

State Water Resources Control Board

NOTICE VACATING PHASE 1B MARCH 15, 16, 17, AND 18 HEARING DATES AND RELATED DEADLINES

The State Water Resources Control Board
Administrative Hearings Office
vacates the previously noticed dates for a Public Hearing, **Phase 1B**,
on March 15, 16, 17, and 18
on the applications of

**North Kern Water Storage District and City of Shafter (Application 31673),
City of Bakersfield (Application 31674),
Buena Vista Water Storage District (Application 31675),
Kern Water Bank Authority (Application 31676),
Kern County Water Agency (Application 31677), and
Rosedale-Rio Bravo Water Storage District (Application 31819)**

for permits to appropriate water from the Kern River system.

RULING VACATING MARCH 15, 16, 17, AND 18 HEARING DATES

On January 12, 2022, the AHO issued a Notice of Pre-Hearing Conference and Notice of Public Hearing, Phase 1B (Phase 1B Hearing Notice) in the matter of the Kern River Applications. The Phase 1B Hearing Notice set a pre-hearing conference to begin on February 1, 2022, at 9:00 a.m. and a public hearing on the Phase 1B hearing issues identified in the notice to begin on March 15, 2022, and continue on March 16, 17, and 18 and April 5 and 6.

On January 18, Buena Vista Water Storage District, City of Bakersfield, City of Shafter, Kern County Water Agency, Kern Delta Water District, Kern Water Bank Authority, North Kern Water Storage District, and Rosedale-Rio Bravo Water Storage District submitted a joint request that the hearing officer vacate the February 15 deadline set by the Phase 1B Hearing Notice for submitting testimony and exhibits, exhibit indices, and any amended NOIs, and vacate the March 15, 16, 17, and 18 hearing dates.

The hearing officer grants the parties joint request and **vacates the February 15 deadline set by the Phase 1B Hearing Notice for submitting testimony and exhibits, exhibit indices, and any amended NOIs, and vacates the March 15, 16,**

17, and 18 hearing dates. The hearing officer also **vacates the March 14 deadline for all parties to file rebuttal exhibits and exhibit identification indices with the AHO.** All other dates and deadlines, including the February 1 pre-hearing conference and the April 5 and 6 hearing dates, remain on calendar. Except as explicitly stated in this order, all other provisions in the Phase 1B Hearing Notice remain in effect.

The following revised schedule indicates the vacated dates.

Deadlines / Schedule	Date and Time
Deadline for any party who wants to participate in the Phase 1B hearing to file an NOI.	January 28, 2022, 12:00 p.m.
Deadline for filing optional pre-hearing conference statements.	January 28, 2022, 12:00 p.m.
Pre-hearing conference.	February 1, 2022, 9:00 a.m.
Deadline for all parties to file exhibits and exhibit identification indices with AHO. Deadline for all parties to file amended NOIs.	February 15, 2022, 12:00 p.m.
Deadline for all parties to file rebuttal exhibits and exhibit identification indices with AHO.	March 14, 2022, 12:00 p.m.
Phase 1B Hearing for presentation of cases-in-chief.	March 15, 16, 17, & 18, 2022, 9:00 a.m., and additional dates as necessary.
Phase 1B Hearing for presentation of rebuttal.	April 5 & 6, 2022, 9:00 a.m., and additional dates as necessary.

PRE-HEARING CONFERENCE

The pre-hearing conference will address the following issues:

1. What deadline should the hearing officer set for parties to submit exhibits and testimony for the Phase 1B hearing?
2. What hearing dates should the hearing officer set for the Phase 1B hearing?
3. Should the hearing officer require the submission of rebuttal evidence in advance of the Phase 1B hearing? What deadline should the hearing officer set?
4. Should the hearing officer set deadlines for the submission of written evidentiary motions in advance of the Phase 1B hearing? What deadline should the hearing officer set?
5. Should the AHO include all or some portion of the evidentiary record for Phase 1A in the evidentiary record for Phase 1B?
6. Are there any other procedural issues concerning the Phase 1B hearing that the participants want raise? If so, what are those issues?

Parties do not need to file pre-hearing conference statements. If any party wants to file a pre-hearing conference statement, then the party shall file the pre-hearing conference statement with the AHO, and serve copies of it on the other parties listed in the attached service list, by the deadline listed in this notice. After the deadline to submit pre-hearing conference statements, the AHO will post the statements on the Water Board AHO FTP site (FTP site) in the folder for this matter.

After the pre-hearing conference, the hearing officer will issue an amended hearing notice for Phase 1B that will set additional hearing dates, a deadline for submission of exhibits, and other procedural deadlines.

NOTICES OF INTENT TO APPEAR

Any person or entity that wants to participate in hearing Phase 1B in this matter must file a Notice of Intent to Appear (NOI) with the AHO, using the form in this notice, before the deadline listed in this notice. The AHO encourages parties to agree to accept electronic e-mail service of all documents regarding this hearing. If a party is not willing to do this, then the party may check the appropriate box on the NOI form. Parties not agreeing to accept electronic service of documents will experience delays as paper copies of documents are transmitted by U.S. Mail. If this box is not checked, then the AHO will assume that the party agrees to accept electronic service. After the deadline to submit NOIs, the AHO will post the NOIs on the FTP site in the folder for this matter. Parties will have the opportunity to submit an amended NOI to update information provided in this initial NOI for Phase 1B.

Date: January 25, 2022

SIGNATURE ON FILE
Nicole Kuenzi, Hearing Officer

Attachments:
-Service List

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