



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 Request for Releases 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
April 25, 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/91887565380?pwd=dkEvMm16VFBZTUplETXorVDRNUVlwdz09> with Meeting ID: 918 8756 5380 and Passcode: 475787
or by calling in at: +16699009128,,91887565380#,,,,*475787# 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, 2022, July 20, 2022, and October 5, 2022.

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, 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. NID's petition and water right application may not be ripe for a hearing for several years because NID is conducting additional planning and, in addition to providing other information in support of its water right application, must prepare and certify an environmental review document under CEQA. The hearing officer invited the parties to submit written briefs on this issue. On December 5, 2022, NID and SSWD submitted initial briefs and on December 19, 2022, NID and SSWD submitted briefs in response to the other party's initial briefs.

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>

During the status conference, the hearing officer will ask NID to provide an update on the status of its "Plan for Water" process in relation to Application 5634X01. The hearing officer is considering whether to schedule a hearing on SSWD's request for releases from priority of state-filed Applications 5633 and 5634 in favor of water-right License 11120 (Application 10221) in December 2023. The hearing officer would postpone the December hearing if NID continued to pursue its petition for assignment of state-filed Application 5634 and Application 5634X01 in accordance with the schedule identified above. If NID complies with this schedule, the AHO could conduct a joint hearing on NID's petition and application and SSWD's request for releases from priority in 2026. If NID fails to comply with this schedule, the AHO would conduct a separate hearing on SSWD's request for releases from priority. The hearing officer will invite comment from the parties on this proposal during the status conference.

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.

March 15, 2023

/s/ Nicole L. Kuenzi

Nicole Kuenzi, Hearing Officer

Enclosures:

- Service List

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