
State Water Resources Control Board

NOTICE OF ADDITIONAL HEARING DATES AND STATUS CONFERENCE RULING

The State Water Resources Control Board
Administrative Hearings Office (AHO)
will hold additional days of hearing for surrebuttal in **Phase 1B**
on the applications of

**North Kern Water Storage District and City of Shafter (Application 31673),
City of Bakersfield (Application 31674),
Buena Vista Water Storage District (Application 31675),
Kern Water Bank Authority (Application 31676),
Kern County Water Agency (Application 31677), and
Rosedale-Rio Bravo Water Storage District (Application 31819)**

for permits to appropriate water from the Kern River system.

**The AHO will hold additional hearing days on
August 31 and September 1, 2022, starting at 9:00 a.m.**
by Zoom teleconference.

Representatives of parties and other people who want to participate in this status conference may access the Zoom teleconference by using the following link and call-in information:

Please access Zoom by using the link:

<https://waterboards.zoom.us/j/96462043798?pwd=UUVRakpLSVI5eFpqNDhaVEY2MWh4UT09with> Meeting ID: 964 6204 3798 and Passcode: 134735

or by calling in at:

+16699009128,,96462043798#,,,,*134735# US (San Jose)

Interested members of the public who would like to watch this hearing 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

On January 12, 2022, the State Water Resources Control Board's (State Water Board or Board) Administrative Hearings Office (AHO) issued a Notice of Pre-Hearing Conference and Notice of Public Hearing, Phase 1B, in the matter of the Kern River Applications, on the pending applications of North Kern Water Storage District and City of Shafter (Application 31673), City of Bakersfield (Application 31674), Buena Vista Water Storage District (Application 31675), Kern Water Bank Authority (Application 31676), Kern County Water Agency (Application 31677), and Rosedale-Rio Bravo Water Storage District (Application 31819) for permits to appropriate water from the Kern River system. The AHO issued an amended Notice of Public Hearing, Phase 1B, on February 9, 2022.

The AHO held the case-in-chief portion of the Phase 1B hearing on May 2 through May 10, 2022. The AHO held the rebuttal portion of the Phase 1B hearing on June 20 through June 23, 2022. The AHO held a status conference on July 7 to discuss the scope of surrebuttal, and hearing dates and associated deadlines for presentation of surrebuttal evidence in Phase 1B of the hearing.

TOPICS FOR SURREBUTTAL

As described in the June 29 Notice of Status Conference and as discussed during the July 7 status conference, the parties may present surrebuttal evidence that responds to the rebuttal testimony identified below.

1. Mr. Young's rebuttal testimony. (KCWA-032.)
2. Dr. Howe's rebuttal testimony and associated technical analyses. (Buena Vista-1100, -1102, -1103, & -1105.)
3. Mr. Unruh's rebuttal testimony. (TLBWSD-100-C.)
4. Paragraphs 32 and 33 of Dr. Davids' rebuttal testimony. (KWBA-151, pp. 15 & 16, ¶¶ 32 & 33.)
5. Mr. Torres' rebuttal testimony. (KWBA-600.)
6. Corrections to Ms. Boissevain's rebuttal testimony. (KWBA-252.)
7. Paragraphs 17 through 24 of Dr. Miltenberger's rebuttal testimony. (KWBA-025.)
8. Paragraph 14 of Ms. Boissevain's rebuttal testimony. (KWBA-249.)

As described during the July 7 status conference, the hearing officer will allow – subject to objection on other grounds – surrebuttal evidence that is related to the rebuttal testimony identified above and that responds to question #4 identified in the June 29 Notice of Status Conference. As also discussed during the July 7 status conference, question #5 identified in the June 29 Notice of Status Conference is not an appropriate topic for surrebuttal evidence and the AHO does not intend to address this question in any proposed order submitted to the State Water Board.

The admission of any surrebuttal evidence into the evidentiary record remains subject to objection by the parties based on other evidentiary considerations such as hearsay. The hearing officer will not allow parties to present surrebuttal evidence that is

duplicative or would have more appropriately been presented during the case-in-chief or rebuttal portions of the hearing.

The hearing officer will allow each party a total of **45 minutes** to present oral summaries of written testimony of all of the party's surrebuttal witnesses. The hearing officer may allow additional time for oral summaries of testimony if the testimony is productive and assists the hearing officer.

SURREBUTTAL HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline for all parties to file surrebuttal exhibits and exhibit identification indices with AHO.	August 18, 2022, at 12:00 p.m.
Deadline for parties to file written evidentiary motions.	August 23, 2022, at 5:00 p.m.
Deadline for parties to file responses to written evidentiary motions.	August 26, 2022, at 5:00 p.m.
Phase 1B Hearing for presentation of rebuttal.	August 31 & September 1, 2022, starting at 9:00 a.m.

Date: July 18, 2022

/s/ Nicole L. Kuenzi
Nicole Kuenzi, Hearing Officer

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