
State Water Resources Control Board

PROCEDURAL RULING BIFURCATING APPLICATION 33534 AND NOTICE OF PUBLIC HEARING ON APPLICATION 33534B

The State Water Resources Control Board
Administrative Hearings Office is conducting a Public Hearing on water
right Application 33534B of

Sites Project Authority.

**The Public Hearing will be held on
January 27, 2027, starting at 9:00 a.m.
(additional dates to be added as necessary)**

and will be held by Zoom Webinar, unless otherwise indicated.
Representatives of parties will receive an individual invitation to join the
hearing by e-mail from Zoom.

LIVE STREAMING:

Parties or 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: bit.ly/aho-youtube.

LANGUAGE SERVICES AND ACCESSIBILITY:

This hearing will be conducted in English. To request translation of a written document, interpretation services for the hearing, or sign language services, please use one of the following options at least **two weeks before the hearing date**.

- Submit a [Language Services Request online](#)
- Call (916) 341-5254
- E-mail languageservices@waterboards.ca.gov

Users of a Telecommunications Device for the Deaf (TDD) may contact the California Relay Service at (800) 735-2929 or the teletype (TTY) voice line at (800) 735-2922.

BACKGROUND

On May 11, 2022, the Sites Project Authority (Authority or Applicant) filed Application 33534 (Application 25517X01) to appropriate water from the Sacramento River, Stone Corral Creek, and Funks Creek. The Authority seeks these approvals for the construction and operation of the Sites Reservoir Project, which would divert water to storage in Sites Reservoir for later use in northern and southern California for multiple purposes, including agricultural use, municipal use, and fish and wildlife protection.

Additional background information about the Sites Reservoir Project and the procedures applicable to this hearing are available in the [June 5, 2024, Amended Notice of Public Hearing and Pre-Hearing Conference](#), which is incorporated herein. The procedures in the June 5 Amended Notice of Hearing and subsequent amendments remain in effect unless explicitly revised.

PROCEDURAL RULING BIFURCATING APPLICATION 33534

Application 33534 (Application 25517X01) is hereby bifurcated 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.

The Administrative Hearings Office (AHO) is circulating a revised Draft Decision and Permit dated September 3, 2026, that, if adopted by the Board, would approve Application 33534A. The purpose of this hearing is to receive any additional evidence to be considered by the State Water Board in determining whether water is available for appropriation from Stone Corral and Funks Creeks pursuant to Application 33534B.

HEARING ISSUE

Is water available for appropriation from Stone Corral and Funks Creeks under a May 11, 2022 priority date? In particular, is water available for appropriation after considering available water supplies and demands of other legal users on the Colusa Basin Drain and the demands of groundwater users? If water is available, when, under what circumstances, and in what amount is unappropriated water available to supply the Applicant?

PROTESTS AND PARTIES

All protests on Application 33534 are carried over to Application 33534B, to the extent applicable, unless withdrawn. Similarly, all parties to the AHO's Sites Reservoir hearing are carried over to this proceeding. A party may elect to withdraw from party status in

this proceeding on Application 33534B by notifying the AHO in writing of that intent (see section “Service List,” below, for more detail).

The AHO will only accept new evidence that is within the scope of this bifurcated hearing relevant to water availability for Stone Corral and Funks Creeks. However, when acting on Application 33534B, the Board will consider arguments and evidence advanced by protestants during the Sites Reservoir hearing prior to September 3, 2026, that are relevant to Application 33534B.

HEARING SCHEDULE AND DEADLINES

Deadlines/Schedules	Date and Time¹
Deadline for parties to submit case-in-chief exhibits and exhibit identification indices.	December 2, 2026
Deadline for parties to submit rebuttal exhibits.	January 5, 2027
Hearing.	January 27, 2027, starting at 9:00 a.m.
Deadline for parties to offer exhibits into the evidentiary record.	January 27, 2027
Deadline for parties to file written objections to exhibits and testimony.	February 10, 2027
Deadline for parties to file responses to objections to exhibits and testimony.	February 24, 2027

OFFERS OF EVIDENCE AND OBJECTIONS

By January 27, 2026, each party shall submit a written offer identifying the exhibit numbers that the party intends to offer into the evidentiary record. The offer may be made by e-mail, with copies sent to the service list.

By February 10, 2027, parties shall submit, in writing, any objections to exhibits offered into evidence and testimony submitted during the case-in-chief portion of the hearing. Written objections should be concise and submitted in table format. Parties shall submit written objections as both a pdf document and a Word document (most likely in landscape orientation) that contains a column for responses to the objection and a

¹ All deadlines shall expire at 11:59 p.m. on the identified date.

column for the hearing officer's ruling. By February 24, 2027, parties shall file written responses to any evidentiary objections, preferably by utilizing the same table format as in the initial objection.

SERVICE LIST

The service list for the Sites Reservoir proceeding shall be the service list for this hearing on Application 33534B. Parties or interested persons may, however, request to be removed from the service list for the proceeding on Application 33534B by sending a request by e-mail to sites-wr-application@waterboards.ca.gov with subject line "Sites Project Authority Application 33534B."

ADMINISTRATIVE RECORD AND DOCUMENT AVAILABILITY

The administrative and evidentiary record for this hearing includes the record for the Sites Reservoir hearing through the date of bifurcation of Application 33534 and the associated proceedings on September 3, 2026. Parties should not resubmit evidence that was already submitted and accepted into the evidentiary record for the Sites Reservoir hearing.

The administrative record for this proceeding may be accessed at <https://ftp.waterboards.ca.gov/>. Anyone may view and download documents from the FTP site. To access the FTP folder for this proceeding, please send an email to sites-wr-application@waterboards.ca.gov with "Request for Sites-ftp login credentials" in the subject line.

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 [Administrative Hearing Office's Internet webpage](#).

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: bit.ly/aho-youtube.

PROCEDURES FOR PARTIES TO PARTICIPATE IN THE HEARING

This hearing will be conducted by Zoom Webinar. The AHO has registered each person on the service list for the proceeding as an “Attendee” of the hearing using the e-mail address on the service list. The Zoom Webinar service will generate an individual link for each Attendee that will allow the Attendee to join the hearing. The Zoom service will send an e-mail containing the link to the e-mail address used to register the Attendee. This link is specific to the named person and should not be shared with other users. The same link cannot be used to access the Zoom webinar on more than one device. If you are a party representative who is on the service list and you have not received an individual link for the hearing at least 24 hours prior to the start of the hearing, please first check your junk or spam mail folders, and then e-mail the AHO at: sites-wr-application@waterboards.ca.gov

To join the hearing, participants should click the individual blue “Join Webinar” link sent by e-mail by the Zoom service. Participants will not be able to use a phone line to call in to the hearing but may use the Zoom app to join using a smartphone. AHO staff will admit Attendees into the virtual hearing room, which will be referred to by the Zoom software as a webinar. Attendees will be able to see and hear video tiles of the hearing officer and other AHO staff but will not be able to turn on their own camera or microphone features when the hearing begins. The hearing officer will call for appearances from each of the parties. When the hearing officer calls for the appearance of the representative or representatives of a party, representatives should raise their virtual “Zoom” hand to identify themselves for AHO staff. Representatives may need to agree to a pop-up window from Zoom that asks if they would like to be elevated to “Panelist” status. Panelists may unmute their own microphone, activate their own video, and take other actions as necessary to participate in the hearing.

During the hearing, AHO staff may change the status of participants who are not actively involved in that portion of the hearing to “Attendee” status. An Attendee may raise his or her virtual “Zoom” hand to gain the attention of the hearing officer and the hearing officer will call on the representative and unmute the representative’s microphone. If you do not plan to speak during the hearing, please do not attend the Zoom Webinar and instead view the live-stream of the hearing on the AHO’s YouTube channel: bit.ly/aho-youtube

Date: September 3, 2026


Nicole L. Kuenzi,
Presiding Hearing Officer
Administrative Hearings Office

Attachments:

- Service List

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