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## State Water Resources Control Board

### **POST-HEARING ORDER; NOTICE OF SUPPLEMENTAL HEARING**

The State Water Resources Control Board  
Administrative Hearings Office  
issues this order and notice following the August 6, 2021 Public Hearing  
on the pending petitions of

#### **Trimont Land Company and Northstar Community Services District**

for water-right Permits 15905, 15906, 16618 and 16619 (Applications 22822, 22823, 23851 and 23849), which authorize diversions of water from Unnamed Streams, Unnamed Springs, Sawmill Flat Springs, Martis Creek, and West Martis Creek in Placer County.

**The supplemental hearing is scheduled to begin  
on October 27, 2021, at 1:00 pm**

Representatives of parties and other people that want to participate in this hearing may access this Zoom teleconference by using the following link or call-in information:  
<https://waterboards.zoom.us/j/92246246338?pwd=WIFEQUxSTDMxWU9TMmRzUFBUKUHZsUT09> with Meeting ID: 922 4624 6338 and Passcode: 707819  
or by calling in at: +16699009128,,92246246338#,,,,\*707819# US (San Jose)

Interested members of the public who would like to watch and listen to this pre-hearing conference or this hearing without participating may do so through the Administrative Hearings Office YouTube channel, accessible by clicking on the “Watch AHO Hearings” link at:

[https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/)

#### **BACKGROUND**

The purpose of this proceeding is to receive evidence that the hearing officer will consider when determining whether the State Water Resources Control Board (“State Water Board” or “Board”) should approve the petitions filed by Trimont Land Company (“Trimont”) and Northstar Community Services District (“Northstar CSD”) for water-right Permits 15905, 15906, 16618 and 16619 (Applications A022822, A022823, A023851 and A023849).

The histories of these permits and the pending change petitions and petitions for extensions of time are discussed in detail in the March 24 hearing notice.

The State Water Board's Administrative Hearings Office held its initial public hearing on these petitions on August 6, 2021.

### **NEW PROPOSED WRITTEN TESTIMONY, EXHIBITS, LEGAL ARGUMENTS AND PROPOSED ORDER TEXT**

As discussed during the August 6, 2021 hearing, the hearing officer directs Trimont and Northstar CSD to provide proposed written testimony, exhibits, legal arguments and proposed order text as follows:

1. Deirdra Walsh: proposed written testimony regarding Trimont's plan and schedule for development of Reservoir B and related infrastructure.
2. Diane Wagner: proposed written testimony about, and tables of, the highest annual direct-diversion, collection-to-storage and use amounts, and the highest instantaneous diversion rates, before December 1, 1985, and maximum increases in these amounts and this rate that could occur if petitions for extensions of time are granted. Please provide a separate table for each permit and another table of the total amounts and rates for all four permits.
3. Diane Wagner: (i) proposed written testimony about, and a table of, the annual California diversion and use amounts for Truckee River Basin surface water, total water and consumptive use for 2016-2019, the years for which DWR has issued Annual Inventory of Water Use, Lake Tahoe & Truckee River Basins reports, and (ii) proposed written testimony describing how the maximum increases in diversions and consumptive use that may occur if the State Water Board grants the pending petitions for extensions of time and change petitions (discussed in the preceding paragraph) will affect these California diversion and use amounts. (The AHO has added these DWR annual reports to the administrative record for this matter.)
4. Attorneys: a new file of exhibit Trimont-Northstar 28, with pages in proper numerical order.
5. Attorneys: for exhibit Trimont-Northstar-35 (proposed order):
  - a. A Word file of proposed order (e-mailed to the AHO e-mail inbox on or before **August 16, 2021 at 4:00 pm**);
  - b. for section 4.1.1, additional text regarding application of the California Code of Regulations, title 23, section 844 factors to the petitions for extensions of time for Permit 15905 and Reservoir B (for which no construction, diversions or use has occurred);

- c. an edited section 4.1.5 that: (i) provides more details regarding how the 2004 Northstar Master Water Plan Update Environmental Impact Report (EIR) and 2017 Northstar Mountain Master Plan EIR analyzed the environmental effects that may occur if the State Water Board grants the pending water-right petitions, (ii) discusses whether these documents are sufficient for the State Water Board's California Environmental Quality Act (CEQA) compliance as a CEQA responsible agency; and (iii) describes Northstar CSD's decision on whether to prepare a CEQA addendum to these EIRs and, if the decision is to do so, Northstar CSD's schedule for completing this document;
- d. proposed written testimony of an appropriate witness, and text for the draft proposed order, supporting: (i) deletion of Term 10 in draft amended Permit 16619 and Term 16 in draft amended Permit 16618 to reflect current agreements between Northstar CSD and Trimont Land Co; and (ii) an amendment of Term 10 in Permit 15905 to reflect current plans of Trimont Land Company; and
- e. proposed new permit terms that will implement the following sections of the September 6, 2008 Truckee River Operating Agreement (copy of which is in administrative record for this proceeding), or explanations why such new permit terms are not necessary:
  - i. Section 6.C.2(b)(2), for which the text following subsections (i) and (ii) requires that condition (i) of Section 6.C.2(b)(1) be included in each Changed Diversion Right permit, where the original water-right permit was issued on or before May 1, 1996 and the original permit authorized diversion of water in more than four months of each year;
  - ii. Sections 6.C.3(a) and 6.C.3(b), which require new terms be added to Permit 15905, because Reservoir B will be constructed after May 1, 1996; and
  - iii. Section 6.E.1(e)(3), which limits diversions for snowmaking for the Northstar ski area for snow that will intentionally be deposited into the Lake Tahoe Basin to 20 acre-feet per year.

Please label each new document (except for the Word file of exhibit Trimont-Northstar 35) as a separate exhibit, beginning with exhibit Trimont-Northstar 36.

### **DEADLINES AND SCHEDULE**

Please upload all of these new documents (except for the Word file of exhibit Trimont-Northstar 35, discussed above) to the AHO-FTP2 folder (described in the March 24, 2021 hearing notice) on or before **4:00 pm on October 11, 2021**.

The supplemental hearing is scheduled to begin on **October 27, 2021, at 1:00 pm**. As discussed on page 1 of this notice, this hearing will be conducted by Zoom teleconference.

Date: August 9, 2021

SIGNATURE ON FILE  
Alan B. Lilly, Presiding Hearing Officer

Attachment:

-Service List (copies of notice sent by e-mail to listed e-mail addresses)

## SERVICE LIST

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