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## 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  
August 16, 2024, at 9 a.m.**

and will be held by Zoom teleconference.

You may participate in the Zoom teleconference by using the link:  
<https://waterboards.zoom.us/j/93782506017?pwd=L255TmRpSTY2NE9DU1c5UIZaM2tZdz09> with Meeting ID: 937 8250 6017 and Passcode: 611672  
or by calling in at: +16699009128,,93782506017#,,,,\*611672# 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 at:**

<https://www.youtube.com/@swrcbadministrativehearing728/streams>

## **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; April 25 and October 26, 2023; and March 6, 2024.

## **NID'S PETITION FOR ASSIGNMENT AND WATER RIGHT APPLICATION**

The AHO hearing officer issued a status conference ruling on September 10, 2021, that 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. NID reiterated this schedule in its December 5, 2022 brief addressing the timing of a hearing on SSWD's request for releases from priority.

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

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 if NID failed to meet the schedule 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.

In NID's status conference statement submitted on October 18, 2023, NID stated that its "Plan for Water" process would not be complete until December 2023. In NID's status conference statement submitted before the March 6, 2024 status conference and during the status conference itself, NID represented that it expected the Board of Directors to make a final decision about the Centennial Reservoir Project "within the next three months." (2024-02-28 NID's Status Conference Statement, p. 1.)

## **SSWD'S PETITION 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

In its status conference statement submitted on February 28, 2024, SSWD indicated that it had reached an agreement to resolve the protest by Camp Far West Irrigation District and anticipated that the district would soon withdraw its protest. SSWD also indicated its understanding that American River Watershed Institute supported SSWD's petition and was willing to withdraw its protest. As of February 28, 2024, SSWD had not been able to resolve protests with Foothills Water Network and affiliated organizations, Nevada County, or NID. SSWD requested that the AHO set a hearing on SSWD's petition for releases from priority "to ensure that action on SSWD's Petition is not unduly delayed by potential changes to NID's petition for assignment." (2024-02-28 SSWD Status Conf Stmt, p. 3.)

## **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/@swrcbadministrativehearing728/streams>

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 and the Board of Directors' final decision on the Centennial Reservoir project, and any applicable timelines for development of the Draft and Final EIRs; and (2) SSWD and protestants to describe the status of any additional resolution of protests to SSWD's petition. Although the hearing officer is considering whether to schedule a separate hearing on SSWD's petition for release from priority, the AHO currently does not have the capacity to conduct a hearing in 2024 because of other matters on the AHO docket.

NID and SSWD are directed to file status conference statements **by end of day (11:59 p.m.) on August 8, 2024**, and serve copies of it on the other parties listed in the attached service list. If any other party wants to file a status conference statement, the party shall file the status conference statement by August 8 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.

July 15, 2024

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

Enclosures:  
- Service List

## SERVICE LIST

### ***By e-mail only:***

Bridget Gibbons  
Tiffanee Hutton  
Kathleen Miller  
California Department of Fish and  
Wildlife  
P.O. Box 944209  
Sacramento, CA 94244-2090  
[bridget.gibbons@wildlife.ca.gov](mailto:bridget.gibbons@wildlife.ca.gov)  
[tiffanee.hutton@wildlife.ca.gov](mailto:tiffanee.hutton@wildlife.ca.gov)  
[kathleen.miller@wildlife.ca.gov](mailto:kathleen.miller@wildlife.ca.gov)

Traci Sheehan  
Foothills Water Network  
P.O. Box 573  
Coloma, CA 95613  
[traci.sheehan@gmail.com](mailto:traci.sheehan@gmail.com)

Brian Johnson  
Matt Clifford  
Trout Unlimited  
5950 Doyle Street, Suite 2  
Emeryville, CA 94608  
510-528-4772  
[bjohnson@tu.org](mailto:bjohnson@tu.org)  
[mclifford@tu.org](mailto:mclifford@tu.org)

Chris Shutes  
California Sportfishing Protection  
Alliance  
1608 Francisco St.  
Berkeley, CA 94703  
[blancapaloma@msn.com](mailto:blancapaloma@msn.com)

Sean Wirth  
David Zelinsky  
Robert Burness  
Sierra Club, Motherlode Chapter  
909 12th St., #202  
Sacramento, CA 95814  
[wirthsoscranes@yahoo.com](mailto:wirthsoscranes@yahoo.com)  
[zelinsky.david@gmail.com](mailto:zelinsky.david@gmail.com)  
[rmburness@comcast.net](mailto:rmburness@comcast.net)

Ashley Overhouse  
Ron Stork  
Friends of the River  
1418 20<sup>th</sup> Street, Suite 100  
Sacramento, CA 95811  
[ashley@friendsoftheriver.org](mailto:ashley@friendsoftheriver.org)  
[rstork@friendsoftheriver.org](mailto:rstork@friendsoftheriver.org)

Keiko Mertz  
Friends of the River  
3336 Bradshaw Road, Suite 335  
Sacramento, CA 95827  
[keiko@friendsoftheriver.org](mailto:keiko@friendsoftheriver.org)

Theresa L. Lorejo-Simsiman  
American Whitewater  
12155 Tributary Point Drive, #48  
Gold River, CA 95670  
[theresa@americanwhitewater.org](mailto:theresa@americanwhitewater.org)

Dianna Suarez  
Cam Suarez  
P.O. Box 1174  
Colfax, CA 95713  
[suareztribe@yahoo.com](mailto:suareztribe@yahoo.com)

Gianna Setoudeh  
Aaron Zettler-Mann  
South Yuba River Citizens League  
313 Railroad Ave, Suite 101  
Nevada City, CA 95959  
[gianna@yubariver.org](mailto:gianna@yubariver.org)  
[aaron@yubariver.org](mailto:aaron@yubariver.org)

David Sprunck  
Cheri Sprunck  
1948 Peaceful Valley Road  
Colfax, CA 95713  
[sparkyman2440a@gmail.com](mailto:sparkyman2440a@gmail.com)

Otis Wollan  
Don Mooney  
American River Watershed Institute  
23440 Milk Ranch Road  
Colfax, CA 95713  
[otiswollan@gmail.com](mailto:otiswollan@gmail.com)

Kevin M. O'Brien  
Austin C. Cho  
Downey Brand LLP  
621 Capitol Mall, 18<sup>th</sup> Floor  
Sacramento, CA 95814  
[kobrien@downeybrand.com](mailto:kobrien@downeybrand.com)  
[acho@downeybrand.com](mailto:acho@downeybrand.com)  
*Attorneys for South Sutter Water District*

Douglas E. Coty  
Bartkiewicz, Kronick & Shanahan  
1011 Twenty Second Street  
Sacramento, CA 95816  
[dec@bkslawfirm.com](mailto:dec@bkslawfirm.com)  
*Attorney for Contra Costa Water District*

Dustin C. Cooper  
Andrew J. McClure  
Minasian Law  
P.O. Box 1679  
Oroville, CA 95965  
[dcooper@minasianlaw.com](mailto:dcooper@minasianlaw.com)  
[amcclure@minasianlaw.com](mailto:amcclure@minasianlaw.com)  
*Attorneys for Nevada Irrigation District*

Jennifer Hanson  
Doug Roderick  
Armon "Chip" Close  
Nevada Irrigation District  
1036 W. Main Street  
Grass Valley, CA 95945-5424  
[hanson@nidwater.com](mailto:hanson@nidwater.com)  
[roderick@nidwater.com](mailto:roderick@nidwater.com)  
[close@nidwater.com](mailto:close@nidwater.com)

Camp Far West Irrigation District  
c/o Nick Bonsignore  
Wagner & Bonsignore Consulting Civil  
Engineers  
2151 River Plaza Drive, Suite 100  
Sacramento, CA 95833-4133  
[nbonsignore@wbecorp.com](mailto:nbonsignore@wbecorp.com)

Kelley M. Taber  
Somach Simmons & Dunn  
500 Capitol Mall, Suite 1000  
Sacramento, CA 95814  
[ktaber@somachlaw.com](mailto:ktaber@somachlaw.com)  
*Attorney for Camp Far West Irrigation  
District*

Bob Center  
10794 Arrowpoint Place  
Grass Valley, CA 95949  
[Bcenter7210@att.net](mailto:Bcenter7210@att.net)

Dan Buckley  
Tributary Whitewater  
P.O. Box 747  
Weimar, CA 95736  
[tribdjb@gmail.com](mailto:tribdjb@gmail.com)

Tim Woodall  
Protect American River Canyons  
(PARC)  
148 Court Street  
Auburn, CA 95603  
[twoodall@leuppwoodall.com](mailto:twoodall@leuppwoodall.com)

Jack Sanchez  
Save Auburn Ravine Salmon and  
Steelhead (SARSAS)  
P.O. Box 4269  
Auburn, CA 95604  
[Jlsanchez39@gmail.com](mailto:Jlsanchez39@gmail.com)

Mark Rockwell  
Northern California Council, Fly Fishers  
International (NCCFFI)  
5033 Yapple Ave.  
Santa Barbara, CA 93111  
[Mrockwell1945@gmail.com](mailto:Mrockwell1945@gmail.com)

Shelly Covert  
Nevada City Rancheria Tribal Council  
P.O. Box 574  
Grass Valley, CA 95945  
530-570-0846  
[shelly@nevadacityrancheria.org](mailto:shelly@nevadacityrancheria.org)

Kira Johnson  
Best Best & Krieger LLP  
300 S. Grand Avenue, 25<sup>th</sup> Floor  
Los Angeles, CA 90071  
[kira.johnson@bbklaw.com](mailto:kira.johnson@bbklaw.com)  
*Attorney for State Water Contractors*

Matt Freitas  
American Rivers  
120 Union Alley  
Nevada City, CA 95959  
[mfreitas@americanrivers.org](mailto:mfreitas@americanrivers.org)

Ray Sahlberg  
U.S. Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825  
[rsahlberg@usbr.gov](mailto:rsahlberg@usbr.gov)

Jeff Litton  
200 Litton Drive  
Grass Valley, CA 95945  
[jlit@mac.com](mailto:jlit@mac.com)

Office of the Nevada Counsel on behalf  
of the Nevada County Board of  
Supervisors  
950 Maidu Ave, Suite 240  
Nevada City, CA 95959  
[Julie.Hokanson@nevadacountyca.gov](mailto:Julie.Hokanson@nevadacountyca.gov)

County of Nevada  
Katharine L. Elliott, County Counsel  
Sims Ely, Deputy County Counsel  
[Kit.Elliott@NevadaCountyCa.gov](mailto:Kit.Elliott@NevadaCountyCa.gov)  
[S.Ely@NevadaCountyCa.gov](mailto:S.Ely@NevadaCountyCa.gov)  
[County.Counsel@NevadaCountyCa.gov](mailto:County.Counsel@NevadaCountyCa.gov)

Ryan Bezerra  
Jennifer Buckman  
Holly Jacobson  
Bartkiewicz, Kronick & Shanahan  
1011 Twenty Second Street  
Sacramento, CA 95816  
[rsb@bkslawfirm.com](mailto:rsb@bkslawfirm.com)  
[jtb@bkslawfirm.com](mailto:jtb@bkslawfirm.com)  
[hjj@bkslawfirm.com](mailto:hjj@bkslawfirm.com)  
*Attorneys for Yuba County Water  
Agency*

Andy Chu  
California Department of Water  
Resources  
P.O. Box 942836  
Sacramento, CA 94236-0001  
[andy.chu@water.ca.gov](mailto:andy.chu@water.ca.gov)

Erick Soderlund  
California Department of Water  
Resources  
P.O. Box 899  
Sacramento, CA 94236-0001  
[erick.soderlund@water.ca.gov](mailto:erick.soderlund@water.ca.gov)

Placer County Water Agency  
Daniel Kelly  
PO Box 6570  
Auburn, CA 95604  
[dkelly@pcwa.net](mailto:dkelly@pcwa.net)  
[afecko@pcwa.net](mailto:afecko@pcwa.net)  
[enelson@pcwa.net](mailto:enelson@pcwa.net)

Brian R. Guth, Tribal Attorney  
UNITED AUBURN INDIAN  
COMMUNITY  
10720 Indian Hill Road  
Auburn, CA 95603  
[bguth@auburnrancheria.com](mailto:bguth@auburnrancheria.com)

Gold Country Fly Fishers  
Frank Rinella  
Conservation Education Chair  
303 Vista Drive Avenue  
Meadow Vista, CA 95742  
[sierraguide@sbcglobal.net](mailto:sierraguide@sbcglobal.net)

Laura Peters  
[lpeters@hotmail.com](mailto:lpeters@hotmail.com)

Administrative Hearings Office  
[adminhrgoffice@waterboards.ca.gov](mailto:adminhrgoffice@waterboards.ca.gov)