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**From:** Ben King <bking@pacgoldag.com>

**Sent:** Friday, July 11, 2025 4:02:42 PM

**To:** Jensen, Laura@DWR <Laura.Jensen@water.ca.gov>; Steiner, Fern@CWC  
<Fern.Steiner@cw.ca.gov>

**Cc:** Ben King <bking@pacgoldag.com>

**Subject:** Background For Comments For Agenda Item 12 Colusa Water Commission - Request for Sites Authority to Reach Out to Kletsel Dehe Wintun Nation Regarding Zone 3 Inclusion

Dear Executive Director Jensen and Chairperson Steiner,

I intend to make public comment on Agenda Item 12 to bring attention to the inclusion of the Sovereign Nation territory of the Kletsel Dehe Wintun Nation ("Kletsel Dehe") within the boundary of Zone 3 of the Colusa County Flood Control and Water Conservation District ("Zone 3"). Based on public testimony in the Sites Water Rights Hearing on September 10, 2024 (See Site Hearing Folder on Sites AHO Website – Sites Valley Video (3) around 8:00 mark), Chairman Wright of Kletsel Dehe testified that he was not contacted nor consented to the inclusion of the Kletsel Dehe Rancheria within the boundary of Zone 3. It is important that Kletsel Dehe decides if it wants to be included in Zone 3 rather than being included unilaterally without its consent. I am bringing this to your attention and the Public because it is not right to include a Sovereign Nation without its consent within a public agency created for financing but also it is likely to further delay the Project if the obvious Federal Supremacy Clause issues arise or other issues involved regarding enforceability and governance that may arise by having a sovereign nation in a Zone of Benefit under the Zone 3 enabling Statute.

The basis background for the creation of Zone 3 is that the bond counsel law firm for the Sites JPA Stradling Yocca Carlson & Rauth created a White Paper suggesting that one of two public agencies within Colusa County could be used as a Zone of Benefit for landowners to hold their water storage rights and gain the benefit for preferential financing from the USEPA as being part of a public agency. The Stradling White Paper was drafted in April 2022.

On May 19, this White Paper was presented at a meeting of selected landowners for "Meeting to discuss consolidating participation under Colusa County Zone of Benefit." – see attached Agenda. On February 27, 2024 – the Colusa County Board of Supervisors created Zone 3 and included the Sovereign Nation of Kletsel Dehe without its knowledge or consent. See the Map included with the

Resolution for the inclusion of the Kletsel Dehe Rancheria in the Zone 3 area.

I have raised this issue with Executive Director Brown, and he has mentioned that he has reached out to Chairman Wright. Given the historical mistreatment and genocide of the Patwin People, I wanted to raise the visibility of this wrong since Zone 3 is currently an Associate Member of the Sites JPA and it is intended that Zone 3 will become a full Member. Also – I believe there is risk to the success and most likely timing of being successful in accessing the intended USEPA Funding if this matter is not corrected in the next few months.

Thank you for your time and consideration.

Best Regards,

Ben King

**PROPOSED AGENDA FOR MEETING BETWEEN  
SITES AUTHORITY AND CCFCWCD**

**A INTRODUCTION**

**B CCFCWCD ZONE OF BENEFIT**

1. Status of creation of CCFCWCD zone of benefit
2. Status of annexation of land owned by participating landowners in Yolo County to zone of benefit
3. Status of formation of zone of benefit board
4. Status of discussions concerning allocation of responsibilities between zone board and Board of Supervisors
5. Status of compliance/waiver of CCFCWCD Proposition 218 with respect to land-based charges on property owned by participating landowners

**C DOCUMENTATION**

6. Status of CCFCWCD review of Benefits and Obligation Contract on behalf of all participating landowners
7. Status of review of CCFCWCD landowner agreement
8. Status of review of CCFCWCD agreement with home boards.

**D FINANCING ACTIVITY**

9. Process for CCFCWCD to determine whether additional security, including deeds of trust on Participating Landowners' land, may be necessary to assure CCFCWCD creditworthiness

**E SCHEDULE**

**F ACTION ITEMS**

NOTE: Will provide a copy of the 2022 White Paper, Draft 2 of B & O Contract, draft CCFCWCD/landowner agreement, draft CCFCWCD/home board agreement and project and financing schedule prior to meeting.

## North Sac Valley Sites Participant Meeting - Meeting - JP Robinette - MKivett@sitesproject.org



Yes, I'll attend



Propose new time



Respond



Busy



Don't remind me



Categorize



Private



## North Sac Valley Sites Participant Meeting



Thu 5/19/2022 2:00 PM - 3:00 PM



Microsoft  
Teams  
Meeting;

Sites  
Project  
Authority



Are you planning to attend this?

**From:** Jamie <jamie@tnpfarms.com>**Date:** Tuesday, May 17, 2022 at 9:05 AM

**To:** "Bill Vanderwaal (wvanderwaal@rd108.org)" <wvanderwaal@rd108.org>, Shelly Murphy <ccwd2@frontiernet.net>, "druiz@westsidewd.com" <druiz@westsidewd.com>, "Mike Azevedo (mjazevedo@countyofcolusa.org)" <mjazevedo@countyofcolusa.org>, Gary Evans <gevans@countyofcolusa.com>, Thad Bettner <tbettner@gcid.net>, 'Jim Peterson' <jimp@chiconut.com>, Zach Dennis <zachary@canalfarms.com>, Mike Urkov <mike.urkov@gmail.com>, 'KEN LAGRANDE' <klagrande@sunvalleyrice.com>

**Cc:** Jerry Brown <jbrown@sitesproject.org>, JP Robinette <jrobinette@sitesproject.org>, "dbrown@stradlinglaw.com" <dbrown@stradlinglaw.com>, "boardclerk@countyofcolusa.com" <boardclerk@countyofcolusa.com>, Richard Stout <rstout@countyofcolusa.com>, Sandra Yarbrough <syarbrough@sitesproject.org>

**Subject:** North Sac Valley Sites Participant Meeting

Meeting to discuss consolidating participation under Colusa County Zone of Benefit.

The Sites Office will be available to attend in person.

## Tracking

## Organizer

Jamie

Sent on Friday, 5/13/2022 at 10:57 AM

## Attendees

You responded "Yes"

## Yes: 8

Bill Vanderwaal (wvande...  
Required

Shelly Murphy  
Required

Thad Bettner  
Required

Mike Urkov  
Required



JP Robinette  
Optional

dbrown@stradlinglaw.c...  
Optional

Richard Stout  
Optional

Sandra Yarbrough  
Optional

## No: 1

Jerry Brown  
Optional

## Didn't respond: 7

druiz@westsidewd.com  
Required

KING 51

~~C-2~~

**RESOLUTION NO. 24-07**

**A RESOLUTION OF THE COLUSA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FORMING ZONE OF BENEFIT NUMBER 3 OF THE COLUSA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

**WHEREAS**, the Board adopted Resolution 24-05, a Resolution of Intention to Form Zone of Benefit No. 3 of the Colusa County Flood Control and Water Conservation District (District) on January 30, 2024; and

**WHEREAS**, notice of the hearing has been given pursuant to Section 6066 of the Government Code; and

**WHEREAS**, on February 27, 2024, the District held the necessary public hearing and provided an opportunity for eligible voters to file protests against the formation of Zone of Benefit No. 3; and

**WHEREAS**, there were not written protests signed by a majority in number of the eligible voters within the proposed zone of benefit filed with the District; and

**WHEREAS**, the estimated expense of carrying out the purpose of the zone of benefit is \$270,000.

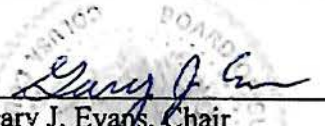
**NOW, THEREFORE BE IT RESOLVED**, by the Board of Directors of the Colusa County Flood Control and Water Conservation District hereby forms the Zone of Benefit Number 3 of the Colusa County Flood Control and Water Conservation District the jurisdictional boundaries are defined in the map attached hereto as Attachment "A" for the purpose of facilitating participation in the Sites Project by participating landowners within the jurisdiction of the Zone of Benefit.

**RESOLUTION PASSED AND ADOPTED** this 27<sup>th</sup> day of February, 2024 by the following vote:

**AYES:** Supervisors J. Merced Corona, Kent S. Boes, Daurice K. Smith and Gary J. Evans.


**NOES:** None.

**ABSENT:** Supervisor Janice A. Bell

  
\_\_\_\_\_  
Gary J. Evans, Chair  
Colusa County Board of Directors,  
Colusa County Flood Control and  
Water Conservation District

**ATTEST:**  
Wendy G. Tyler  
Clerk to the Board of Directors  
Colusa County Flood Control and  
Water Conservation District

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Richard Stout  
County Counsel

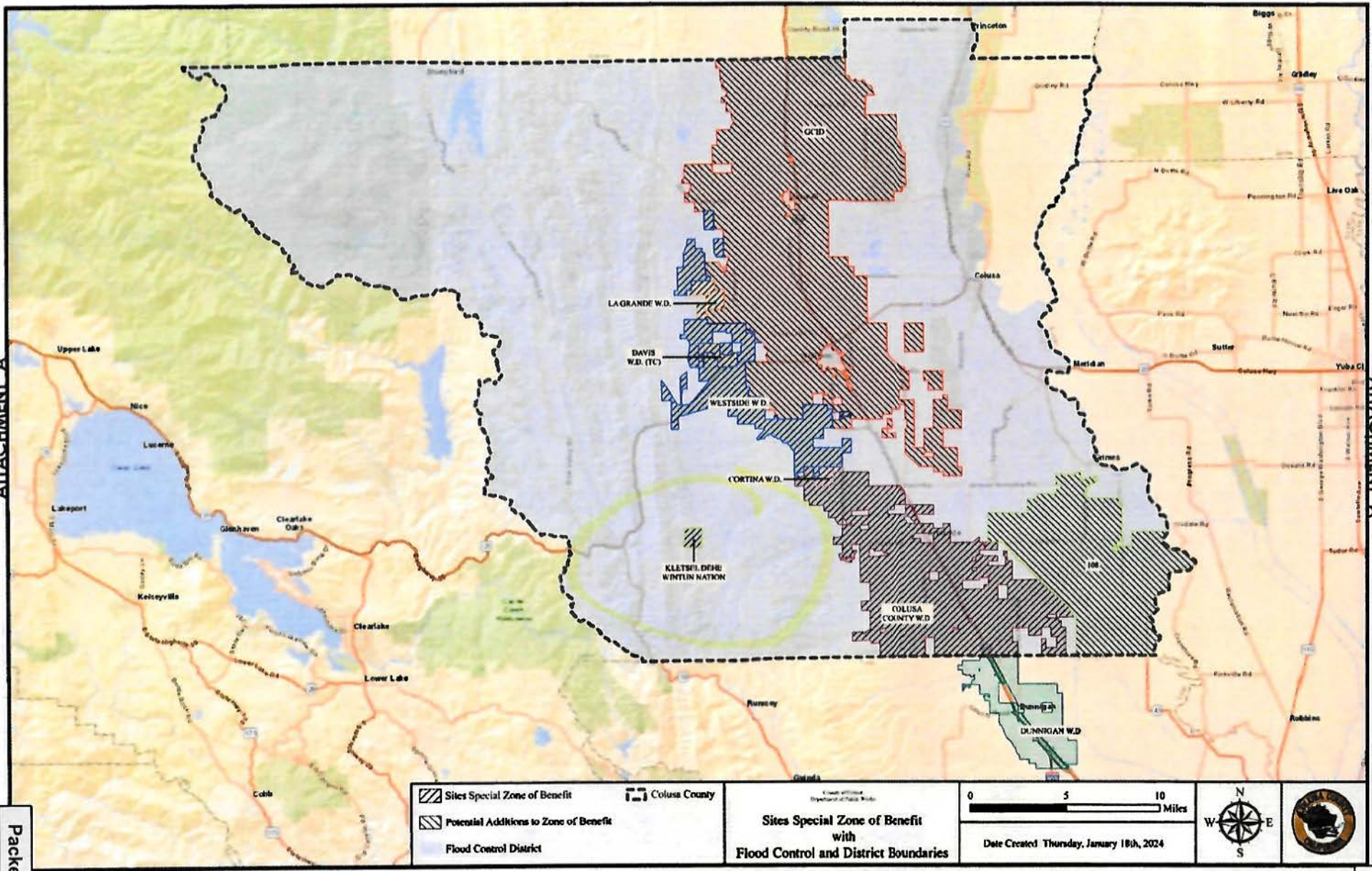
By:   
\_\_\_\_\_  
Deputy Board Clerk



KING 51

ATTACHMENT "A"

# ATTACHMENT "A"



Packet Pg. 104

Attachment: Propose ZOB version 2, marked Attachment A (9658 : Public Hearing-Formation of the proposed Zone of Benefit No. 3)

ATTACHMENT "A"

C-2

2.b



Land Based Assessment Financing Considerations White Paper  
Sites Reservoir Project  
April 23, 2022 (draft)

The project team for the Sites Project Authority and certain local public water agencies (PWAs) have been exploring contracting and securitization approaches where individual landowner participation within a PWA is the preferable means of participating in the Sites Project. At this stage there are generally two different options under discussion. Option 1 has gone through more extensive review and discussions and the project team and PWAs see it as a viable approach. Option 2 is conceptual at this stage. This white paper reflects the project team's initial thoughts on what would need to be considered for each option and is being provided to the local PWAs as a working document to aid in their evaluation of approaches.

1 Currently the Sites Reservoir Project Finance Plan and the Third Amendment to the Project Agreement generally contemplate that participation by "investors" ("Participating District Landowners") with land included within districts which are not intending to participate in the Sites Reservoir Project on a district-wide basis will be as follows:

- A Districts would execute the Benefits and Obligation Contract with the Authority, as the districts have the necessary legal authorities, local knowledge, policy and operating expertise and demonstrated support for the overall Sites Reservoir Project;
- B Capacity and other interests conveyed by Authority in the Sites Reservoir Project would be conveyed to the districts; whether (and on what terms) a district conveys a sub-capacity or other interest to Participating District Landowners is a decision for each district;
- C Each district would be responsible for proceedings related to approval of land based charges on property owned by Participating District Landowners within such district to pay debt service, including Proposition 218 elections (or waivers, if applicable), including primary responsibility in determining that the land to be encumbered by the land based charges is sufficient to secure the obligation of such Participating District Landowners (such determination would be subject to review by the Authority, other Sites Reservoir Project participants, rating agencies and lenders);
- D Additional security, including deeds of trust on Participating District Landowners' land in the district, may be necessary to assure the districts, the Authority, other Sites Reservoir Project participants, rating agencies and lenders of the creditworthiness of the structure;
- E The obligation to make debt service payments to the Authority would be a district obligation but limited to land based charges collected by each district from Participating District Landowners only; the Benefits and Obligation Contract would expressly provide that no other funds or assets of such district are available to pay to the Authority for debt service;
- F The obligation to make payments to the Authority for operation and maintenance and other non-debt service costs would be a district's obligation even if such district



obligation to make such payments was limited to water sales and storage fees collected by such districts from Participating District Landowners; the Benefits and Obligation Contract would expressly provide that no other funds or assets of such district are available to pay to the Authority for operation and maintenance and other non-debt service costs;

G The Authority would exercise remedies in accordance with the Benefits and Obligation Contract in the event of a default by a district under its Benefits and Obligation Contract, including suspension or termination of water deliveries, water storage rights or rights to water in storage of the applicable district under its Benefits and Obligation Contract;

H Each district would exercise remedies against defaulting Participating District Landowners within its district (including enforcement of Proposition 218 land based charges, foreclosure on deeds of trust, enforcement of collections through legal action and discontinuance of water and other services to defaulting Participating District Landowners).

2

If a Regional Entity (Colusa County Flood Control and Water Conservation District, Colusa Basin Drainage District or other entity) were to serve to govern over designated Participating District Landowners and be the participating entity in contract with the Authority, a number of issues should be considered to assure that the arrangement does not negatively affect the creditworthiness of the proposed structure or redirect impacts on other participating entities or the Authority:

A Does such Regional Entity have the legal authority to enter into the Benefit and Obligation Contract with the Authority;

B Does the Regional Entity have sufficient technical, managerial, and financial capacity to reasonably assure the other participating entities that they will not be burdened with governance of the Participating District Landowners as follows:

- (i) Does the Regional Entity have the necessary legal authorities, local knowledge, policy and operating expertise and support for the overall Sites Reservoir Project;
- (ii) Does the board of directors of the Regional Entity represent (or can it be structured to represent) the Participating District Landowners and the districts;
- (iii) Does the Regional Entity have a demonstrated history of support for the Sites Reservoir Project;
- (iv) Will the Regional Entity receive the capacity and other interests under the Benefits and Obligation Contract with the Authority; how will such capacity and other interests be conveyed to the districts and/or Participating District Landowners (if at all);



- (v) Does the Regional Entity have the legal authority and willingness to levy land based charges on Participating District Landowners within the districts, including the authority to comply with Proposition 218;
- (vi) Will the Regional Entity have the ability to determine that the land to be encumbered by the land based charges are sufficient to secure the obligation of such Participating District Landowners or would it need the assistance of the districts;
- (vii) Does the Regional Entity have the legal authority and willingness to enter into additional security provisions (such as deeds of trust);
- (viii) Does the Regional Entity have the legal authority and willingness to collect water service/water storage fees from the Participating District Landowners to be paid to the Authority for operation and maintenance and other non-debt service costs; would the Regional Entity need to enter into agreements with the districts to obtain or enhance such authority and willingness;
- (ix) Does the Regional Entity have the legal authority and willingness to exercise remedies in accordance with the Benefits and Obligation Contract, including suspension or termination of water deliveries, water storage rights or rights to water in storage or would such Regional Entity need to enter into agreements with the districts with respect to the termination of water deliveries and other remedies;
- (x) Is there a backup plan in case the Regional Entity at any point in time in the future becomes incapable of fulfilling its obligations to the Authority.