
State Water Resources Control Board

NOTICE OF STATUS CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
will hold a status conference on the
court reference to the Board
pursuant to Water Code sections 2000 and 2001 in

***South Feather Water and Power Agency
v. North Yuba Water District,
Sutter County Superior Court, Case No. CVCS25-0002726.***

The Status Conference will be held
on **November 16, 2026, at 9:00 a.m.**

and will be held by Zoom Webinar.
Representatives of parties will receive an individual invitation to join the
status conference by e-mail from Zoom.

LIVE STREAMING:

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

LANGUAGE SERVICES AND ACCESSIBILITY:

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

COURT REFERENCE

On May 11, 2026, the Sutter County Superior Court, in the matter of *South Feather Water and Power Agency v. North Yuba Water District*, Case No. CVCS25-0002726, issued an Order of Reference to the State Water Resources Control Board (State Water Board or Board) pursuant to Water Code sections 2000 and 2001 for investigation and preparation of a report regarding a request for declaratory relief by South Feather Water and Power Agency (SFWPA). SFWPA seeks a declaratory judgment that North Yuba Water District (NYWD) has forfeited its right to the use of 14,851.83 acre-feet of water under water right Permits 11516 and 11518 due to non-use.

The State Water Board has directed the Administrative Hearings Office (AHO) to conduct this status conference to assist in identifying an appropriate procedure and schedule for conducting the investigation and preparing the report as ordered by the court. The Board will determine after the status conference whether to assign the matter in whole or in part to the AHO to conduct an evidentiary hearing and prepare a report of referee. If the matter is so assigned, the AHO will provide additional information to the parties about the AHO's procedures for conducting hearings.

STATUS CONFERENCE

The AHO will hold a status conference on the date and at the time specified on the first page of this notice. The AHO will hold this status conference by Zoom teleconference without any in-person appearances. The AHO will not retain a court reporter for the status conference. Any party may arrange for a court reporter at the party's own expense.

The purpose of the status conference is to discuss any threshold issues that may affect disposition of the matter, identify in general terms the extent of factual and legal issues in dispute, discuss the need for an evidentiary hearing or other process to address disputed issues, and generally identify a timeline for resolution.

The AHO hearing officer requests that the parties be prepared to address the above items and the following issues and questions during the status conference:

1. General background about the history of the proceeding and the factual and legal issues in dispute.
2. Pursuant to Water Code section 1241, must the State Water Board first make a finding that a permittee has failed to beneficially use all or a portion of its right for which a right of use has vested before a court may find that the vested portion of the right has been forfeited, either in whole or in part?
3. How do the pending petitions for extension of time for NYWD to beneficially use water under Permit Nos. 11516 and 11518 relate to the declaration of forfeiture sought by SFWPA? Should the Board consider action on the petition for extension

of time in conjunction with any investigation, report, or hearing on the issues referred by the court?

4. Are there disputed issues of material fact that should be addressed through a public hearing to be conducted by the State Water Board, to develop an evidentiary record on which the Board's report to the court would be based? Do the parties seek to present testimony and conduct cross-examination, or might the proceeding be conducted "on the papers"? Or is some other procedure appropriate?
5. If the Board conducts a hearing, what deadlines for submission of case-in-chief evidence and rebuttal evidence, and hearing dates, do the parties propose? How many days of hearing should the Board schedule?
6. Any other procedural matters that the parties seek to raise.

NOTICES OF INTENT TO APPEAR AND UPDATED SERVICE LIST

Party representatives who will be participating in the status conference must file a Notice of Intent to Appear (NOI), using the form in this notice, with the AHO before the deadline listed below. Party representatives must include an e-mail address to receive a link to participate in the Zoom Webinar. Each representative who wants to participate in the status conference should include an e-mail address to receive an individual link.

If you want to be included on the service list as a party representative but will not be participating in the status conference, please advise the AHO in writing using one of the methods listed below. The AHO will prepare an updated service list, as necessary, based on the NOIs and any requests to be included on the service list for this matter.

STATUS CONFERENCE STATEMENTS AND SCHEDULE

On or before the deadline listed below, each party may file a status conference statement (optional, but suggested) that addresses the issues listed above as well as any other issues they believe are relevant.

NOI and Status Conference Deadlines and Schedule

Deadline for filing NOIs and status conference statements.	November 10, 2026, 11:59 p.m.
Status conference date and time.	November 16, 2026, 9:00 a.m.

SUBMITTAL OF DOCUMENTS TO AHO AND OTHER PARTIES

All documents submitted to the AHO, including NOIs and status conference statements, shall be addressed and submitted by one of the following methods:

E-mail (preferred method for documents other than exhibits):

AdminHrgOffice@waterboards.ca.gov
with subject line "North Yuba Court Reference"

By Mail:

State Water Resources Control Board
Administrative Hearings Office
P.O. Box 100
Sacramento, CA 95812-0100

Overnight Delivery:

Joe Serna Jr. CalEPA Building
Administrative Hearings Office
c/o Water Rights Records Unit
1001 I Street, 2nd Floor, Room 114
Sacramento, CA 95814

PROHIBITION ON EX PARTE COMMUNICATIONS

While this proceeding is pending, ex parte communications between any party, party representative, or interested person and the hearing officer, any member of the hearing team, or any State Water Board member are prohibited. Ex parte communications include any type of communication regarding this proceeding that occurs between a party or interested person and the hearing officer, a member of the hearing team, or a State Water Board member without notice and an opportunity for all parties to participate. (See Wat. Code, § 1110, subd. (c); Gov. Code, §§ 11430.10–11430.80.) Additional information about ex parte communications is in response number 16 of the AHO's FAQ posted at bit.ly/aho-faq.

If any party or interested person wants to communicate with any member of the hearing team, the hearing officer, or any Board member, at any time while this proceeding is pending regarding any potentially controversial procedural or substantive issue then that party or interested person shall make such communication in writing (by e-mail or letter) and, except as otherwise provided in this notice, shall serve all other parties on the service list for this proceeding with copies of the communication and include a proof of

service demonstrating such service of the written communication to the AHO. Until the AHO issues an updated service list, parties must use the mailing list attached to this notice to serve such copies. A party may provide this proof of service through a formal proof of service or by other verification. For e-mails, the verification shall be a list of the e-mail addresses of the parties or their representatives in an electronic mail “cc” (carbon copy) list. For letters, the verification shall be a list of the names and mailing addresses of the other parties or their representatives in the cc portion of the letter. Any such communication shall be sent to the AHO using the e-mail or physical addresses provided in the “Submittal of Documents to AHO and Other Parties” section above.

Please do not attempt to communicate by telephone or in person with any AHO staff or any hearing team member regarding any procedural or substantive issue concerning this proceeding, because other parties would not be able to participate in such communications. If oral communications with any members of the hearing team are necessary to discuss any potentially controversial procedural or substantive issue, then the AHO will set up a conference call in which representatives of all parties may participate. Any party may request such a conference call at any time using the written communications protocols described above.

AHO WEBPAGE AND NOTICES

Subject to legal limitations, including the requirements for internet website accessibility in Government Code section 11546.7, the AHO will post all of its notices and other AHO documents regarding these proceedings on the AHO’s internet webpage at bit.ly/4rb5tVU hearings_office/

Any interested person may sign up to receive all AHO notices at https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

LIVE-STREAM AND RECORDING

The hearing will be live-streamed through the AHO’s YouTube channel, accessible by clicking on the link provided below. After the conclusion of the hearing, a recording of the YouTube live-stream session will be available on the AHO’s YouTube channel. These recordings will include automatic captions for accessibility. The live-stream and recordings may be accessed at the following link by clicking on “Live” and “Videos,” respectively: bit.ly/aho-youtube.

PROCEDURES FOR PARTIES TO PARTICIPATE IN THE STATUS CONFERENCE

This status conference will be conducted by Zoom Webinar. The AHO has registered each person on the service list for the proceeding as an “Attendee” of the conference using the e-mail address on the service list. The Zoom Webinar service will generate an individual link for each Attendee that will allow the Attendee to join the conference. The Zoom service will send an e-mail containing the link to the e-mail address used to register

the Attendee. This link is specific to the named person and should not be shared with other users. The same link cannot be used to access the Zoom webinar on more than one device. If you are a party representative who is on the service list and you have not received an individual link for the conference at least 24 hours prior to the start of the conference, please first check your junk or spam mail folders, and then e-mail the AHO at: AdminHrgOffice@waterboards.ca.gov

To join the conference, participants should click the individual blue “Join Webinar” link sent by e-mail by the Zoom service. Participants will not be able to use a phone line to call in to the conference but may use the Zoom app to join using a smartphone. AHO staff will admit Attendees into the virtual hearing room, which will be referred to by the Zoom software as a webinar. Attendees will be able to see and hear video tiles of the hearing officer and other AHO staff but will not be able to turn on their own camera or microphone features when the conference begins. The hearing officer will call for appearances from each of the parties. When the hearing officer calls for the appearance of the representative or representatives of a party, representatives should raise their virtual “Zoom” hand to identify themselves for AHO staff. Representatives may need to agree to a pop-up window from Zoom that asks if they would like to be elevated to “Panelist” status. Panelists may unmute their own microphone, activate their own video, and take other actions as necessary to participate in the conference.

During the conference, AHO staff may change the status of participants who are not actively involved in that portion of the hearing to “Attendee” status. An Attendee may raise his or her virtual “Zoom” hand to gain the attention of the hearing officer and the hearing officer will call on the representative and unmute the representative’s microphone. If you do not plan to speak during the conference, please do not attend the Zoom Webinar and instead view the live-stream on the AHO’s YouTube channel: bit.ly/aho-youtube

Date: October 23, 2026



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

Attachments:

- Attachment 1 – Notice of Intent to Appear Form
- Attachment 2 – Preliminary Service List

ATTACHMENT 1

**State Water Resources Control Board
Administrative Hearings Office**

NOTICE OF INTENT TO APPEAR

I/we, _____ (please print), plan to participate in the conference indicated below:

Status conference regarding the pending court reference in
South Feather Water and Power Agency v. North Yuba Water District,
Sutter County Superior Court, Case No. CVCS25-0002726,
to be held on November 16, 2026, at 9:00 a.m.

Please fill in the following information of the participant, party, attorney, or other representative:

Your Name (type or print): _____

Name of Represented Party (if applicable): _____

E-mail Address: _____

All service of materials in this matter will be provided electronically, in keeping with the contact information provided by the court and reproduced in the preliminary service list (see Attachment 1), unless a party presents good cause as to why they cannot accept electronic service.

Please e-mail this completed form to adminhrgoffice@waterboards.ca.gov.

ATTACHMENT 2

SERVICE LIST

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Administrative Hearings Office

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