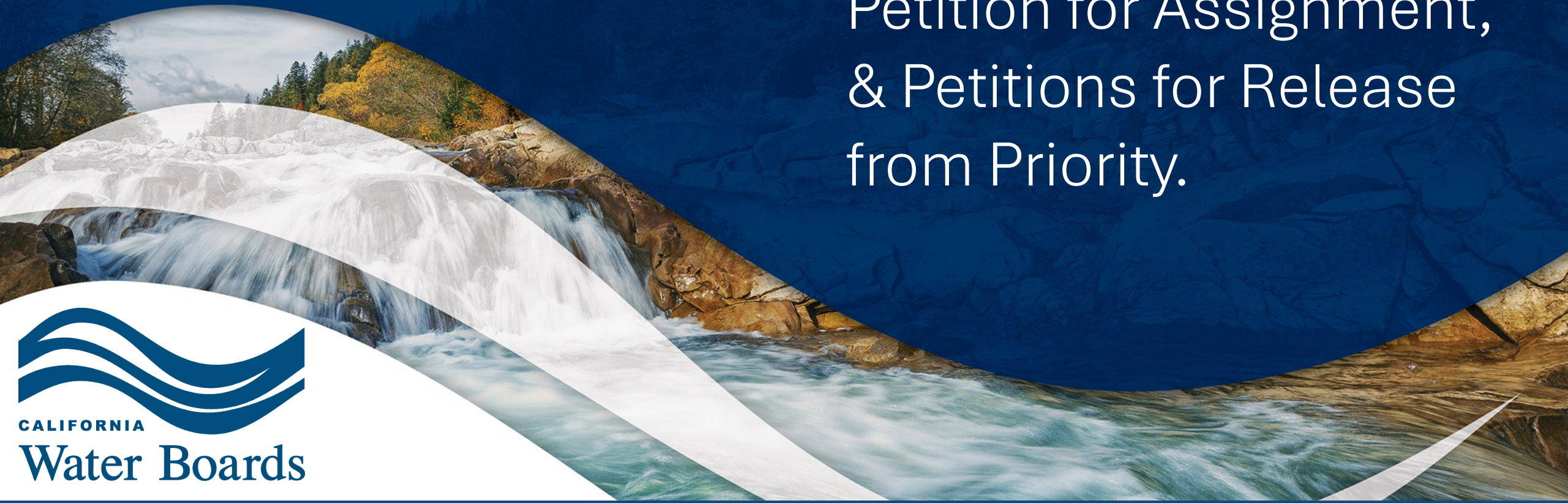
Sites Reservoir Project:

Water-Right Application, Petition for Assignment, & Petitions for Release from Priority.



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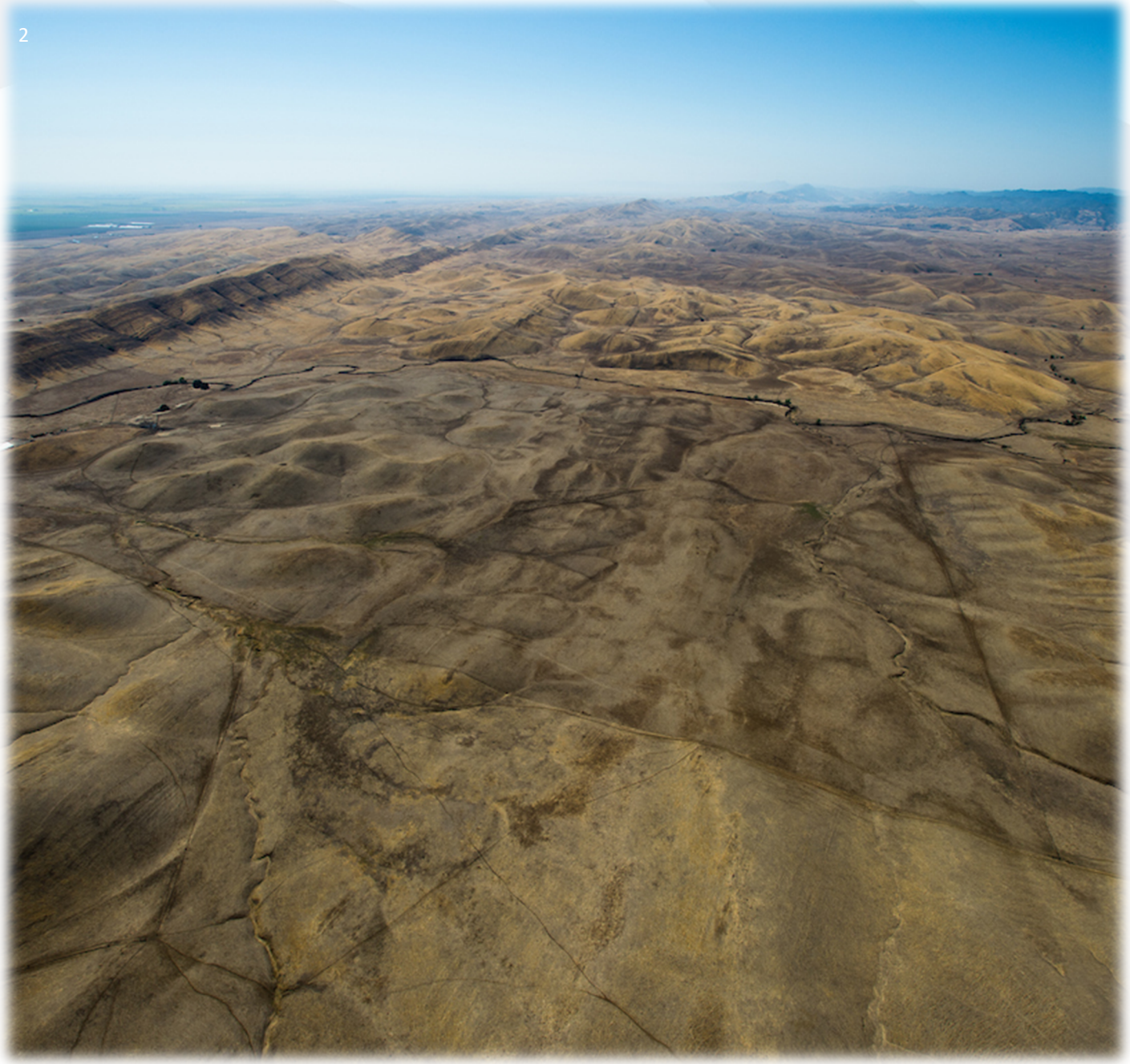


Image: Aerial of Proposed Sites Reservoir (Kelly M. Grow/California Department of Water Resources)

Consideration for Adoption

Second Revised Draft Decision with Change Sheet #1.

In the Matter of Application 33534A, and associated petitions for assignment of State-Filed Application 25517 and petitions for release from priority.

Overview

- Project background.
- Water right application and petitions.
- Final Environmental Impact Report and Incidental Take Permit.
- Hearing process and public comment.
- Second Revised Draft Decision and Permit.
- Significant terms and conditions.

Sites Reservoir Project - Background

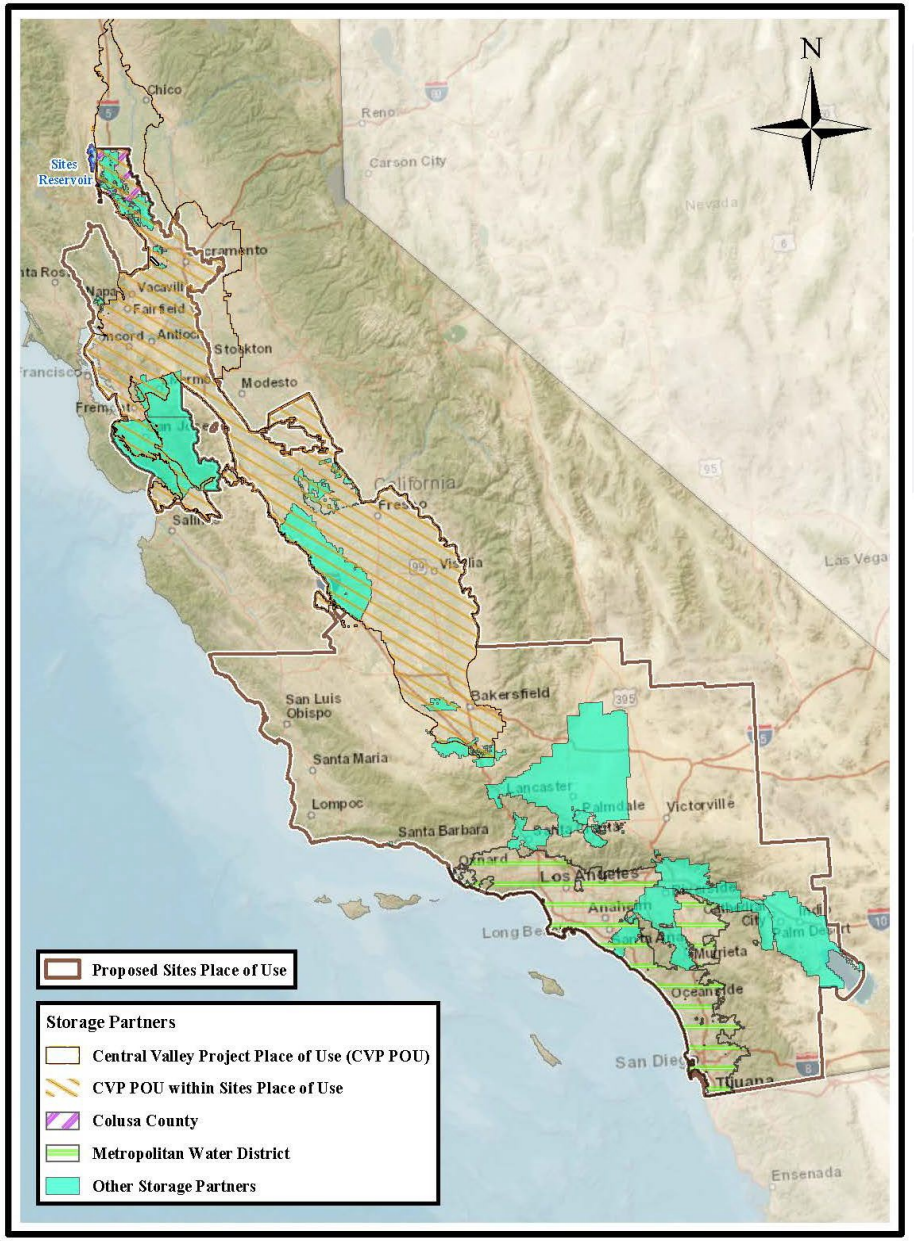
- Storage capacity of 1.5 million acre-feet.
- Proposed new “off-stream” reservoir.
- Water diverted from the Sacramento River and two creeks.
- Diversions during wet periods, stored for later use.

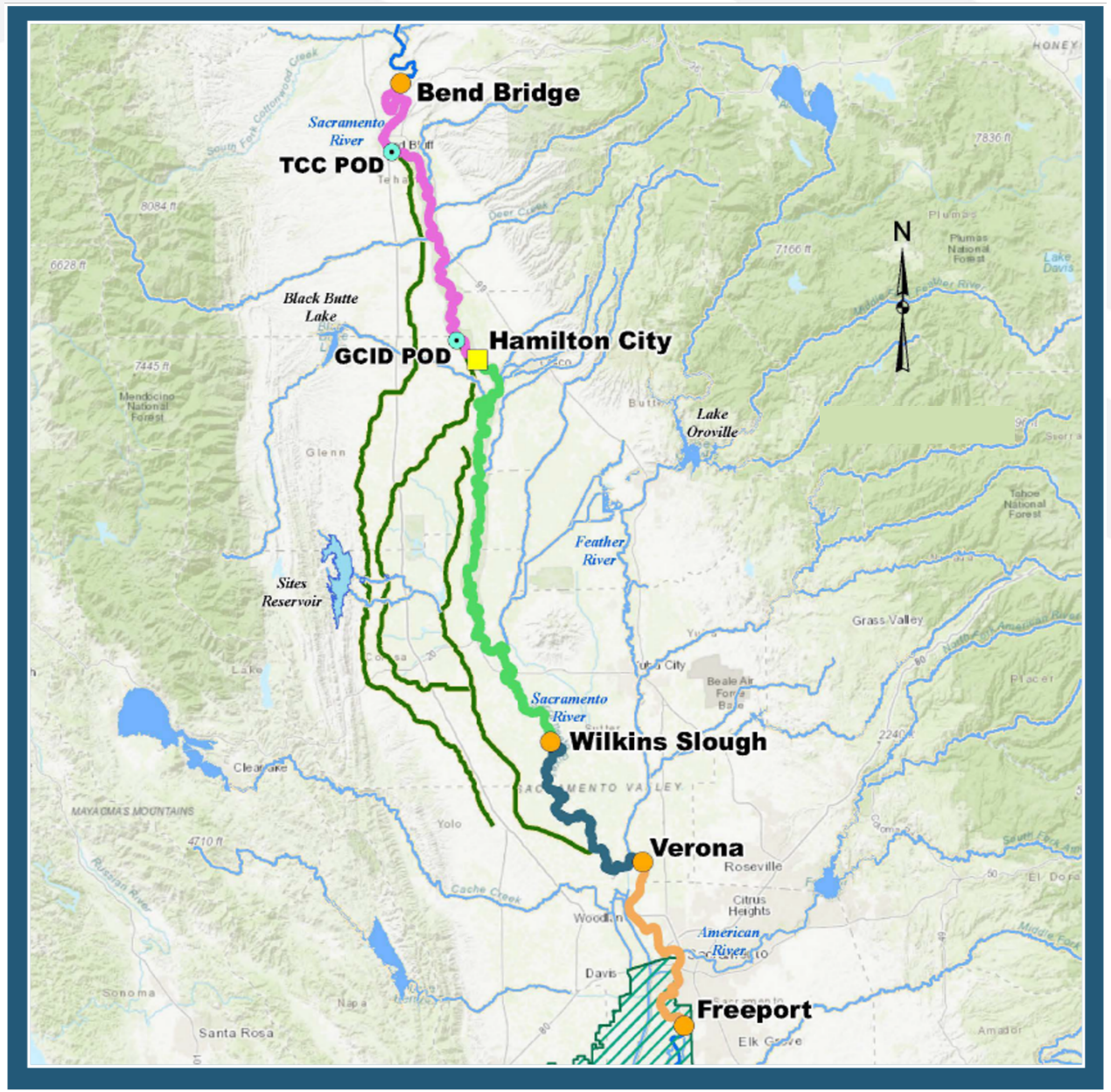


Image: Aerial view of the proposed Sites Reservoir (Kelly M. Grow/California Department of Water Resources)

Sites Reservoir Project - Background

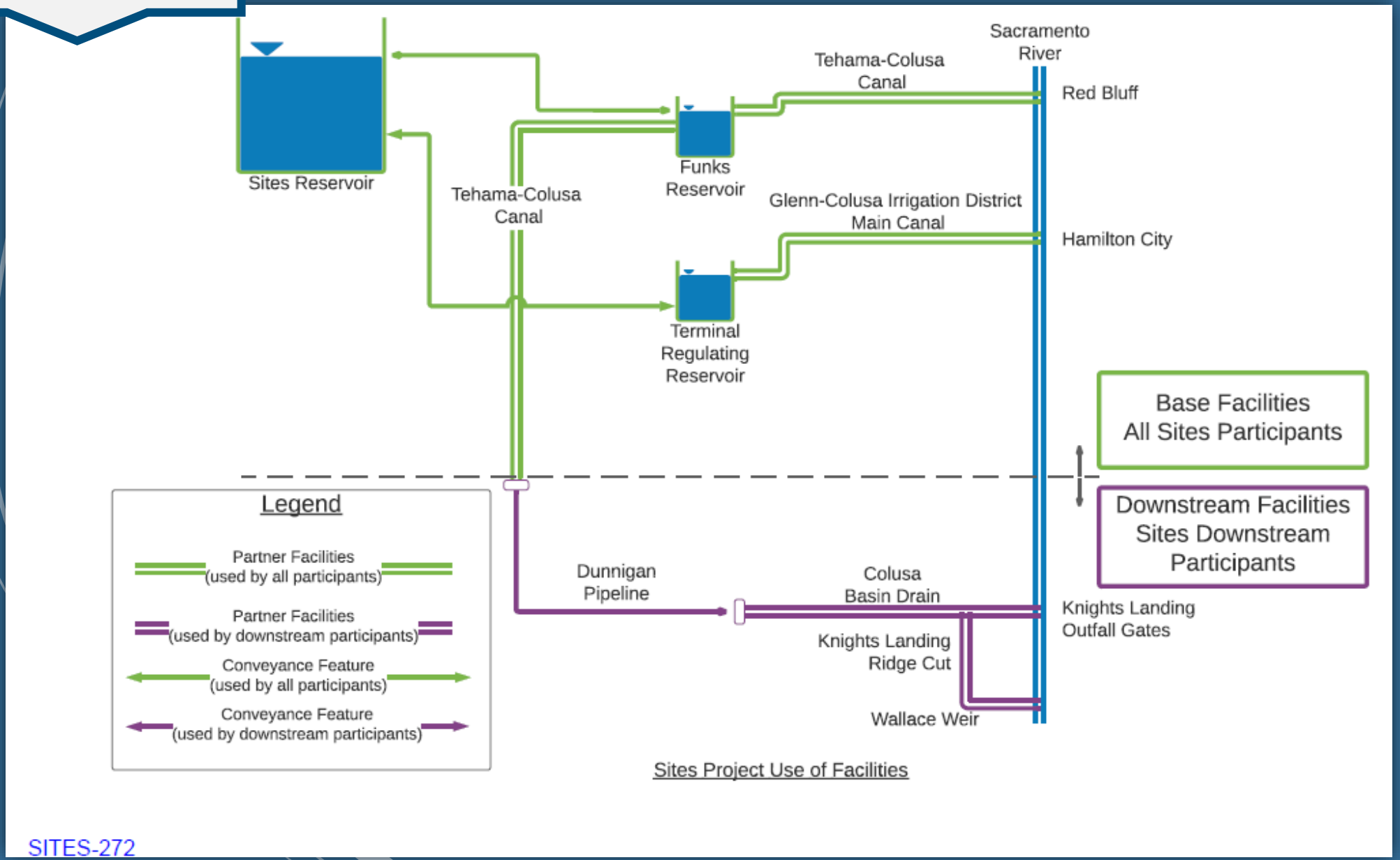
- Agricultural use, municipal use, fish and wildlife preservation, and other uses in Northern and Southern California.





Sacramento River with Sites Reservoir

Sites Infrastructure



Water Right Application & Petitions

	Proposed by Applicant
Priority Date	September 30, 1977 (priority date of State-filed Application 25517)
Source	Sacramento River, Funks Creek, Stone Corral Creek
Maximum Rate of Diversion	4,200 cubic feet per second
Maximum Annual Diversion	1.5 million acre-feet/year
Season of Diversion	September 1 – June 14

Final Environmental Impact Report and Incidental Take Permit

- Final Environmental Impact Report (EIR) – **November 17, 2023**
- Incidental take permit (ITP) for operations – **October 24, 2024**
- Second Revised Draft Permit incorporates:
  - Mitigation Monitoring and Reporting Program in the Final EIR.
  - Terms and conditions in the ITP.

Public Hearing

The Administrative Hearings Office (AHO) conducted a public evidentiary hearing.

- August 19, 2024 to March 11, 2025
- July 24, 2026 supplemental hearing day
- 41 parties
- 60 witnesses
- 32 days of hearing
- 2 days of site visits
- Over 2,100 evidentiary documents



Image: Sacramento River (iStock)

Comment and Revision

- Administrative Draft Decision and Permit – **March 20, 2026**
- Comments Accepted – **May 22, 2026**
- Supplemental Hearing – **July 24, 2026**
- Written Responses to Comments – **September 3, 2026**
- Revised Draft Decision and Permit – **September 3, 2026**
- Comments Accepted – **October 5, 2026**
- Second Revised Draft Decision and Permit – **October 23, 2026**

Comments Received



Aerial view of the proposed Sites reservoir near Maxwell, California.
(*Kelly M. Grow/ California Department of Water Resources*)

- Closing briefs and reply briefs.
- Two comment periods (more than 95 days of public review).
- 109 comment letters from 145 entities and individuals.
- Closing briefs, reply briefs, and comments from parties exceeded 1,000 pages.

Second Revised Draft Decision

- Approves water right application, with conditions:
  - Prevent water rights injury.
  - Avoid unreasonable impacts to aquatic species.
  - Protect water quality.
  - Balance competing beneficial uses.
  - Conserve the public interest.
- Denies petition for assignment of state-filed Application 25517.
- Denies petitions for release from priority.

Application and Draft Permit

	Proposed by Applicant	Second Revised Draft Permit
Priority Date	September 30, 1977	May 11, 2022
Source	Sacramento River, Funks Creek, Stone Corral Creek	Sacramento River
Maximum Rate of Diversion	4,200 cubic feet per second	4,190 cubic feet per second
Maximum Annual Diversion	1.5 million acre-feet/year	986,000 acre-feet/year
Season of Diversion	September 1 – June 14	November 1 – June 14



Image: Stone Corral Creek. (Mercury News)

Bifurcated Application

- Application bifurcated based on source of water:
  - Application **33534A** – Sacramento River
  - Application **33534B** – Funks and Stone Corral Creeks
- Application 33534A at issue here.
- Application 33534B subject to further proceedings to address water availability.

Terms and Conditions:

Other Legal Users

1. South Delta water users:
   - Comply with Water Level Response Plan.
   - Achieve relevant water quality objectives, including salinity.
2. Federal reserved right holders:
   - Seniority of existing federal reserved rights, including federally reserved tribal rights.
3. Groundwater users:
   - Groundwater monitoring program.
   - Monitoring thresholds.
   - Reservation of authority.

Terms and Conditions:

Fish & Wildlife

1. Diversion criteria imposed by the Incidental Take Permit.
2. Additional bypass flows, January and February.
3. Pulse flow protection, March through May.
4. Heightened flow requirements at Wilkins Slough, December through February.
5. Additional studies.

Terms and Conditions:

Updated Bay-Delta Plan

1. Compliance with Bay-Delta Plan and flow-based water quality objectives.
2. No diversions until Bay-Delta Plan is implemented.
3. No diversions when Sacramento River Mainstem flow contributions present under the Healthy Rivers and Landscapes (HRL) Program.
4. Requires coordination with HRL participants.

Terms and Conditions:

Water Quality



Image: Aerial view of the proposed Sites reservoir near Maxwell, California.
(*Kelly M. Grow/ California Department of Water Resources*)

1. **Temperature**
   - Monitoring Program
   - Sacramento River Temperature Strategy
   - Basin Plan objective as numeric backstop

2. **Mercury**
   - Pre-construction feasibility assessment
   - Methylmercury Mitigation Plan

Terms and Conditions:

Water Quality (Continued)

3. **Harmful Algal Blooms (HABs)**
   - Monitoring program
   - Pre-construction feasibility assessment
   - HABs Prevention and Mitigation Strategy
   - Caution Level as numeric backstop

4. **Water Quality Portfolio**
   - Coordination and consultation
   - Renewed every six years



Image: (Andrew Innerarity/California Department of Water Resources)

Terms and Conditions:

Tribal Interests

1. Acknowledges priority of existing federal reserved tribal rights.
2. Diversion and bypass criteria reduce impacts on fish and other aquatic species.
3. Tribal consultation required in development of Water Quality Portfolio.
4. Compliance with Mitigation Monitoring and Reporting Program.
5. Reservation of authority to amend permit to protect Tribal Beneficial Uses.

Diversions Authorized When:	Releases Authorized When:	Exports Authorized When:
55% unimpaired Sacramento River inflow and Delta outflow.	**Water Quality Portfolio requirements are met:** • Temperature • Harmful Algal Blooms • Methylmercury	**In compliance with the Water Level Response Plan.**
Delta is in excess conditions.		
All senior rights are satisfied.		**Relevant Delta water quality objectives are met.**
Fishery bypass requirements are met.		
Sacramento River Mainstem HRL flows are not present.		



Image: Sacramento River Panorama (iStock)

Conclusion

Consideration for adoption:

- Second Revised Draft Decision (Decision 1653) with Change Sheet #1.
- Approving Application 33534A (Permit 21487).

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