

**Requested Action:**

Receive an update on status of the development of the Authority's water right permit application, including approach for the water availability analysis.

**Detailed Description/Background:**

Staff and the water right team have been working diligently to prepare the water right application for the Project. The team has been focused on the following:

- Place of Use and Points of Rediversion – The team continues to make adjustments to the place of use and points of rediversion based on discussions with member agencies and Reclamation. A revised Place of Use and Points of Diversion/Rediversion Map is provided as Figure 1. Revisions will continue to be made to reflect continued discussions. The proposed place of use largely overlaps the SWP and CVP place of use. However, the proposed place of use incorporates portions of our member service areas that may lay outside of the CVP and SWP place of use and is narrower than the CVP and SWP place to use north of the Delta to reflect only those areas that can physically receive water from Sites Reservoir.
- Water Availability Analysis – The team has developed an approach and outline for the water availability analysis. The water availability analysis must demonstrate a “reasonable likelihood” of water available for appropriation by the Project. The team is proposing a dual approach for the analysis. One component of the approach would use the results of the CalSim II modeling reflected in the RDEIR/SDEIS with consideration for and coordination with the Biological Assessment and ITP application. This approach incorporates real-time operations components, existing environmental requirements, and changes in hydrologic variability. The second component of the approach is a historical analysis. The historical analysis looks at historical stream gage data, existing flow requirements, the “face value” of post-1914 water rights (i.e., permitted as opposed to actual use), reported use for pre-1914 and riparian water rights along with the Project's proposed bypass flow criteria. This historical analysis is more conservative in that it assumes that water right holders fully execute their rights up to the face value every year. Both approaches to the analysis are underway and the water rights team is currently discussing the approaches and document outline with State Board staff.

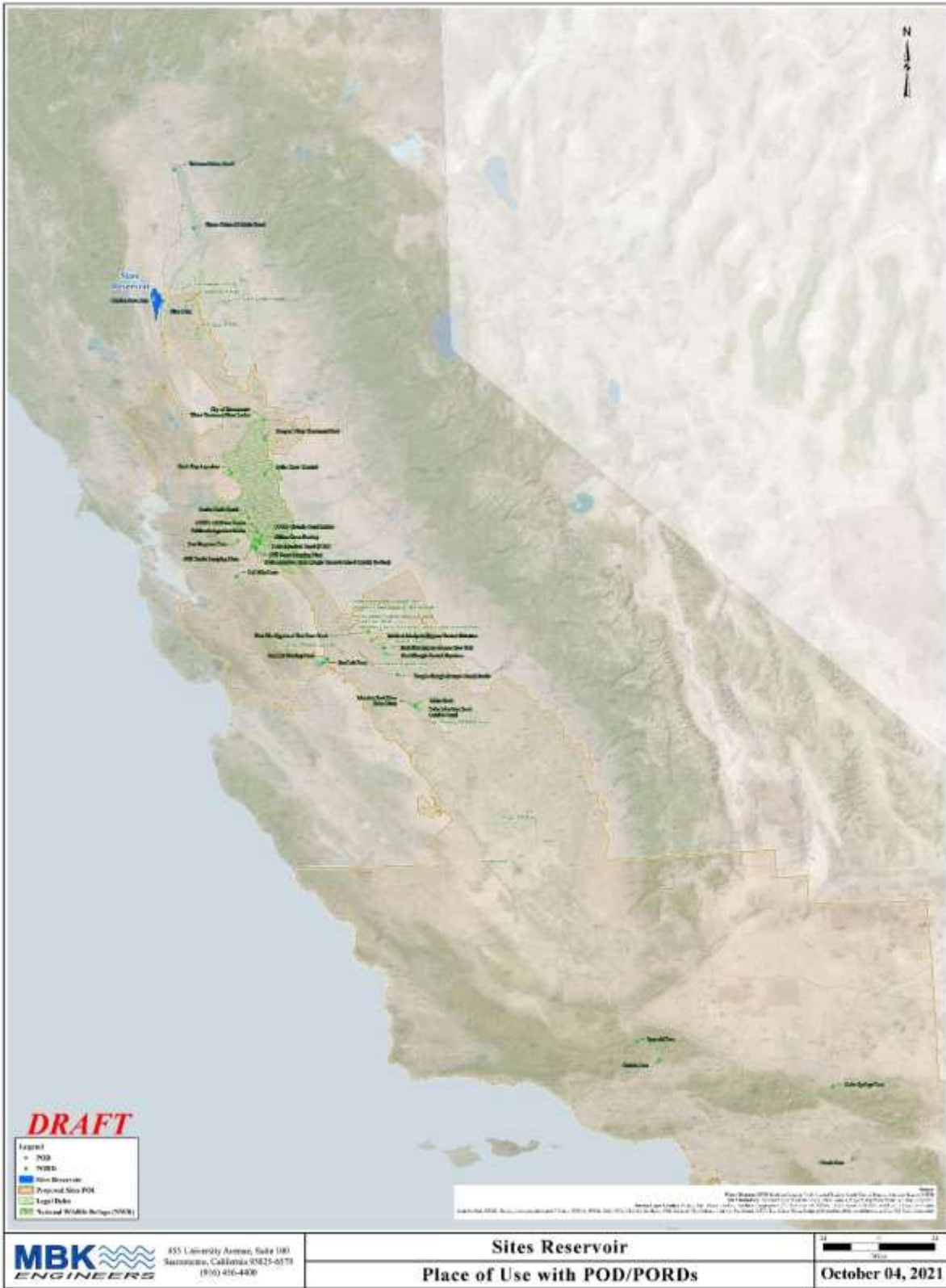


Figure 1. Proposed Place of Use and Points of Diversion/Points of Rediversion

- Preparing for Discussions with Other Water Right Holders – The water rights team has begun meeting with other larger water agency water right holders who may have questions on the Project’s water right approach or water right application. These meetings are intended to proactively address any concerns and establish early relationships to ensure concerns are raised early and resolved to avoid formal protests where possible which presumably will speed the approval process. Additional meetings are planned for November and December.

The team continues to also prepare sections of the application itself and meets monthly with SWRCB staff for guidance. Submittal of the application has been delayed approximately 1 month (to end of January 2022) due to the need for additional modeling analysis resulting from discussions with CDFW and Reclamation.

**Prior Authority Board Action:**

May 2021: Received an update on the fundamental elements of the water right application being prepared for submittal to the State Water Resources Control Board.

**Fiscal Impact/Funding Source:**

None.

**Staff Contact:**

Ali Forsythe

**Primary Service Provider:**

Somach Simmons & Dunn along with MBK Engineers

**Attachments:**

None