

State Water Resources Control Board**FOR IMMEDIATE RELEASE****March 2, 2001**

SWRCB 01-006

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**STATE WATER BOARD ADOPTS YUBA WATER RIGHT
DECISION NEARLY 13 YEARS IN THE MAKING**

SACRAMENTO – Culminating a 13-year dispute among water diverters, fishery agencies and public interest groups, the State Water Resources Control Board (SWRCB) adopted a water right decision to protect fishery resources in the lower Yuba River between Englebright Reservoir and Marysville.

The complaint regarding the effects of water diversions on fish in the Yuba River has been pending before the SWRCB since 1988.

“I think that the Board has worried about this more than any other decision that we have had before us since I have been on the Board,” said Member John Brown.

The Board held lengthy evidentiary hearings on this matter in 1992 and 2000, and distributed a draft decision last November. The adopted decision establishes interim and long-term flow requirements for the protection of chinook salmon and steelhead, and requires the development of plans to reduce fish losses at two major diversion facilities.

“Our staff has put in a tremendous amount of time, effort and heart in this decision. It obviously doesn't satisfy everyone, however, we certainly have tried to be fair,” said Brown, who served as the hearing officer for the 2000 hearings.

The decision included three principle changes from the November draft. The first change is a provision that establishes interim flow requirements based on the flows recommended by Yuba County Water Agency (YCWA). The interim requirements will apply for five years before the long-term flow requirements take effect.

The interim and long-term requirements are virtually the same for normal and wet years, but the interim flows are lower during dry years. Although the long-term flow requirements will not reduce the total amount of hydroelectric power generated on the Yuba River, they can result in the generation of less power during highest demand months. The interim flows were established in order to avoid adverse effects on power generation during the time when electrical energy is in short supply.

The other changes from the November draft decision involve a slight modification of instream flow requirements in some months, and a provision by which the YCWA can request a temporary modification of instream flows in any year in which deficiencies in water available for irrigation would exceed 20 percent of demand.

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SWRCB001-006**Page 2-2-2**

“This was one of the fairest, most thought-out decisions we have made; it is equitable, and it’s sensitive to the current issues California is facing,” said departing Board Member Mary Jane Forster.

The Board yesterday heard requests from several parties to grant a 60-day continuance before taking any action in order to allow further opportunity for negotiating a proposed settlement for consideration by the Board.

The Board expressed its appreciation of the parties’ settlement efforts, but decided to proceed with adoption of a decision in this long-standing controversy.

“It’s time to get closure,” Forster said at the hearing.

The decision expressly provides that the Board will consider revising the decision in view of any settlement that the parties may reach in the next 60 days. The decision provides that the Board will consider any proposed settlement at a Board meeting scheduled for May 3, 2001.