
State Water Resources Control Board

STATUS CONFERENCE RULING

The State Water Resources Control Board
Administrative Hearings Office
issues this status conference ruling
on the pending Petition for Assignment of State-Filed Application 5634
and accompanying water-right Application 5634X01 of

Nevada Irrigation District

and the pending Request for Releases from Priority of State-Filed Applications 5633
and 5634 in favor of water-right License 11120 (Application 10221) of

South Sutter Water District.

The petition, application, and related documents all concern
the Bear River in Placer and Nevada Counties.

BACKGROUND

On July 7, 2021, the Administrative Hearings Office (AHO) of the State Water Resources Control Board (State Water Board or Board) issued a Notice of Status Conference regarding Nevada Irrigation District's petition for assignment of state-filed Application 5634 and accompanying water-right Application 5634X01 and South Sutter Water District's request for releases from priority of state-filed Applications 5633 and 5634 in favor of water-right License 11120 (Application 10221). Additional background information about Nevada Irrigation District's proposed project, petition for assignment, and application for a permit to appropriate water, and South Sutter Water District's request for releases from priority, are described in the July 7 notice.

The AHO held status conferences in this matter on August 31, 2021, January 18, 2022, July 20, 2022, and October 5, 2022.

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Nevada Irrigation District (NID) and South Sutter Water District (SSWD) indicated in their September 21, 2022 joint status conference statement that they have met on multiple occasions since the end of 2021 in an attempt to resolve the issues raised in their respective water-right filings, including SSWD's request for releases from priority of State-Filed Applications 5633 and 5634 in favor of SSWD's water-right License 11120

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

(Application 10221). NID and SSWD stated that, while significant progress has been made, they have been unable to reach a complete and final resolution. SSWD requests that the AHO schedule a hearing on its request for releases from priority independent of any proceeding on NID's petition for assignment of State-Filed Application 5634 and accompanying water-right Application 5634X01.

As discussed during the status conference on October 5, 2022, the hearing officer is considering whether to schedule a hearing on SSWD's request for releases from priority before conducting any hearing on NID's petition for assignment and water-right application. NID's petition and water-right application may not be ripe for a hearing for several years because NID is conducting additional planning and, in addition to providing other information in support of its water-right application, must prepare and certify an environmental review document under CEQA.

The hearing officer invites SSWD, NID, and all other parties and interested persons participating in this proceeding to submit written briefs on one or more of the following questions:

1. Should the hearing officer schedule a hearing to consider SSWD's request for releases from priority of State-Filed Applications 5633 and 5634 in favor of SSWD's water-right License 11120 (Application 10221) before holding any hearing on NID's petition for assignment of State-Filed Application 5634 and accompanying water-right Application 5634X01? If so, when should the AHO hold the hearing on SSWD's request for releases from priority?
2. Alternatively, should the hearing officer conduct a hearing on SSWD's request for releases from priority of State-Filed Applications 5633 and 5634 at the same time as conducting any hearing on NID's petition for assignment of State-Filed Application 5634 and Application 5634X01?
3. Are there shared legal or factual issues that would likely need to be addressed during any hearing on SSWD's request for releases from priority and any hearing on NID's petition for assignment and water-right application?

Optional written briefs addressing these questions shall be no more than 15 pages, double-spaced, and should be submitted to the AHO by **December 5, 2022, at 12:00 p.m.**, and copied to the service list. The hearing officer encourages parties and interested persons whose interests are aligned to submit joint briefs. Parties and interested persons may submit briefs in response to the initial briefs. These response briefs shall be no more than 5 pages, double-spaced, and should be submitted to the AHO by **December 19, 2022, at 12:00 p.m.** and copied to the service list.

SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline to file optional written briefs with the AHO about when the hearing officer should schedule a hearing on SSWD's request for releases from priority.	December 5, 2022, at 12:00 p.m.
Deadline to file optional response briefs with the AHO about when the hearing officer should schedule a hearing on SSWD's request for releases from priority.	December 19, 2022, at 12:00 p.m.

October 18, 2022

/s/ Nicole L. Kuenzi
Nicole Kuenzi, Hearing Officer

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