



---

## State Water Resources Control Board

# **FIFTH AMENDED NOTICE OF PUBLIC HEARING**

The State Water Resources Control Board Administrative Hearings Office will hold a Public Hearing on the pending petition for Assignment of State-filed Application 25517 and accompanying water right Application 25517X01 and the 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

### **Sites Project Authority.**

**The Public Hearing  
will continue on October 21-23 and November 4, 2024,  
and January 14-16, 24, and 28-30, and  
February 3, 6, 7, and 10-12, 2025  
(additional dates for rebuttal and surrebuttal to be added as  
necessary),  
beginning each day at 9 a.m.**

The hearing will be held by Zoom teleconference on all days.

Representatives of parties and other people who want to participate in this hearing may access these Zoom teleconferences by using the following link and call-in information:

**Zoom Teleconference (join link: <https://bit.ly/aho-sites-zoom>)  
Call-in number: 1-669-900-9128  
Meeting ID: 925 6751 4898 (Passcode: 830366)**

**Interested members of the public who would like to watch this hearing without participating may do so through the Administrative Hearings Office YouTube channel at: <https://www.youtube.com/@swrcbadministrativehearing728/featured>.**

---

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

## **PURPOSE OF HEARING**

The purpose of this hearing is to receive evidence to be considered in determining whether the State Water Resources Control Board (State Water Board or Board) should approve the petition for partial 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 filed by the Sites Project Authority, and, if so, what specific terms or conditions should be included in any approvals.

Additional background information about this proceeding and the procedures applicable to this hearing are in the June 5, 2024 Amended Notice of Public Hearing and Pre-Hearing Conference, which is incorporated herein. The procedures and deadlines in the June 5 Amended Notice of Hearing remain in effect unless explicitly revised.

## **HEARING SCHEDULE AND DEADLINES**

<b>Deadlines / Schedule</b>	<b>Date and Time</b>
Additional case-in-chief hearing days (as necessary).	<b>October 21-23, and November 4, 2024, starting at 9:00 a.m. (and additional days as necessary).</b>
Deadline for parties to file written objections to exhibits and testimony.	<b>October 25, 2024.</b>
Deadline for parties to file supplemental written objections to exhibits and testimony.	<b>November 6, 2024.</b>
Deadline for parties to file responses to objections to exhibits and testimony.	<b>November 15, 2024.</b>
Deadline for parties to file rebuttal exhibits and updated exhibit identification indices.	<b>December 6-13, 2024.</b>
Rebuttal portion of hearing.	<b>January 14-16, 24, 28-30, and February 3, 6, 7, and 10-12, 2025, starting at 9:00 a.m.</b>

The schedule for the rebuttal portion of the hearing remains contingent on the issuance of incidental take permits for construction and operation of the proposed Sites Reservoir Project by California Department of Fish and Wildlife, which is expected to occur in October 2024. The hearing officer directs the Authority to immediately notify the Administrative Hearings Office (AHO) if the Authority's expectation changes as to when it is likely to receive the incidental take permits.

## **OFFERS OF EVIDENCE AND OBJECTIONS**

Parties shall be prepared during the remaining case-in-chief hearing days to identify the exhibits that the party intends to offer into the evidentiary record or, preferably, to submit a written offer to the AHO identifying the exhibit numbers by **October 23, 2024**. The hearing officer will also address whether to accept into the evidentiary record the exhibits identified as AHO-1 through AHO-335, inclusive. These exhibits were identified by the AHO as a matter of convenience to avoid duplicate exhibit numbers for the same document if submitted by multiple parties. Parties may object to the acceptance of any AHO exhibit into the evidentiary record, including objections based on relevance.

Parties may submit objections to exhibits offered into evidence and testimony submitted during the case-in-chief portion of the hearing in writing by **October 25, 2024**. Written objections should be concise and submitted in a table format. Parties should submit written objections as a PDF document and as a Word document (most likely in landscape orientation) that contains a column for responses to the objection and a column for the hearing officer's ruling. Parties may submit any additional objections or updated objections based on testimony heard on November 4, in writing to the AHO by **November 6**.

Parties may file written responses to any evidentiary objections, preferably by utilizing the table format in the initial objection, by **November 15, 2024**. In the alternative, parties may respond orally to evidentiary objections during the hearing on November 4.

## **AHO WEBPAGE AND NOTICES**

Subject to legal limitations, including the requirements for Internet website accessibility in Government Code section 11546.7, the AHO will post all notices and other documents regarding these proceedings on the AHO's Internet webpage at [www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/](http://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/)

## **HEARING LIVE-STREAM AND RECORDING**

The hearing will be live-streamed through the AHO's YouTube channel, accessible by clicking on the link provided below. The live-stream will consist of a morning session and an afternoon session. To view the morning session, click the link identified as "morning." The morning session will conclude at the lunch break. To view the afternoon session, click the link identified as "afternoon." The afternoon session will begin after the lunch break.

After the conclusion of the hearing, a recording of the morning and afternoon YouTube live-stream sessions will be available on the AHO's YouTube channel. These recordings will include automatic captions for accessibility.

The live-stream and recordings may be accessed at the following link by clicking on Live and Videos, respectively:

<https://www.youtube.com/@swrcbadministrativehearing728/featured>.

Date: October 18, 2024



---

Nicole L. Kuenzi,  
Presiding Hearing Officer  
Administrative Hearings Office

Attachments:

- 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](mailto:ahitchings@somachlaw.com)  
[aferguson@somachlaw.com](mailto:aferguson@somachlaw.com)  
[ktaber@somachlaw.com](mailto:ktaber@somachlaw.com)  
[mchester@somachlaw.com](mailto:mchester@somachlaw.com)  
[crivera@somachlaw.com](mailto:crivera@somachlaw.com)  
[pmacpherson@somachlaw.com](mailto:pmacpherson@somachlaw.com)  
*Attorneys for Sites Project Authority*

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

Frances Tinney  
John Buse  
Center for Biological Diversity  
[ftinney@biologicaldiversity.org](mailto:ftinney@biologicaldiversity.org)  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)

Chris Shutes  
Sarah Vardaro  
California Sportfishing Protection  
Alliance  
[blancapaloma@msn.com](mailto:blancapaloma@msn.com)  
[sarah@calsport.org](mailto:sarah@calsport.org)

Steven L. Evans  
CalWild  
[sevans@calwild.org](mailto:sevans@calwild.org)

Richard Morat  
[rjmorat@gmail.com](mailto:rjmorat@gmail.com)

Clarke F. Ornbaun  
[clarkeornbaun@yahoo.com](mailto:clarkeornbaun@yahoo.com)

Keiko Mertz  
Jann Dorman  
Ronald Stork  
Gary Bobker  
Doug Maner  
Friends of the River  
[keiko@friendsoftheriver.org](mailto:keiko@friendsoftheriver.org)  
[janndorman@friendsoftheriver.org](mailto:janndorman@friendsoftheriver.org)  
[RStork@friendsoftheriver.org](mailto:RStork@friendsoftheriver.org)  
[gbobker@friendsoftheriver.org](mailto:gbobker@friendsoftheriver.org)  
[earth1stdoug@gmail.com](mailto:earth1stdoug@gmail.com)

Osha R. Meserve  
Soluri Meserve, A Law Corporation  
[osha@semlawyers.com](mailto:osha@semlawyers.com)  
*Attorney for County of San Joaquin*

Barbara Vlamis  
Michael B. Jackson, Esq.  
James Brobeck  
AquAlliance  
[barbarav@aqualliance.net](mailto:barbarav@aqualliance.net)  
[mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net)

Ben King  
T&M King Farms LLC  
[bking@pacgoldag.com](mailto:bking@pacgoldag.com)

Jenna Rose Mandell-Rice  
State Water Contractors  
[jrm@vnf.com](mailto:jrm@vnf.com)

Miles Krieger  
Kira Johnson  
Best Best & Krieger  
[Miles.Krieger@bbklaw.com](mailto:Miles.Krieger@bbklaw.com)  
[Kira.Johnson@bbklaw.com](mailto:Kira.Johnson@bbklaw.com)  
*Attorneys for State Water Contractors*

Chief Caleen Sisk  
Gary Mulcahy  
Winnemem Wintu Tribe  
[caleenwintu@gmail.com](mailto:caleenwintu@gmail.com)  
[gary@ranchriver.com](mailto:gary@ranchriver.com)

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

Adam Keats  
California Water Impact Network  
[adam@keatslaw.org](mailto:adam@keatslaw.org)

Barbara Barrigan-Parrilla  
Ivan Senock  
Cintia Cortez  
Spencer Fern  
Restore the Delta  
[barbara@restorethedelta.org](mailto:barbara@restorethedelta.org)  
[ivan@restorethedelta.org](mailto:ivan@restorethedelta.org)  
[cintia@restorethedelta.org](mailto:cintia@restorethedelta.org)  
[spencer@restorethedelta.org](mailto:spencer@restorethedelta.org)

Erin Woolley  
Jason John  
Caty Wagner  
Molly Culton  
Sierra Club  
[erin.woolley@sierraclub.org](mailto:erin.woolley@sierraclub.org)  
[jason.john@sierraclub.org](mailto:jason.john@sierraclub.org)  
[caty.wagner@sierraclub.org](mailto:caty.wagner@sierraclub.org)  
[molly.culton@sierraclub.org](mailto:molly.culton@sierraclub.org)

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

Allison Mitchell, Esq.  
Amy Aufdemberge, Esq.  
Allison Jacobson  
Ray Sahlberg  
United States Department of Interior  
Bureau of Reclamation  
[allison.mitchell@sol.doi.gov](mailto:allison.mitchell@sol.doi.gov)  
[Amy.Aufdemberge@sol.doi.gov](mailto:Amy.Aufdemberge@sol.doi.gov)  
[ajacobson@usbr.gov](mailto:ajacobson@usbr.gov)  
[RSahlberg@usbr.gov](mailto:RSahlberg@usbr.gov)

Erick Soderlund, Esq.  
Janice Wu, P.E.  
Department of Water Resources  
[Janice.Wu@water.ca.gov](mailto:Janice.Wu@water.ca.gov)  
[Erick.Soderlund@water.ca.gov](mailto:Erick.Soderlund@water.ca.gov)

Eric Buescher  
Ashley Overhouse  
Scott Artis  
Barry Nelson  
San Francisco Baykeeper, Defenders of  
Wildlife, Golden State Salmon  
Association, and The Bay Institute  
[eric@baykeeper.org](mailto:eric@baykeeper.org)  
[aoverhouse@defenders.org](mailto:aoverhouse@defenders.org)  
[scott@goldenstatesalmon.org](mailto:scott@goldenstatesalmon.org)  
[barry@westernwaterstrategies.com](mailto:barry@westernwaterstrategies.com)

Lowell Ashbaugh  
Fly Fishers of Davis  
[ashbaugh.lowell@gmail.com](mailto:ashbaugh.lowell@gmail.com)

Regina Chichizola  
Kasil Willie  
Save California Salmon  
[regina@californiasalmon.org](mailto:regina@californiasalmon.org)  
[kasil@californiasalmon.org](mailto:kasil@californiasalmon.org)

Matthew Clifford  
Trout Unlimited Inc.  
[mclifford@tu.org](mailto:mclifford@tu.org)

Donald B. Mooney  
Friends of the River,  
California Sportfishing Protection  
Alliance,  
and Sierra Club  
[dbmooney@dcn.org](mailto:dbmooney@dcn.org)

Mark Rockwell  
Northern California Council of  
Fly Fishers International  
[mrockwell1945@gmail.com](mailto:mrockwell1945@gmail.com)

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

Patrick Porgans  
Planetary Solutionaries  
[pp@porganssolutions.com](mailto:pp@porganssolutions.com)

Maggie Foley  
Kristin Peer  
Bartkiewicz, Kronick & Shanahan  
[mef@bkslawfirm.com](mailto:mef@bkslawfirm.com)  
[kbp@bkslawfirm.com](mailto:kbp@bkslawfirm.com)  
*Attorney for Contra Costa Water District*

Angela Smelser  
Elston Bill  
Chairman Wayne Mitchum  
Vice Chairperson Amanda Mitchum  
Colusa Indian Community Council  
[asmelser@colusa-nsn.gov](mailto:asmelser@colusa-nsn.gov)  
[m1bigman@icloud.com](mailto:m1bigman@icloud.com)  
[mitchum530@gmail.com](mailto:mitchum530@gmail.com)  
[amitchum@colusa-nsn.org](mailto:amitchum@colusa-nsn.org)

Adrian Covert  
The Historic Klamath, Pier 9,  
The Embarcadero, San Francisco  
[acovert@bayareacouncil.org](mailto:acovert@bayareacouncil.org)

Theresa Moore  
Zach McFarlane  
Chee ee Fokaa Band of Northeastern  
Pomo  
[theresajmoore@gmail.com](mailto:theresajmoore@gmail.com)  
[zmcfafla@calpoly.edu](mailto:zmcfafla@calpoly.edu)

Laverne Bill  
Nathan Bill  
Paskenta Band  
[lbill@paskenta.org](mailto:lbill@paskenta.org)  
[nbill@paskenta.org](mailto:nbill@paskenta.org)

Administrative Hearings Office  
[Sites-WR-Application@waterboards.ca.gov](mailto:Sites-WR-Application@waterboards.ca.gov)