



May 10, 2022

Mr. Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Sites Project Authority Application to Appropriate Water and Petitions for Partial Assignment and Releases from Priority

Dear Mr. Ekdahl:

The Sites Project Authority is pleased to submit the enclosed documents to complete its Application to Appropriate Water (Application) for the Sites Reservoir Project (Project). The Application form was prepared and submitted to the State Water Resources Control Board (State Board), Division of Water Rights via the Water Rights Online Forms (WROF) portal. In addition to the Application form submitted via WROF, enclosed are the following:

1. Signed Notice of Submittal;
2. Maps illustrating the place of use, points of diversion, points of rediversion, and other Project features (one original and one copy);
3. Maps showing Sites Reservoir, including contour intervals and an area-capacity table (one original and one copy);
4. Petition for Partial Assignment of State Filed Application A025517;
5. Petitions for Releases of Priority of State Filed Applications A025513, A025514, A025517 (Remaining), A022235, A023780, and A023781 in Favor of the Portion of State Filed Application A025517 Assigned to Sites Project Authority;
6. Checks in the amount of \$599,952 and \$15,000 to cover the Application fee, Petition for Assignment fee, and Petitions for Releases from Priority fees payable to the Division of Water Rights, State Water Resources Control Board; and
7. Check in the amount of \$850 to cover the fee payable to the California Department of Fish and Wildlife.

With the submittal of this cover letter, and accompanying documents, the Authority hereby requests partial assignment of State Filed Application A025517. Pursuant to Water Code Section 10504.01, the completed Application submitted via WROF, and the enclosed documents, are incorporated into the Petition for Assignment as the Authority's proposed completed Application.





The Application constitutes a responsible, balanced approach by demonstrating water is available while avoiding injury to other water right holders, avoiding unreasonable harm to the environment, and establishing that the Project protects public trust resources and otherwise is in the public interest as described below.

- **Avoiding Injury to Other Water Right Holders** – The Project includes numerous measures to avoid injury to other water right holders. A few of these include only diverting water when it is available over and above the amount required to satisfy senior demands and selected in-basin winter water rights, the Delta is in “Excess” conditions as defined in the Coordinated Operations Agreement of the Central Valley Project and State Water Project, and flows are available in excess of those needed to meet all applicable laws, regulations, biological opinions and court orders in place at the time of diversion.
- **Avoiding Unreasonable Harm to the Environment** – The Project includes several measures to avoid unreasonable harm to the environment and protect public trust resources. These include the Project’s revised diversion criteria, which are consistent with the California Department of Fish and Wildlife’s comments on the Project’s Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement. In addition, the Authority is also proposing to include Term 96, which recognizes the State Board’s reserved jurisdiction to amend the Authority’s water right to implement an updated Bay-Delta Plan.
- **Protects Public Trust Resources and Otherwise is in the Public Interest** – In addition to assisting our State in continuing to adapt to the realities of climate change, the Project protects public trust resources and otherwise is in the public interest because a significant portion of the Project’s storage space and annual water supplies will be used for the benefit of the environment. These supplies will help improve conditions for delta smelt, preserve the cold-water pool in Shasta, Oroville, and Folsom Reservoirs later into the summer months to support salmon development, spawning, and rearing, and improve Pacific Flyway habitat for migratory birds and other native species. Sites Reservoir provides a revolutionary water storage and management asset for the environment – allowing resources agency managers flexibility to decide how, and when, this water will be used for environmental purposes.

The Authority has completed a robust water availability analysis using three different analytical methods with varying levels of conservatism, and all methods show a reasonable likelihood of water available for the Project. The water availability analysis is not only a key component of the Application and water right permitting process, but also a key consideration of those entities and organizations investing in the Project. The three methods






demonstrate an annual average of approximately 871,000 acre-feet to 1,174,000 acre-feet of water available for the Project. Two of the analyses include environmental needs (the third is a theoretical analysis for which it is not possible to layer in environmental needs). The robust water availability analysis provides a baseline demonstration that there is water available for the Project.

Through its 2020 Strategic Plan, the Authority identified the values of trust and integrity, environmental stewardship, and proactive innovation. Based on these core values, the Authority has reached out to water agencies, regulatory agencies, and non-governmental organizations to discuss the Project's Application approach, identify concerns, and attempt to address those concerns proactively. As a result of the concerns raised during numerous meetings with various entities and organizations, the Authority's Application includes three project-specific terms and four standard terms. These are described in Section 5, Attachment 2 of the Application. By including these terms in its Application, the Authority is consenting to the State Board including these terms in the Project's water right permit. The Authority will continue to proactively understand and address concerns of interested parties with the intent to collaboratively develop mutually agreeable solutions.

Our State must move quickly to diversify our toolbox of water management measures in the face of our changing climate and the increasing frequency of vastly different weather conditions. Bold, transformative action is necessary to replace the decline in storage of our largest reservoir – the snowpack that our current water management system is largely built around. Sites Reservoir is a generational opportunity to effectuate this change for the benefit of all of California.

We appreciate the Division's consideration of the Application and encourage the Division to accept the Application based on the information provided. We look forward to the public noticing of the Application and are prepared to continue our efforts to work collaboratively to address concerns and resolve protests. We also look forward to working with the State Board as the Board processes the application and has any additional information requests in preparation for its final decision. If you have any questions, please contact me at (925) 260-7417 or jbrown@sitesproject.com or Alicia Forsythe at (916) 880-0676 or aforsythe@sitesproject.org.

Sincerely,



Jerry Brown
Executive Director





Enclosures

cc: Amanda Montgomery, Division of Water Rights
Justine Herrig, Division of Water Rights
Kristal Davis-Fadtke, California Department of Fish and Wildlife

