
State Water Resources Control Board

August 11, 2021

Holly Jacobson
Bartkiewicz, Kronick & Shanahan
1011 22nd Street
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hjj@bkslawfirm.com

Re: County of San Joaquin's Water-Right Application 29657

Dear Ms. Jacobson,

I received your letter of August 5, 2021, submitted on behalf of the City of Folsom, City of Roseville, Sacramento Suburban Water District, and Woodland-Davis Clean Water Agency, requesting clarification of the scope of the public hearing scheduled to begin on September 29, 2021, before the Administrative Hearings Office (AHO) and any subsequent processing of Application 29657.

The purpose of the public hearing is to receive evidence that the AHO and State Water Resources Control Board (State Water Board or Board) will consider when determining whether to: (1) cancel or deny water-right Application 29657 under Water Code section 1276 or section 1335, or California Code of Regulations, title 23, section 840; or (2) establish a time schedule for the applicant to submit information necessary for the State Water Board's Division of Water Rights (Division) to process Application 29657. The hearing will not address the prerequisites for issuance of a permit to appropriate water listed in Water Code section 1375, including the availability of unappropriated water. I agree with your statement that the scope of this hearing is not intended to include evidence about other water users and water rights, including those of your clients, that could be affected by approval of Application 29657 and issuance by the Board of a permit to appropriate water to San Joaquin County (Applicant).

After the public hearing in this matter, the AHO may prepare and submit a proposed order to the Board for its consideration pursuant to Water Code section 1114, subdivision (c)(1). Alternatively, after the public hearing, the AHO may recommend that the application be re-assigned to the Division for further processing, or the AHO may set a time schedule and other deadlines for the submission of information necessary for the Board to act on the application. If, after the public hearing in this matter, the State Water Board does not adopt an order that cancels or denies Application 29657, the Board or the AHO will hold an additional public hearing on the application before acting

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

on it, as required by Water Code section 1350, if the Applicant and protestants are unable to resolve outstanding protests. It has been the practice of the State Water Board and the AHO to allow an interested person to participate as a party in a public hearing on a water-right application or petition upon a showing of good cause even if the party did not file a timely protest.

At this time, it is premature for the AHO to consider whether the protest period for Application 29657 should be re-opened if the State Water Board does not adopt an order that cancels or denies Application 29657. Although I am deferring any action at this time on your request that the protest period on Application 29657 be re-opened, you may renew your request as appropriate later in this proceeding.

Sincerely,

SIGNATURE ON FILE

Nicole L. Kuenzi
Hearing Officer
Administrative Hearings Office

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