State Water Resources Control Board

November 3, 2026

Re: Procedural Ruling on T&M King Farms' Request for Postponement of the Hearing and Associated Deadlines in the matter of Application 33534B (Sites Reservoir Project, Application to appropriate water from Funks and Stone Corral Creeks)

TO ALL PARTIES:

This procedural ruling addresses T&M King Farms', LLC (T&M King) request for postponement of the hearing scheduled by the Administrative Hearings Office (AHO) of the State Water Resources Control Board (State Water Board or Board), and associated deadlines, in the matter of Application 33534B, which seeks appropriation of water from Funks and Stone Corral Creeks (Creeks) in Colusa County for storage in Sites Reservoir and subsequent beneficial use.

The AHO's September 3, 2026 Procedural Ruling and Notice of Bifurcated Hearing (Creeks Hearing Notice), bifurcated Application 33534 into two parts based on the source of the water sought to be appropriated. Application 33534A addresses the portion of the Authority's application that seeks to appropriate water from the Sacramento River, and Application 33534B addresses that portion of the Authority's application that seeks to appropriate water from Stone Corral and Funks Creeks. During the supplemental hearing on Application 33534B, the AHO will allow parties to submit additional evidence relevant to the Board's determination as to whether unappropriated water is available in the Creeks.

T&M King requests that the deadlines for the supplemental hearing on Application 33534B be amended, and that the deadline for submission of case-in-chief evidence be extended from December 2, 2026, to February 10, 2027. (2026-09-04 T&M King Farms LLC e-mail to AHO; 2026-09-25 T&M King Farms LLC Supplemental Comment Letter; 2026-10-29 T&M King Farms e-mail to J. Esquivel.) T&M King provides the following reasons for its request:

1. Agreements between the Sites Project Authority (Authority) and Glenn Colusa Irrigation District (GCID) have not yet been finalized but are material to the Board's action on Application 33534B.
2. T&M King submitted requests under the Public Records Act to GCID, Maxwell Irrigation District, and the Authority to obtain relevant evidence, and intends to submit an additional request under the Public Records Act to Reclamation District 2047 but has not yet received responses.
3. T&M King asserts that Mr. Andy Hitchings, who represents the Sites Project Authority in this proceeding, also represents GCID and, in that role, can control the timing of release of public records.
4. The deadline for submission of case-in-chief evidence is less than four weeks after the Board's consideration of the Second Revised Draft Decision in the matter of Application 33534A.
5. The supplemental hearing should be deferred until the Cachil Dehe Band of Wintun Indians has reviewed its water rights associated with a parcel owned by the Tribe on the Colusa Basin Drain, although the Tribe has not submitted a request to continue the hearing.

The supplemental hearing in this matter is intended to allow the parties to supplement the evidentiary record relevant to whether water is available for appropriation from the Creeks. T&M King has been on notice of this opportunity since the AHO issued the Creeks Hearing Notice on September 3, 2026, 90 days in advance of the deadline for submittal of case-in-chief evidence, 124 days in advance of the deadline for submittal of rebuttal evidence, and 146 days in advance of the supplemental hearing. Therefore, I deny, without prejudice, T&M King's request for postponement. If T&M King obtains relevant evidence after the deadlines for submission of evidence due to the timing of the production of documents by the responding agencies under the Public Records Act,

I will consider whether to allow the late submittal of that evidence based on its probative value and relevance to the availability of unappropriated water in the Creeks.

Sincerely,

Nicole Kuenzi
Presiding Hearing Officer
Administrative Hearings Office
State Water Resources Control Board

Attachments:

- Attachment 1 – Service List

ATTACHMENT 1
SERVICE LIST

Andrew M. Hitchings
Aaron A. Ferguson
Kelley M. Taber
Michelle E. Chester
Crystal Rivera
Pennie MacPherson
ahitchings@somachlaw.com
aferguson@somachlaw.com
ktaber@somachlaw.com
mchester@somachlaw.com
crivera@somachlaw.com
pmacpherson@somachlaw.com
Attorneys for Sites Project Authority

Alycia Forsythe (Sites Project Authority)
Angela Bezzone (MBK Engineers)
aforsythe@sitesproject.org
bezzone@mbkengineers.com

Harrison Beck
John Buse
Center for Biological Diversity
hbeck@biologicaldiversity.org
jbuse@biologicaldiversity.org

Chris Shutes
Sarah Vardaro
California Sportfishing Protection Alliance
blancapaloma@msn.com
sarah@calsport.org

Steven L. Evans
CalWild
sevans@calwild.org

Richard Morat
rjmorat@gmail.com

Clarke F. Ornbaun
clarkeornbaun@yahoo.com
Keiko Mertz
Jann Dorman
Ronald Stork
Gary Bobker
Friends of the River
keiko@friendsoftheriver.org
janndorman@friendsoftheriver.org
RStork@friendsoftheriver.org
gbobker@friendsoftheriver.org

Osha R. Meserve
Soluri Meserve, A Law Corporation
osha@semlawyers.com
legal@semlawyers.com
Attorney for County of San Joaquin

Barbara Vlamis
Michael B. Jackson, Esq.
James Brobeck
AquAlliance
barbarav@aqualliance.net
mjatty@sbcglobal.net

Ben King
T&M King Farms LLC
bking@pacgoldag.com

Jenna Rose Mandell-Rice
State Water Contractors
jrm@vnf.com

Miles Krieger
Kira Johnson
Best Best & Krieger
Miles.Krieger@bbklaw.com
Kira.Johnson@bbklaw.com
Attorneys for State Water Contractors

Chief Caleen Sisk
Gary Mulcahy
Winnemem Wintu Tribe
caleenwintu@gmail.com
gary@ranchriver.com

S. Dean Ruiz
John Herrick
Dante J. Nomellini, Jr.
Dante J. Nomellini, Sr.
Brett G. Baker
dean@mohanlaw.net
jherrlaw@aol.com
dantejr@pacbell.net
ngmplcs@pacbell.net
brettgbaker@gmail.com
Attorneys for Central Delta Water Agency, et al.

Adam Keats
California Water Impact Network
adam@keatslaw.org

Barbara Barrigan-Parrilla
Cintia Cortez
Spencer Fern
Restore the Delta
barbara@restorethedelta.org
cintia@restorethedelta.org
spencer@restorethedelta.org

Caty Wagner
Molly Culton
Sierra Club
caty.wagner@sierraclub.org
molly.culton@sierraclub.org

Konrad Fisher
Daniel Estrin
Monti Aguirre
Water Climate Trust, Waterkeeper Alliance, and International Rivers
k@waterclimate.org
destrin@waterkeeper.org
monti@internationalrivers.org

Allison Mitchell, Esq.
Amy Aufdemberge, Esq.
Allison Jacobson
Lisa Holm
United States Department of Interior
Bureau of Reclamation
allison.mitchell@sol.doi.gov
Amy.Aufdemberge@sol.doi.gov
ajacobson@usbr.gov
lholm@usbr.gov

Erick Soderlund, Esq.
Janice Wu, P.E.
Department of Water Resources
Janice.Wu@water.ca.gov
Erick.Soderlund@water.ca.gov

Eric Buescher
Pamela Flick
Scott Artis
Barry Nelson
San Francisco Baykeeper, Defenders of Wildlife, Golden State Salmon Association, and The Bay Institute
eric@baykeeper.org
PFlick@defenders.org
scott@goldenstatesalmon.org
barry@westernwaterstrategies.com

Lowell Ashbaugh
Fly Fishers of Davis
ashbaugh.lowell@gmail.com

Brook Thompson
Kasil Willie
Save California Salmon
brook@californiasalmon.org
kasil@californiasalmon.org

Matthew Clifford
Trout Unlimited Inc.
mclifford@tu.org

Donald B. Mooney
Friends of the River,
California Sportfishing Protection Alliance,
and Sierra Club
dbmooney@dcn.org

Mark Rockwell
Northern California Council of
Fly Fishers International
mrockwell1945@gmail.com

Glen Spain
Pacific Coast Federation of
Fishermen's Association et al.
fish1ifr@aol.com
lisa@pcffa.org
georgebradshaw707@gmail.com
sarahjanebates@gmail.com
fjegger@gmail.com

Maggie Foley
Kristin Peer
Bartkiewicz, Kronick & Shanahan
mef@bkslawfirm.com
kbp@bkslawfirm.com
Attorney for Contra Costa Water District

Adrian Covert
The Historic Klamath, Pier 9,
The Embarcadero, San Francisco
acovert@bayareacouncil.org

Angela Smelser
Elston Bill
Chairman Wayne Mitchum
Vice Chairperson Amanda Mitchum
Cachil DeHe of Wintun Indians of the
Colusa Indian Community Council
asmelser@colusa-nsn.gov
m1bigman@icloud.com
mitchum530@gmail.com
amitchum@colusa-nsn.gov

Theresa Moore
Chhé'ee Fókaa Band of
Northeastern Pomo
theresajmoore@gmail.com
zmcfarla@calpoly.edu

Laverne Bill
Nathan Bill
Paskenta Band of Namlaki Indians
lbill@paskenta.org
nbill@paskenta.org

Margaret Rosenfeld
Elaina Erola
margaret@fsrlegal.net
admin@fsrlegal.net
Attorney for Colusa Tribe

Greg Wilson
Wilson Water Resources
wilson.wr@yahoo.com

Administrative Hearings Office
Sites-WR-Application@waterboards.ca.gov