

State Water Resources Control Board

**TWELFTH AMENDED NOTICE OF PUBLIC HEARING AND
PROCEDURAL RULING**

The State Water Resources Control Board
Administrative Hearings Office is holding
a Public Hearing on the pending Petitions for Change of Water Right
Permits 16478, 16479, 16481, and 16482
(Applications 5630, 14443, 14445A, and 17512, respectively) of the

Department of Water Resources.

Protestants' rebuttal portion of the Public Hearing
will continue on **July 8, 2026.**

The surrebuttal portion of the Public Hearing will begin on
August 20, 2026, and continue on
August 21, 24, 31, and September 3, 2026.

All hearing days will begin at 9:00 a.m.
and will be held by Zoom Webinar, unless otherwise indicated.
Representatives of parties will receive an individual invitation to join the hearing
by e-mail from Zoom.

LIVE STREAMING:

Parties or interested members of the public who would like to watch this hearing without participating may do so through the Administrative Hearings Office YouTube channel at: bit.ly/aho-youtube.

LANGUAGE SERVICES AND ACCESSIBILITY:

This hearing will be conducted in English. To request translation of a written document, interpretation services for the hearing, or sign language services, please use one of the following options at least **two weeks before the hearing date**.

- Submit a [Language Services Request online](#)
- Call (916) 341-5254
- E-mail languageservices@waterboards.ca.gov

Users of a Telecommunications Device for the Deaf (TDD) may contact the California Relay Service at (800) 735-2929 or the teletype (TTY) voice line at (800) 735-2922.

PURPOSE OF HEARING

The State Water Resources Control Board (State Water Board or Board) Administrative Hearings Office (AHO) is conducting a public hearing about the Delta Conveyance Project. The purpose of the hearing is to gather evidence that the State Water Board will consider to determine whether to approve change petitions filed by the Department of Water Resources (DWR or Petitioner) to add two new points of diversion and rediversion to water right Permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively) and, if so, terms and conditions the Board should include in the amended permits.

BACKGROUND

On February 22, 2024, the State Water Board's Division of Water Rights received petitions for change from DWR to add two new points of diversion and points of rediversion to water right Permits 16478, 16479, 16481, and 16482, which are associated with the State Water Project. The proposed new points of diversion and points of rediversion would consist of screened intakes 2.3 miles apart located on the lower Sacramento River between Freeport and Sutter Slough. The proposed new intakes are part of the Delta Conveyance Project, which would allow DWR to divert water from the Sacramento River in the northern portion of the Sacramento-San Joaquin Delta Estuary (Delta) and convey the water through a tunnel to existing water distribution facilities in the southern Delta. A more detailed description of the Delta Conveyance Project and the associated petitions for change can be found in the July 31, 2024 Notice of Public Hearing.

This hearing is being conducted in accordance with the procedural requirements in the July 31, 2024 Notice of Public Hearing as amended by subsequent rulings and notices.

PROCEDURAL RULING

On April 30, 2026, Local Agencies of the North Delta (LAND) filed subpoenas duces tecum seeking testimony and documents from employees of DWR about golden mussel. (See 2026-05-15 Exhibit A to Motion to Quash.) On May 15, 2026, DWR filed a motion to quash the subpoenas and for issuance of a protective order by the AHO. I granted DWR's motion on June 5, 2026, based on the lack of substantive testimony or other evidence submitted during the case-in-chief phase about golden mussel. As a result, any testimony or documents obtained through the subpoena would be outside of the scope of proper rebuttal evidence. (2026-06-05 Procedural Ruling on Motion to Quash, p. 2.) I further concluded that an offer into evidence of any relevant documents obtained through the subpoena would be untimely because the deadline for submission of rebuttal exhibits had passed. (*Id.* at pp. 2-3.)

On June 12, 2026, LAND filed a motion for reconsideration of the procedural ruling. LAND asserts that the subpoena was timely filed and that the information sought is relevant to the hearing issues. LAND does not, however, address the lack of substantive case-in-chief evidence about golden mussel to be rebutted. "Rebuttal

evidence is limited to evidence that is responsive to an opposing party's exhibits or witness testimony previously submitted in this hearing. Parties' rebuttal exhibits and witness testimony must clearly indicate the opposing-party evidence to which the rebuttal evidence is responsive." (2025-10-22 Eighth Amended Hearing Notice and Procedural Ruling, p. 3.) Because any evidence regarding golden mussel would be improper rebuttal evidence, LAND's motion for reconsideration is denied.

HEARING SCHEDULE AND DEADLINES

The AHO is scheduling **July 8, 2026**, as an additional hearing day for the portion of the hearing addressing Deirdre Des Jardins' rebuttal testimony, and **August 31 and September 3, 2026**, as additional hearing days for surrebuttal. The following schedule also sets deadlines for the Protestants' written offer of rebuttal exhibits into the evidentiary record, which may be by e-mail identifying the numbers of the exhibits offered, and deadlines for evidentiary objections and responses to those objections.

I expect to discuss and set page limits for closing briefs and a schedule for submission of initial closing briefs and response briefs during the hearing in August. The parties shall meet and confer regarding page limits and schedule prior to the start of surrebuttal and be prepared to share a proposal during the hearing on August 20, 2026.

Deadlines / Schedule	Date and Time
Hearing on Protestants' rebuttal testimony.	July 8, 2026, starting at 9:00 a.m.
Deadline for written offer of rebuttal exhibits into the evidentiary record by Protestants.	July 9, 2026.
Deadline for Petitioner and aligned parties to submit surrebuttal exhibits and updated exhibit identification indices.	July 24, 2026.
Deadline for Petitioner and aligned parties to submit any objections to rebuttal evidence offered by Protestants.	August 12, 2026.
Hearing on Petitioner's and State Water Contractors' surrebuttal testimony.	August 20, 21, 24, & 31, and September 3, 2026, starting at 9:00 a.m.

Deadline for Protestants to respond to objections to Protestants' rebuttal evidence.

September 17, 2026.

Date: July 01, 2026



Nicole L. Kuenzi
Presiding Hearing Officer
Administrative Hearings Office
State Water Resources Control Board

Attachments:

- Attachment 1 - Service List

**ATTACHMENT 1
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