI)
<b>Terranova Ranch</b>	75 minutes (as indicated in the party's March 30 NOI)

The hearing officer may limit oral summaries of testimony of any witness if the testimony is repetitive or does not further the hearing officer's understanding of the issues, or as necessary to complete the hearing within the available time. The hearing officer may allow additional time for oral summaries of testimony if the testimony is productive and assists the hearing officer.

Cross-examination will generally be conducted by witness panels, although cross-examination may occur by individual witness if the testimony is particularly technical or complex. The hearing officer will consider the party's proposed panels of witnesses in the party's Second Amended NOI and make a final determination as to witness panels for cross-examination during the hearing. To facilitate the use of documents for cross-examination, please e-mail any documents not already submitted as an exhibit to [AdminHrgOffice@waterboards.ca.gov](mailto:AdminHrgOffice@waterboards.ca.gov) or upload the documents to the AHO-FTP2 folder on the State Water Board FTP site before beginning your cross-examination.

If all parties complete their presentation of cases-in-chief, including cross-examination, before the end of the day on June 4, the hearing officer may continue directly to the rebuttal portion of the hearing. Parties should expect that presentation of rebuttal evidence will occur in the same order as presentation of cases-in-chief, although the hearing officer may reorder parties or individual witnesses as necessary to accommodate scheduling conflicts or to conduct the hearing efficiently.

*Mr. Damon Hess*

The hearing officer will schedule time at 9 a.m. on June 3 to hear testimony from Mr. Damon Hess. Time allowed for direct testimony by Mr. Hess will not count against the

time allowed for oral summaries of testimony for the witnesses of Alta, Consolidated, and Fresno Irrigation Districts. This ruling on the schedule for Mr. Hess's testimony is not a determination by the hearing officer as to any issue other than the timing of Mr. Hess's testimony, if he does testify during Phase 1A of the hearing.

**PRE-HEARING CONFERENCE AND HEARING SCHEDULE**

<b>Deadlines / Schedule</b>	<b>Date and Time</b>
Deadline for parties to file written evidentiary motions.	<b>May 21, 2021, at 4 p.m.</b>
Deadline for all parties to file rebuttal exhibits and exhibit identification indices.	<b>May 26, 2021, at 4 p.m.</b>
Deadline for all parties to file written responses to evidentiary motions.	<b>May 28, 2021, at 4 p.m.</b>
Deadline for all parties to file opening briefs.	<b>May 28, 2021, at 4 p.m.</b>
Phase 1A of the hearing begins.	<b>June 2, 2021, at 9 a.m.</b>
Additional Phase 1A hearing days.	<b>June 3 and June 4, 2021, starting at 9 a.m.</b>
Additional Phase 1A hearing days (reserved for rebuttal unless the hearing officer modifies the schedule)	<b>June 17, 2021, starting at 1 p.m. and June 18, 2021, starting at 9 a.m.</b>
Deadline for all parties to file closing briefs.	<b>July 9, 2021, at 4 p.m.</b>

Date: May 18, 2021

SIGNATURE ON FILE

Nicole L. Kuenzi  
Hearing Officer, Administrative Hearings Office

Enclosure: Service List

**SERVICE LIST**  
Updated May 17, 2021

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