

Joint Authority Board and Reservoir Committee Meeting

Agenda Item 2.2: Project's Water Right
Application

March 18, 2022



Requested Action

- Consider authorizing the Executive Director to submit the Project's water right application for a Sites water right to the State Water Resources Control Board including associated application fee

Five Key Components to Application

- Five key components of the application
 - Project-specific Terms and Conditions – Today
 - Water Availability Analysis – Today
 - POU and PORs – Completed
 - Diversion Criteria – Completed
 - Basic Project information – Completed

State Filing – Petition to Assign

- Petition to amend and assign State Filing A025517 (Colusa Reservoir)
 - Priority date of 9/30/77
- Request release from priority
 - A025514 (Glenn Reservoir)
 - A025513 (Glenn Reservoir - power)
- Sites water right application is for diversion of Sites water only – no diversions of CVP or SWP water is included in water right
 - Some Sites water is provided to Reclamation as an investor
 - Sites is not applying for a water right to divert or redivert Trinity River water

Proactively Addressing Concerns – Project-Specific Terms

- Project-specific Terms and Conditions
 - Winter Water Rights
 - Subordinates diversions to the specific water rights dated post 9/30/1977
 - Funks and Stone Corral Creek Flows
 - Provides a process for addressing CA Fish and Game Code 5937
 - Diversion Criteria
 - Requires diversions be made in compliance with Project's Incidental Take Permit
- Will be included in our application to proactively address issues and avoid protests

Proactively Addressing Concerns – Standard Terms

- Will include these in our application
 - Term 90, Reduction of Diversion Season
 - Subject to prior rights; during some years, water will not be available for diversion during portions or all of the season authorized
 - Term 91, Inbasin Entitlements
 - No diversion authorized when satisfaction of inbasin entitlements requires supplemental releases by CVP and SWP
 - Term 96, Reserved Jurisdiction for Bay-Delta Plan Amendments
 - SWRCB reserves jurisdiction to amend water right to establish new and modified Bay-Delta Plan
 - Term 70, Compliance Plan (mandatory)
 - Compliance Plan required identifying how water right holder will comply with the terms and conditions of water right
- List is not exhaustive of what we expect in the permit. More will come in during the protest resolution process and at final permit issuance

Water Availability Analysis – Requirements and Approach Overview

- Projects seeking to appropriate water must demonstrate a “Reasonable likelihood of water available for appropriation”
- Three approaches
 - Historical
 - CalSim II
 - Face Value

Reasonable Likelihood of Water Available for Appropriation

| Approach | Result Take-away | Annual Average Available (acre-feet per water year) |
|---------------------|---|---|
| Historical Analysis | Water available in all year types* and 20 out of 22 years in analysis | 860,800 AF |
| CalSim II Model | Water available in all year types and all but three out of 82 years in analysis | 1,500,000 AF |
| Face Value Analysis | Water available mainly in wet and above normal years, and about half of years in analysis | 1,279,000 AF |

*Based on the Sacramento Valley Water Year Index (40-30-30 Index)

Water Availability Analysis – Overall Conclusions

- Robust and thorough analysis used three separate approaches with varying degree of conservatism
- All analyses indicate:
 - Reasonable likelihood of water available for Sites Project diversions
 - Additional water available beyond the Sites Project diversions
 - Sites is not taking ALL of the available water in the system

Balanced Approach

- Water available while:
 - Avoiding injury to other water right holders
 - Avoiding unreasonable harm to the environment
 - Establishing that the Project protects public trust resources and otherwise is in the public interest

Next Steps

- Finalize the application and submit with application fee
- Continue to meet with water districts, NGOs and others to discuss the application and address concerns

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