
State Water Resources Control Board

PRE-HEARING CONFERENCE ORDER, NOTICE OF ADDITIONAL HEARING DATES, and NOTICE OF PRE-HEARING CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
issues this pre-hearing conference order, notice of additional hearing dates,
and notice of pre-hearing conference
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.

**A Pre-Hearing Conference will be held on
May 11, 2021, beginning at 1 p.m.**

**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 pre-hearing conference and 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
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-
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, and April 7, 2021. The hearing officer issued a procedural ruling on February 19, 2021, and an Amended Notice of Public Hearing and Pre-Hearing Conference on March 19, 2021. This order and notice follow the April 7 pre-hearing conference.

PRE-HEARING CONFERENCE ORDER

The rulings on the following procedural issues are based on the April 7 pre-hearing conference and the submission of information by the parties, as requested by the hearing officer, about counsel and witness availability.

Time for Oral Summaries of Direct Testimony of Witnesses

The parties will be allowed up to the amount of time indicated in the following table for oral summaries of direct testimony of all of the party's witnesses, collectively:

PARTY	TIME
Semitropic	120 minutes
Tulare Lake Basin Water Storage District	75 minutes (as indicated in the party's March 30 NOI)
Alta, Consolidated, & Fresno Irrigation Districts (Irrigation Districts)	120 minutes
KRWA	120 minutes
McMullin Area GSA	120 minutes
Terranova Ranch	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. The hearing officer encourages parties to coordinate the content of witnesses' oral summaries to avoid repetitive testimony.

Time allowed for direct testimony by Mr. Damon Hess will not count against the time allowed for oral summaries of testimony for the witnesses of Alta, Consolidated, and Fresno Irrigation Districts.

Cross-Examination and Witness Panels

Cross-examination of witnesses will be conducted by witness panels. During the April 7 pre-hearing conference, most parties indicated that dividing their witnesses into two panels would be appropriate for cross-examination. The parties are directed to group their witnesses into one or two witness panels for purposes of cross-examination and indicate those groups in the party's Second Amended NOI. The hearing officer will consider any objections to the groupings of witnesses and may modify the panels proposed by the parties.

If Mr. Damon Hess is called to testify by Alta, Consolidated, and Fresno Irrigation Districts, Mr. Hess will not be included on a witness panel for purposes of cross-examination.

The hearing officer will not allow "friendly" cross-examination of witnesses. Therefore, it is the hearing officer's expectation that KRWA, the Irrigation Districts, Tulare Lake Basin Water Storage District, McMullin Area GSA, and Terranova Ranch will not cross-examine each others' witnesses unless the party seeking to cross-examine a witness demonstrates an adverse interest or other good cause.

Decision 1290 Hearing Transcripts and Party Exhibits

On April 16, 2021, the AHO received electronic copies of the Decision 1290 hearing transcripts and party exhibits from Mr. Peter Kiel, who obtained electronic copies of these records from the Division of Water Rights Records Unit. AHO staff have copied these files to the AHO-FTP folder for this matter.

Public Records Related to Semitropic Complaint

On April 22, 2021, the AHO received and copied to the AHO-FTP folder for this matter copies of public records produced by the Division's Enforcement Unit related to the Semitropic Complaint. Parties may submit additional exhibits or amend written testimony after the exhibit submission deadline of May 3, 2021, if the additional exhibits or changes in testimony arise out of a party's review of these records. Any additional exhibits or amendments to testimony related to the review of these records must be submitted to the AHO by **4:00 PM on May 10, 2021**.

Additional Hearing Dates

The hearing officer has identified two additional hearing dates for the Phase 1A hearing, based on the information submitted by parties concerning counsel and witness availability. In addition to the dates identified in the prior hearing notices, the Phase 1A hearing may continue on June 17 from 1 p.m. to 5 p.m. and June 18 from 9 a.m. to 5 p.m. At this time, the hearing officer intends to hold the rebuttal portion of the Phase 1A hearing on June 18. However, the hearing officer may utilize the afternoon of June 17 or alter the schedule in other ways, as necessary, based on the amount of time needed for oral summaries of rebuttal testimony and cross-examination, and to accommodate witness and counsel availability.

Post-Hearing (Phase 1A) Briefs

The hearing officer will allow submission of post-hearing briefs after completion of the Phase 1A hearing. The hearing officer will set a deadline for submission of briefs and page limits for briefs during the Phase 1A hearing.

PRE-HEARING CONFERENCE

The hearing officer will hold a pre-hearing conference on May 11, 2021, at 1 p.m. To participate in the pre-hearing teleconference, please use the Zoom teleconference information provided on the first page of this Notice. Because of the current COVID-19 crisis, no in-person appearances will be allowed for this pre-hearing conference. The pre-hearing conference will be electronically recorded by Zoom teleconference.

The parties may, but are not required to, file pre-hearing conference statements prior to the pre-hearing conference.

SECOND AMENDED NOTICES OF INTENT TO APPEAR

The parties shall file Second Amended NOIs with the AHO by **May 17, 2021**. The Second Amended NOI shall include proposed panels of the party’s case-in-chief witnesses for cross-examination (one or two panels) and identify the party’s rebuttal witnesses. The parties may use any appropriate form (use of the NOI Form is not required) to submit the information requested in the Second Amended NOI.

PRE-HEARING CONFERENCE AND HEARING SCHEDULE

Deadlines / Schedule	Date and Time
Deadline for all parties to file case-in-chief exhibits and exhibit identification indices.	May 3, 2021, 4 p.m.
Pre-hearing conference.	May 11, 2021, 1 p.m.
Deadline for parties with case-in-chief witnesses or rebuttal witnesses to file a Second Amended NOI.	May 17, 2021, 4 p.m.
Deadline for all parties to file rebuttal exhibits and exhibit identification indices.	May 26, 2021, 4 p.m.
Phase 1A of the hearing begins.	June 2, 2021, 9 a.m.
Additional Phase 1A hearing days.	June 3 and June 4, 2021, starting at 9 a.m.
Additional Phase 1A hearing days (reserved for rebuttal unless the the hearing officer modifies the schedule)	June 17, 2021, starting at 1 p.m. and June 18, 2021, starting at 9 a.m.

Date: April 23, 2021 _____

SIGNATURE ON FILE _____
Nicole L. Kuenzi
Hearing Officer, Administrative Hearings Office

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