



Requested Action:

Receive a status update on the Project's Water Right application.

Detailed Description/Background:

Receiving a water right permit for the Project is a key item the Reservoir Committee and Authority Board have identified is necessary prior to entering into Project financing. Currently, receiving the Project's water right permit is a critical schedule activity and is expected to remain a key item to secure prior to financing along with several other critical pieces of information, approvals, and permits.

The Project's water right application to the State Water Resources Control Board (State Board) was submitted on May 11, 2022. As of August 12, the State Board continues to evaluate the Project's water right application and no decision on the completeness of the application has been made. The following are the key water right schedule milestones:

1. August 2022 – Board deems application complete and releases public notice of protest period (at least 60 days).
2. October 2022 – Deadline to submit protests.
3. November 2022 through April 2023 – Minimum 180-day protest resolution period.
4. May 2023 through February 2024 – Hearing preparation, conduct hearing, final decision and written permit issued. There may be latitude for the Board to expedite this process.

In light of the Governor's recent announcement of the state's water supply strategy for a changing climate, it can reasonably be expected that efforts will be made by state agencies to expedite the water rights process and the 21-month schedule shown here incorporates that assumption.

In order to expedite the overall process, the Authority has been and will continue to work to proactively understand and address concerns and collaboratively develop mutually agreeable solutions with interested parties.

Authority Staff will continue to work with State Board staff to move the Project's application forward expeditiously.

Prior Authority Board Action:

March 2022: Authorized the Executive Director to submit the Project's water right application for a Sites water right to the State Water Resources Control Board including the associated application fee.

Fiscal Impact/Funding Source:

None. The costs to prepare and respond with materials to State Board questions, resolve protests, and participate in the hearing process is currently budgeted for in Amendment 3.

Staff Contact:

Ali Forsythe

Primary Service Providers: Somach Simmons & Dunn and MBK Engineers

Attachments: None