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May 22, 2026

**VIA ELECTRONIC MAIL ONLY**

Chair E. Joaquin Esquivel and Board Members Dorene D'Adamo, Sean Maguire, Laurel Firestone, and Nichole Morgan  
State Water Resources Control Board

Nicole L. Kuenzi  
Presiding Hearing Officer  
Administrative Hearings Office  
State Water Resources Control Board  
1001 I Street,  
Sacramento, CA 95814  
Email: [sites-wr-application@waterboards.ca.gov](mailto:sites-wr-application@waterboards.ca.gov)

Re: Written Comments on the Draft Decision and Draft Permit to Divert and Use Water on the Petition for Assignment of State-Filed Application 25517, Accompanying Water Right Application 25517X01, and Petitions for Release from Priority of State-Filed Applications 25513, 25514, 25517 (Unassigned Portion), 22235, 23780, and 23781 in Favor of Water Right Application 25517X01 of the Sites Project Authority

Dear Chairman Esquivel, Board Members, and Presiding Hearing Officer Kuenzi:

The Tehama-Colusa Canal Authority ("TCCA") is a joint powers authority whose members deliver that water from the Central Valley Project to more than 156,000 acres of farmland, rural communities, and wildlife refuges in Colusa, Glenn, Tehama, and Yolo Counties. Its mission is to secure, protect and develop dependable and affordable sources of water for its member entities, and to operate, maintain and deliver the works essential to deliver such water.

TCCA is also founding member of the Sites Project Authority ("Authority"). (Sites-047 at p. 2.) TCCA-operated facilities—including the Red Bluff Pumping Plant, Tehama-Colusa Canal, and Funks Reservoir—are lynchpins to the Authority's proposal to divert and redirect water to and from storage for more multiple beneficial uses. (AHO-314 [Operations Plan].) Numerous TCCA member agencies have invested in the project, including Colusa County Water District, Cortina Water District, Dunnigan Water District, Davis Water District, LaGrande Water District, and Westside Water District. (AHO-028.) The ongoing development of Sites Reservoir is of vital

interest to our members and region, and so we appreciate the opportunity to comment on the Administrative Hearings Office's ("AHO") Draft Decision and Permit on the Authority's petition for assignment, accompanying water right application, and petitions for release from priority.

TCCA joins in the comments submitted by the Authority, Reclamation District No. 108, and the Sacramento River Settlement Contractors regarding Terms 23, 29, 30, and 31. In brief, portions of the Draft Decision and Permit unnecessarily constrain the project's ability to provide the water supplies and regional benefits described in its application. TCCA urges the Board to allow the Authority the flexibility necessary to capture water during wet windows so it can serve farms, cities, refuges, rivers, and wildlife during dry years.

TCCA also has concerns that certain terms of the Draft Decision and Permit may unintentionally reduce the regional benefits of the project or result in redirected impacts to TCCA and its members. Specifically:

*1. Denial of the partial reassignment is not necessary to protect the Counties of Origin's claim to water for their development.*

The Draft decision denies the proposed partial reassignment on the grounds that the development of Sites Reservoir will deprive the Sacramento River basin of water necessary for its development. (Draft Decision at pp. 32–34.) While TCCA appreciates the AHO's attention to area of origin issues, there is no evidence that this partial assignment will result in that speculated harm. If operated as proposed in the Authority's application, Sites Reservoir offers an important drought resiliency tool for the region and State by capturing wet year flows for later release in drier periods. (AHO-005 at pp. 6–7.) This project offers the opportunity to develop water resources within Sacramento Valley for use within the Valley, which has the potential to benefit all users within the Valley, and is consistent with TCCA's mission to secure and protect sources of water for its Sacramento Valley members. (*Id.* [describing bolstering supplies for numerous North-of-Delta participants].) The project proposes to dedicate 244 thousand acre-feet of reservoir storage to the environmental uses, like supplementing flows to meet Delta outflow requirements and prevent seawater intrusion and supplying wildlife refuges, offering additional flexibility and support for the needs of users within the area of origin. (Sites-001; Sites-070; AHO-028.) TCCA urges the Board to reconsider its denial of the partial reassignment: Sites has the potential to bolster water supplies for multiple beneficial uses in the Sacramento Valley, including the water purveyors that make up TCCA, during drier times when that water is needed most. (AHO-005, AHO-028; Sites-070 at ¶ 16.) Denying reassignment has the potential to hinder the very areas of origin the statute was intended to protect.

*2. Imposing Term 19 may result in redirected impacts to TCCA members.*

The Draft Decision denies the Authority's water right application as to the Funks and Stone Corral Creeks, citing a lack of evidence as to water availability downstream and instead would impose Term 19 on the right, requiring the Authority to develop a release schedule for regulating inflows from the Stone Corral and Funks Creeks. (Draft Decision at pp. 49–51.) That language, however, will cause redirected adverse impacts to TCCA's members already putting excess flows to use in innovative groundwater and habitat projects throughout the Sacramento Valley.

Under current operations, TCCA members may divert excess flows under term 3(f) of their CVP contracts, thus allowing those members to take advantage of flood flows and other excess water that is not otherwise storable for CVP purposes.

In this system, water that cannot be stored in Shasta Lake during periods of excess rainfall is routed through the Red Bluff Pumping Plant, Tehama Colusa Canal, and Funks Reservoir to these TCCA members, where it can be used for supply augmentation projects, habitat, and groundwater recharge efforts. But Funks Creek hydrology is highly impacted by rainfall and flood events. (AHO-78 at p. 57.) During these high events, imposing Term 19—and California water law—will require that the Authority release additional inflows in Funks Creek in a manner that in turn will cause Funks Reservoir to transition to flood control operations. With that transition, Funks Reservoir will have decreased capacity available for TCCA members to convey 3(f) water, thus hindering their ability to capture excess flows in a time where that capture would most benefit the system and the region.

TCCA appreciates the careful study that has gone into preparing the Draft Decision and applauds the AHO's efforts to advance this important project. The Draft Decision and Permit, however, would benefit from these revisions to avoid undermining the important water supply benefits proposed by Sites and supported by water users in the Sacramento Valley and beyond.

TCCA looks forward to continued engagement as the State Water Board brings this water right proceeding to conclusion.

Sincerely,



William Vanderwaal  
General Manager

cc: Rebecca R.A. Smith, General Counsel ([rsmith@downeybrand.com](mailto:rsmith@downeybrand.com))