
State Water Resources Control Board

STATUS CONFERENCE ORDER AND NOTICE OF JANUARY 18, 2022 STATUS CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
issues this status conference order
and 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
January 18, 2022, at 9:00 am**

and will be held by Zoom teleconference.

You may participate in the Zoom teleconference by using the link:
<https://waterboards.zoom.us/j/99592988508?pwd=STk1NkYyczl3NnlOT25sRGxlbmFuUT09>
with Meeting ID: 995 9298 8508 and Passcode: 967645
or by calling in at: +16699009128,,99592988508#,,,,*967645# 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/](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/)**

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 petition for assignment of state-filed Application 5634 and accompanying water-right Application 5634X01 and South Sutter Water District's 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 Nevada Irrigation District's proposed project, petition for assignment, and application for a permit to appropriate water, and South Sutter Water District's request for releases from priority, are described in the July 7 notice.

The AHO held a status conference in this matter on August 31, 2021. The AHO received status conference statements from Nevada Irrigation District, South Sutter Water District, Camp Far West Irrigation District, United States Bureau of Reclamation, Foothills Water Network, and Dianna Suarez. During the status conference, the participants addressed the issues identified in the July 7 notice.

STATUS CONFERENCE ORDER FOLLOWING AUGUST 31, 2021 STATUS CONFERENCE

The hearing officer directs the parties to take the following actions before the next status conference on January 18, 2022:

- South Sutter Water District and Nevada Irrigation District shall continue to discuss resolution of South Sutter Water District's request for releases from priority of state-filed Applications 5633 and 5634 in favor of water-right License 11120.
- Nevada Irrigation District shall develop a proposed schedule with interim deadlines for actions that the District must take before the State Water Board holds a public hearing on the District's petition for assignment of state-filed Application 5634 and accompanying water-right Application 5634X01. The AHO intends to schedule status conferences at regular intervals to monitor Nevada Irrigation District's progress in meeting these interim deadlines. The actions with associated interim deadlines shall include:
 - Completion of Nevada Irrigation District's "Plan for Water" process.
 - Completion of a Draft EIR for the proposed project.
 - Completion and certification of a Final EIR for the proposed project.
 - Completion of a water availability analysis for Application 5634X01.
 - Completion of good faith efforts to resolve protests to the petition for assignment of state-filed Application 5634 and water-right Application 5634X01.

Nevada Irrigation District shall submit its proposed schedule to the AHO by **12:00 p.m. on December 30, 2021**. Any other party may respond to Nevada Irrigation District's proposed schedule by filing a status conference statement with the AHO by **12:00 p.m. on January 11, 2022**.

NOTICE OF JANUARY 18, 2022 STATUS CONFERENCE

The AHO 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.

During the status conference, the AHO hearing officer will discuss the following issues with the participants:

- (1) What is the status of the negotiations between South Sutter Water District and Nevada Irrigation District about South Sutter Water District's request for releases from priority of state-filed Applications 5633 and 5634 in favor of water-right License 11120?
- (2) Do the participants object to any portion of Nevada Irrigation District's proposed schedule with interim deadlines for actions that the District must take before the State Water Board holds a public hearing on Nevada Irrigation District's petition for assignment of state-filed Application 5634 and accompanying water-right Application 5634X01? What are the objections?
- (3) Should the AHO schedule a public hearing to consider whether the State Water Board should grant or deny South Sutter Water District's request for releases from priority of Applications A005633 and A005634 in favor of water-right License 11120 (Application A010221)? If so, when should the hearing be held?
- (4) When should the AHO hold the next status conference in this matter?
- (5) Are there any other procedural or substantial issues any the participants would like to discuss? If so, what are these issues?

STATUS CONFERENCE STATEMENTS FOR JANUARY 18, 2022 STATUS CONFERENCE

On or before the deadline listed below, Nevada Irrigation District and South Sutter Water District shall submit a status conference statement that separately addresses each of the status conference issues listed above. Other participants have the option to file a status conference statement, on or before the deadline listed below, that addresses the status conference issues. Participants shall file any status conference statement with the AHO and serve copies of it on the other parties listed in the attached service list. After the deadline to submit status conference statements, the AHO will post the statements on the Water Board AHO FTP site in the folder for this matter.

Status Conference Deadlines and Schedule

Deadline for Nevada Irrigation District to file with the AHO a proposed schedule with interim deadlines, with a proof of service.	December 30, 2021, 12:00 pm
Deadline for filing status conference statements, with proofs of service.	January 11, 2022, 12:00 pm
Status conference.	January 18, 2022, 9:00 am

September 10, 2021

SIGNATURE ON FILE
Nicole Kuenzi, Hearing Officer

Enclosures:
- Service List

SERVICE LIST

By e-mail only:

Nancee Murray
Bridget Gibbons
California Department of Fish and
Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090
nancee.murray@wildlife.ca.gov
bridget.gibbons@wildlife.ca.gov

Traci Sheehan
Foothills Water Network
P.O. Box 573
Coloma, CA 95613
traci.sheehan@gmail.com

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

Chris Shutes
California Sportfishing Protection
Alliance
1608 Francisco St.
Berkeley, CA 94703
blancapaloma@msn.com

Sean Wirth
David Zelinsky
Sierra Club, Motherlode Chapter
909 12th St., #202
Sacramento, CA 95814
wirthsoscranes@yahoo.com
zelinsky.david@gmail.com

Ashley Overhouse
Ron Stork
Friends of the River
1418 20th Street, Suite 100
Sacramento, CA 95811
ashley@friendsoftheriver.org
rstork@friendsoftheriver.org

Theresa L. Lorejo-Simsiman
American Whitewater
12155 Tributary Point Drive, #48
Gold River, CA 95670
theresa@americanwhitewater.org

Dianna Suarez
Cam Suarez
P.O. Box 1174
Colfax, CA 95713
suareztribe@yahoo.com

Melinda Booth
Keiko Mertz
South Yuba River Citizen League
313 Railroad Avenue #101
Nevada City, CA 95959
melinda@yubariver.org
keiko@yubariver.org

David Sprunck
Cheri Sprunck
1948 Peaceful Valley Road
Colfax, CA 95713
sparkyman2440a@gmail.com

Otis Wollan
Don Mooney
American River Watershed Institute
23440 Milk Ranch Road
Colfax, CA 95713
otiswollan@gmail.com

Kevin M. O'Brien
Samuel E. Bivins
Austin C. Cho
Downey Brand LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
kobrien@downeybrand.com
sbivins@downeybrand.com
acho@downeybrand.com
nbigley@downeybrand.com
Attorneys for South Sutter Water District

Douglas E. Coty
Morgan S. Biggerstaff
Bold, Polsner, Maddow, Nelson and
Judson
2125 Oak Grove Road, Suite 210
Walnut Creek, CA 94598
dcoty@bpmnj.com
mbiggerstaff@bpmnj.com
*Attorneys for Contra Costa Water
District*

Dustin C. Cooper
Andrew J. McClure
Minasian, Meith, Soares, Sexton &
Cooper, LLP
P.O. Box 1679
Oroville, CA 95965
dcooper@minasianlaw.com
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
roderick@nidwater.com
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

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

Bob Center
10794 Arrowpoint Place
Grass Valley, CA 95949
Bcenter7210@att.net

Dan Buckley
Tributary Whitewater
P.O. Box 747
Weimar, CA 95736
tribdjb@gmail.com

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

Jack Sanchez
Save Auburn Ravine Salmon and
Steelhead (SARSAS)
P.O. Box 4269
Auburn, CA 95604
alcamus39@hotmail.com

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

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

Kira Johnson
Best Best & Krieger LLP
300 S. Grand Avenue, 25th Floor
Los Angeles, CA 90071
kira.johnson@bbklaw.com
Attorney for State Water Contractors

Matt Freitas
American Rivers
120 Union Alley
Nevada City, CA 95959
mfreitas@americanrivers.org

Ray Sahlberg
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825
rsahlberg@usbr.gov

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

Jeff Litton
200 Litton Drive
Grass Valley, CA 95945
jlit@mac.com

Andy Chu
California Department of Water
Resources
P.O. Box 942836
Sacramento, CA 94236-0001
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

Placer County Water Agency
Daniel Kelly
PO Box 6570
Auburn, CA 95604
dkelly@pcwa.net
afecko@pcwa.net
enelson@pcwa.net