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## State Water Resources Control Board

### PROCEDURAL RULING AND NOTICE **CANCELING** STATUS CONFERENCE

The State Water Resources Control Board  
Administrative Hearings Office  
cancels the status conference for hearing **Phase 1B**  
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.

**The status conference previously scheduled for  
June 8, 2022, at 9:00 am, is CANCELED.**

The State Water Resources Control Board's (State Water Board or Board) Administrative Hearings Office (AHO) held the case-in-chief portion of the Phase 1B hearing in this matter on May 2 through May 10, 2022. On May 10, the hearing officer issued a procedural ruling and notice of status conference. The hearing officer set a status conference for June 8 to address procedural or evidentiary matters that may be raised by the parties or the hearing officer. The hearing officer directed any party that had a procedural matter that it would like the hearing officer to address during the status conference to submit a request briefly describing the issue to the AHO in writing, copied to the service list, by 5 p.m. on June 6.

On June 6, Buena Vista Water Storage District (Buena Vista) submitted a status conference statement to the AHO asking the hearing officer to address four procedural issues. The hearing officer is addressing these procedural issues in this ruling and **cancels** the status conference scheduled for June 8.

## **PROCEDURAL RULING**

### *1. Order of Presentation on Rebuttal.*

The parties will present their rebuttal cases in the following order: (1) Kern Water Bank Authority (KWBA), (2) Buena Vista, (3) Kern County Water Agency, (4) North Kern Water Storage District, and (5) Tulare Lake Basin Water Storage District.

### *2. Protocol for Parties to Disclose the Order of Witnesses.*

Each party shall submit in writing to the AHO, copied to the service list, the order in which it plans to call its witnesses, by **5 p.m. on Thursday, June 16, 2022.**

### *3. Time for Oral Presentation by Parties' Witnesses.*

In its status conference statement, Buena Vista asked for confirmation that the parties will be allowed 120 minutes for oral-presentation of summaries of their witnesses' rebuttal testimony. On rebuttal, the parties' evidence is limited in scope to responding to case-in-chief evidence presented by the other parties, so the general topics have already been addressed during the case-in-chief portion of the hearing. In addition, the hearing officer has read the written testimony of all of the rebuttal witnesses and associated technical reports. Therefore, the hearing officer will allow each party no more than **80 minutes** to present oral summaries of all of its witnesses' written rebuttal testimony. This time may be allocated among the parties' rebuttal witnesses, but the hearing officer encourages parties to limit each individual witness' testimony to no more than 20 minutes unless the testimony is particularly technical or complex.

### *4. Schedule for Opposition to KWBA's Motion for Reconsideration.*

On June 6, 2022, KWBA filed a motion for reconsideration of the hearing officer's ruling regarding Dr. Jeffrey Davids' purported reliance on case-specific testimony. The parties may file responses to this motion by the deadline for responses to other evidentiary motions: **June 10, 2022, at 12:00 p.m.**

## **HEARING SCHEDULE AND DEADLINES**

<b>Deadlines / Schedule</b>	<b>Date and Time</b>
Deadline for parties to file responses to written evidentiary motions and KWBA's motion for reconsideration.	<b>June 10, 2022, 12:00 p.m.</b>
Deadline for parties to submit order of witnesses.	<b>June 16, 2022, 5:00 p.m.</b>
Phase 1B Hearing for presentation of rebuttal evidence.	<b>June 20-24, 2022, 9:00 a.m.</b>

Date: June 7, 2022

SIGNATURE ON FILE  
Nicole Kuenzi, Hearing Officer

Attachments:  
-Service List

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