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## State Water Resources Control Board

**TO** Eileen Sobeck  
Executive Director  
State Water Resources Control Board

**FROM:** Erik Ekdahl  
Deputy Director  
Division of Water Rights

**DATE:** 5/1/2020

**SUBJECT:** TRANSFER OF PETITIONS ON WATER RIGHT PERMITS 15905, 15906, 16618 AND 16619 (APPLICATIONS 22822, 22823, 23851, AND 23849, RESPECTIVELY) TO THE ADMINISTRATIVE HEARINGS OFFICE

The Division of Water Rights (Division) proposes to transfer pending petitions on Permits 15905, 15906, 16618 and 16619 (Applications 22822, 22823, 23851, and 23849, respectively) to the Administrative Hearings Office (AHO) for hearing. There are two pending petitions for each permit. As described below, the water rights of the Permittees, Trimont Land Company (Trimont) and Northstar Community Services District (Northstar CSD), require that a hearing be held before time extensions are allowed on the permits. The purpose of the hearing will be to determine if the four petitions for ten-year extension of time to develop full beneficial use of water, and four change petitions that consolidate the four permits to have the same place of use, expand the place of use, add snowmaking, and add a new point of diversion, should be granted to the Permittees. Given the significant number and complexity of pending petitions before the Division, these eight petitions would be aided by the AHO's role in ensuring water rights matters are resolved in a timely manner.

### Permits 15905, 15906, 16618 and 16619

Trimont holds Permit 15905, the Permittees jointly hold Permits 16618 and 16619, and Northstar CSD holds Permit 15906 to divert water from unnamed springs and streams, Sawmill Flat Springs, and West Martis Creek, tributary to the Truckee River. Northstar CSD and Trimont use the water to operate the diversion, treatment, storage and distribution works for Northstar, which is a 3,000-acre ski resort and residential community located in Placer County. Northstar CSD's current place of use includes only a portion of the Northstar ski resort service area; approximately 1,855 acres and 916 service connections to single-family residences and multiple-residence buildings. The place of use is approximately the same for all four permits and encompasses a total area of approximately 16,532 acres.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

In 1969, the State Water Resources Control Board (State Water Board) issued Decision 1342, which permitted Applications 22822 and 22823 for appropriation of 1,206 acre-feet per annum (afa). Decision 1342 required that the water be put to full beneficial use by December 1, 1985, and that no extensions of time be granted without a hearing before the State Water Board. Applications 23849 and 23851 were filed in 1971 and permitted in 1974. All four filings have the same hearing requirement. According to Decision 1342, the hearing requirement was imposed because approval of the applications was expected to increase the amount of water used in the Truckee River Basin to the full 10,000 acre-feet limitation allocated in California in the proposed Nevada-California Compact. (Decision 1342, p. 4.) Consequently, the State Water Board wanted to evaluate whether it was appropriate to grant any extensions of time, or whether the unused portion of the rights should be made available for appropriation by other persons seeking appropriative rights.

#### Settlement Act and the Truckee River Operating Agreement (TROA)

The interstate waters of the Lake Tahoe, Truckee River, and Carson River Basins (Basins) have been the subject of dispute, controversy, and litigation for well over a century. These conflicts have now been addressed with federal legislation, the 1990 Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Settlement Act), and a negotiated agreement known as the Truckee River Operating Agreement (TROA).

The Settlement Act provides for the permanent allocation of water between the States of California and Nevada in the Basins. In the Truckee River Basin, the Settlement Act allocates to California the right to divert or extract, or to utilize any combination thereof, the gross amount of 32,000 afa from all natural sources, including both surface and groundwater, provided that the maximum annual diversion of surface supplies not exceed 10,000 afa.

With the implementation of TROA on December 1, 2015, the interstate allocations under the Settlement Act for the Basins took effect and processing of the pending applications and petitions in the basins may proceed. As of December 2017, there were more than 20 pending applications and more than 50 pending petitions on file with the State Water Board related to water rights actions in the Basins. Trimont and Northstar CSD have filed eight of those petitions, now being referred to the AHO for hearing.

#### Petitions for Extension of Time, Change in Point of Diversion, Place of Use, and Purpose of Use

The Permittees filed the first petitions for change in 1977 for Permits 15905, 15906, and 16619. Permittees filed the first petitions for extension of time on November 26, 1985. Those petitions were held in abeyance pending the completion of the TROA. On May 1, 2018, the Permittees filed a new petition for change for Permit 16618 and updated the three petitions to change the purpose of use to include snowmaking, and to submit a new map that confirms the desired place of use covers the Northstar CSD service area as well as snowmaking at Northstar ski resort. The revised place of use proposed by the petitions for all four permits would encompass a service area of 19,351 acres. The Permittees also filed petitions to change the point of diversion on Permits 15906 and

16619 to add a third point of diversion at the unnamed spring as identified in Permit 16618.

The Division proposes to transfer the pending petitions on Permits 15905, 15906, 16618 and 16619 to the AHO for hearing. The purpose of the hearing will be to determine if the four petitions for ten-year extension of time to develop full beneficial use of water, and four change petitions that consolidate the four permits to have the same place of use, expand the place of use, add snowmaking, and add a new point of diversion, should be granted to the Permittees, Trimont and Northstar CSD.

#### Proceeding before the Administrative Hearing Office

Referring this matter to the AHO will provide a neutral, fair, and efficient forum for resolving issues that may arise during future water rights proceedings. Division staff may also prepare a notice of proposed revocation for consideration during the hearing, pending staff discussions with the AHO regarding the scope of the hearing.

If you have any questions regarding this memo, please contact Sam Boland-Brien, Chief of the Petitions, Licensing, and Registrations Section at 916-322-6797 or by email at [Samuel.Boland-Brien@waterboards.ca.gov](mailto:Samuel.Boland-Brien@waterboards.ca.gov).

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