



State Water Resources Control Board

NOTICE OF STATUS CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
issues this notice of status conference
on the pending Petition for Assignment of State-Filed Application 5634
and accompanying water-right Application 5634X01 of

Nevada Irrigation District

and the pending Petition for Release from Priority of State-Filed Applications 5633 and
5634 in favor of water-right License 11120 (Application 10221) of

South Sutter Water District.

The petition, application, and related documents all concern
the Bear River in Placer and Nevada Counties.

**The Status Conference will begin on
October 26, 2023, at 1:00 p.m.**

and will be held by Zoom teleconference.

You may participate in the Zoom teleconference by using the link:
<https://waterboards.zoom.us/j/97954623773?pwd=cnhqL3d3aVRNNUN5Yit1WjBIUko2UT09> with Meeting ID: 979 5462 3773 and Passcode: 576026
or by calling in at: +16699009128,,97954623773#,,,,*576026# US (San Jose)

**Interested members of the public who would like to watch this status conference
without participating may do so through the Administrative Hearings Office
YouTube channel, accessible by clicking on “Watch AHO Hearings” at:
https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/**

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

BACKGROUND

On July 7, 2021, the Administrative Hearings Office (AHO) of the State Water Resources Control Board (State Water Board or Board) issued a Notice of Status Conference regarding Nevada Irrigation District's (NID) petition for assignment of state-filed Application 5634 and accompanying water-right Application 5634X01 and South Sutter Water District's (SSWD) request for releases from priority of state-filed Applications 5633 and 5634 in favor of water-right License 11120 (Application 10221). Additional background information about NIDs proposed project, petition for assignment, and application for a permit to appropriate water, and SSWDs request for releases from priority, are described in the July 7 notice.

The AHO held status conferences in this matter on August 31, 2021; January 18, July 20, and October 5, 2022; and April 25, 2023.

The AHO hearing officer issued a status conference ruling on September 10, 2021. The ruling directed NID and SSWD to discuss resolution of SSWD's request for releases of priority of state-filed Application 5633 and 5634 in favor of water-right License 11120. The ruling also directed NID to develop a proposed schedule with interim deadlines for actions that the district must take before the State Water Board can act on the district's petition for assignment of state-filed Application 5634 and accompanying water right Application 5634X01.

NID proposed the following schedule of actions in a submittal dated December 30, 2021, in response to the hearing officer's direction. NID reiterated this schedule in its December 5, 2022 brief addressing the timing of a hearing on SSWD's request for releases from priority.

Action	Deadline
Complete "Plan for Water" process.	August 2023
Complete Draft EIR.	October 2024
Complete Final EIR.	October 2025
Complete water availability analysis.	January 2026

NID and SSWD indicated in their September 21, 2022 joint status conference statement that they met on multiple occasions since the end of 2021 in an attempt to resolve the issues raised in their respective water-right filings, including SSWD's request for releases from priority of State-Filed Applications 5633 and 5634 in favor of SSWD's water-right License 11120 (Application 10221). NID and SSWD stated that, while significant progress has been made, they have been unable to reach a complete and final resolution. SSWD requested that the AHO schedule a hearing on its request for releases from priority independent of any proceeding on NID's petition for assignment of State-Filed Application 5634 and accompanying water-right Application 5634X01.

The hearing officer discussed with the parties during the status conference on October 5, 2022 and April 25, 2023, whether to schedule a hearing on SSWD's request for releases from priority before conducting any hearing on NID's petition for assignment

and water right application. During the status conference on April 25, the hearing officer indicated her intent to schedule a hearing on SSWD's request for releases from priority, possibly in December 2023, if NID failed to meet the schedule described in its December 30, 2021 and December 5, 2022 submittals (schedule included above). If NID complies with its schedule, the AHO would conduct a joint hearing on NID's petition and application and SSWD's request for releases from priority in 2026.

NOTICING OF SSWD'S REQUEST FOR RELEASES FROM PRIORITY

On June 5, 2023, the AHO issued public notice of SSWD's petition for release from priority of State-Filed Applications 5633 and 5634 in favor of water-right License 11120 (Application 10221). The AHO received protests to SSWD's petition from the following parties:

American River Watershed Institute
American Whitewater
Camp Far West Irrigation District
California Sportfishing Protection Alliance
Friends of the Bear River
Friends of the River
Foothills Water Network
Gold Country Fly Fishers
Northern California Council, Fly Fishers International
Nevada County
Nevada Irrigation District
Sierra Club
South Yuba River Citizen League
Trout Unlimited

The petitioner and the protestants have until January 31, 2024, to make a good faith effort to resolve the protests. If the petitioner and protestants are unable to resolve the protests, the AHO will conduct a hearing in this matter after January 31, 2024.

STATUS CONFERENCE

The hearing officer will hold a status conference on the date and at the time specified on the first page of this notice by Zoom teleconference. No in-person appearances will be allowed. The status conference will be held and electronically recorded by Zoom teleconference. The AHO will not retain a court reporter for the status conference. Any party may arrange for a court reporter at the party's own expense.

The status conferences will be live streamed through the Administrative Hearings Office YouTube channel, accessible by clicking on the link provided below. After the conclusion of the conference, a recording of the YouTube live-stream of the conference will be available on the Administrative Hearings Office YouTube channel. These recordings will include automatic captions for accessibility.

The live stream and recordings may be accessed at the following link:
<https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57m>

The purpose of this status conference is for (1) NID to provide an update on the status of its "Plan for Water" process in relation to Application 5634X01; (2) SSWD and protestants to describe the status of resolution of protests to SSWD's petition.

Based on the status of NID's "Plan for Water" process and anticipated schedule for completing a draft and final EIR for the project, the hearing officer will consider whether to schedule a hearing on SSWD's petition for release from priority in advance of a hearing on NID's petition for assignment of state-filed Application 5634 and accompanying water right Application 5634X01. Because the period for SSWD and protestants to negotiate in good faith to resolve protests to SSWD's petition for releases from priority does not expire until January 31, 2024, the hearing officer will not schedule a hearing on SSWD's petition before that date.

Parties do not need to file status conference statements. If any party wants to file a status conference statement, the party shall file the status conference statement with the AHO and serve copies of it on the other parties listed in the attached service list. The AHO will post the statements on the Water Board AHO-FTP site in the folder for this matter.

October 5, 2023

/s/ Nicole L. Kuenzi
Nicole Kuenzi
Presiding Hearing Officer
Administrative Hearings Office

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