

Reservoir Committee Meeting

Agenda Item 2.1: MOU with Colusa County
Regarding County of Origin Water Right Claims

November 19, 2021



Agenda

- State Assignment and County of Origin Considerations
- Proposed MOU Terms with Colusa County
- Requested Action

- For the purposes of this discussion –
 - Creeks = Funks and Stone Corral creeks
 - Inflows = Inflows from Funks and Stone Corral creeks
 - Releases = Releases into Funks and Stone Corral creeks

State Assignment and County of Origin Considerations

- Project water right application is anticipated to
 - Request assignment of previously filed State application
 - Request releases from priority of two previously filed State applications
- State Water Board may not release from priority, or assign, a state-filed application, when, in its judgment, it would deprive the county in which the water covered by the application originates of water necessary for development of the county (Wat. Code, 10505.)
- Colusa County's desire is to not move creek water outside of the region
- Staff proposing the Authority enter into a MOU with Colusa County to address concerns and county of origin finding

Summary of MOU Terms

- Sites Authority will generally:
 - Measure/quantify inflows from the creeks
 - Allocate net flows from creeks to the County's Storage Allocation
 - Net flows = Inflows from creeks minus any releases into the creeks downstream of the Project that are required to meet applicable laws
 - Allocate evaporation and seepage losses to County's Storage Allocation (including creek water) in a manner consistent with all other water
- County will generally:
 - Have available Storage Allocation, including leased storage to store net creek flows
 - When no available Storage Allocation, net inflows allocated to all other Storage Partners consistent with Storage Principles
 - Will use creek water consistent with Authority's water right and environmental approvals

Summary of MOU Terms (cont)

- With these terms –
 - County agrees to not pursue county of origin water rights to Funks and Stone Corral creeks for as long as the Project is in development and operation
 - County will provide a letter to SWRCB supporting Sites water right application
 - County will make reasonable efforts to secure Glenn County's concurrence and support letter and enter into any agreement with Glenn County to address any county of origin concerns
 - County will make reasonable efforts to work with any other party to address county of origin concerns on the creeks

Effects to Other Members

- Do not see any impacts or effects to other Project members
 - Creek inflows not accounted for in the CALSIM modeling
 - does not reduce yield to other members

Action Requested

- Authorize the Executive Director to execute a MOU with Colusa County regarding county of origin water right claims to Funks and Stone Corral Creeks consistent with the proposed terms

Questions?