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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  
March 6, 2024, 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/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>

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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, July 20, and October 5, 2022; and April 25 and October 26, 2023.

## **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.

## **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 October 24, 2023, 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. SSWD continues to negotiate with Foothills Water Network and affiliated organizations and Nevada County. SSWD stated that it is continuing productive negotiations with NID and requested that the AHO set a hearing on SSWD's petition for releases from priority in June 2024 to allow additional time for negotiations.

## **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 anticipated schedule for developing a Draft and Final Environmental Impact Report; and (2) SSWD and protestants to describe the status of resolution of protests to SSWD's petition. Based on the status of NID's "Plan for Water" process and anticipated schedule for completing a draft and final EIR for the project, the hearing officer will consider whether to schedule a hearing on SSWD's petition for release from priority in advance of a hearing on NID's petition for assignment of state-filed Application 5634 and accompanying water right Application 5634X01.

NID and SSWD are directed to file status conference statements **by end of day (11:59 p.m.) on February 28, 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 February 28 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.

December 12, 2023

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

Enclosures:  
- Service List

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