



Meeting: **Reservoir Committee & Authority Board**
Agenda Item 2.2

March 22, 2024

Subject: **Actions to Resolve Water Right Application Concerns**

Requested Action:

Reservoir Committee and Authority Board consider authorizing the Executive Director to execute operations agreements with Maxwell Irrigation District (Maxwell ID) and Colusa Drain Mutual Water Company (Colusa Drain MWC).

Detailed Description/Background:

Maxwell ID: The Authority and Maxwell ID entered into a MOU in September 2023 to address Maxwell ID's concerns with the Authority's water right application. Last month, the MOU timeframe was extended from February 29, 2024 to April 30, 2024 to allow time for staff to develop an Operations Agreement with Maxwell ID to ensure that the Project will not impact Maxwell ID's ability to exercise its water rights. Staff have been working with Maxwell ID to prepare such an agreement, and a tentative agreement subject to Board approval has been reached and a final draft agreement has been prepared. Staff expects the Operations Agreement to be executed by the end of April. Key terms of the agreement include:

- A commitment by the Authority to avoid impacts to Maxwell ID's water rights and operations in the Authority's operations of Funks and Stone Corral Creeks.
- The Authority and Maxwell ID agree to closely coordinate their respective operations through implementation of Standard Operating Procedures that are attached to the Agreement. The SOP outline communications protocols, data sharing, and notification and coordination timelines.
- A commitment by the Authority to develop a Funks and Stone Corral Creeks Operations Plan that includes a technically feasible operations framework for Funks and Stone Corral Creeks to avoid impacts to Maxwell ID's operations and Maxwell ID's water right. The Operations Plan would be developed in coordination with Maxwell ID and other interests prior to diversion of water from the creeks to storage.
- The Agreement seeks to resolve operations questions and challenges at the lowest level possible in both organizations and identifies an elevation and dispute resolution process in the event that the Authority and Maxwell ID find they can not resolve concerns between the parties.

Colusa Drain MWC: Similar to Maxwell ID, the Authority has committed to entering into an Operations Agreement to ensure that water rights held by landowners within the MWC are not impacted by the Project. Staff recently initiated discussions with Colusa Drain MWC to prepare such an agreement. While discussions are early, the key terms of the agreement with Colusa Drain MWC are proposed to be the same as Maxwell ID. If this is not case, any material differences will be brought back to the Board for approval before they are agreed to. However, there is one known difference already. There will be a term committing the Authority to continued coordination with the Colusa Drain MWC on use of the Drain to convey Sites Water consistent with the principles established and adopted by the Board in Resolution 2023-01. Staff expects the Operations Agreement to be executed by the end of April.

Prior Action:

February 2024 – Amendment to the Maxwell Irrigation District (Maxwell ID) Memorandum of Understanding (MOU) to extend the MOU to April 30, 2024.

August 2023 – Reservoir Committee and Authority Board authorized the Executive Director to enter into a MOU with the Maxwell ID, subject to legal counsel review, regarding issues and concerns on the Sites water right application.

Fiscal Impact/Funding Source:

None. Activities to continue to resolve water right concerns and proceed through the water right application process can be accomplished within the revised Amendment 3 Work Plan amounts.

Staff Contact:

Ali Forsythe

Primary Service Provider:

Somach/MBK