



## State Water Resources Control Board

### **NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 25,000 ACRE-FEET OF WATER FROM YUBA COUNTY WATER AGENCY TO CONTRA COSTA WATER DISTRICT UNDER PERMIT 15026 (APPLICATION 5632)**

On November 10, 2022, Yuba County Water Agency (YWA), filed a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, for temporary change to transfer up to 25,000 acre-feet (af) of water pursuant to California Water Code section 1725 et seq. Temporary changes involving the transfer of water may be in effect for one year from the date of approval.

#### **DESCRIPTION OF THE TRANSFER**

Water made available under the Yuba River Accord (Yuba Accord) will be delivered to the Contra Costa Water District (CCWD). YWA proposes to complete the transfer of up to 25,000 af of water to CCWD by December 31, 2023.

#### **PROPOSED CHANGES**

YWA requests the following temporary changes to their water right Permit 15026 (Application 5632): 1. Add the CCWD's Rock Slough Intake, Old River Intake, and Middle River Intake as points of rediversion.

A copy of the notice is available on the State Water Board's website at:

[Water Transfers Program | California State Water Resources Control Board.](#)

#### **ENVIRONMENTAL CONSIDERATIONS**

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses

#### **STATUTORY PROVISIONS**

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by

**E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR**

permittee or licensee; 2. Would not injure any legal user of the water; and 3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses. Water Code section 1727, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water Code section 1727, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

## **OPPORTUNITY FOR COMMENTS**

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of this petition and seeking information to assist in the evaluation of the proposed temporary change. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary change will be considered. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). Since, at this time, the State Water Board has not made a determination regarding whether the petition identified above presents a prima facie case, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Pursuant to California Water Code section 1726 subdivision (f), any interested person may file a comment regarding the petition. **The 30-day comment period per Water Code section 1726 subdivision (f) has been reduced to 15 days per the Governor's Proclamation of a State of Emergency in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake watershed Counties due to drought (Drought Proclamation) dated May 10, 2021. This Drought Proclamation will help expedite processing of water transfers. Comments filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on December 2, 2022.**

Send comments to both:

Patricia Fernandez  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000  
[Patricia.Fernandez@waterboards.ca.gov](mailto:Patricia.Fernandez@waterboards.ca.gov)

Yuba County Water Agency  
c/o Jennifer Buckman  
Bartkiewicz, Kronick & Shanahan  
1011 22<sup>nd</sup> Street  
Sacramento, CA 95816  
[jtb@bkslawfirm.com](mailto:jtb@bkslawfirm.com)

For additional information regarding this matter, please contact Patricia Fernandez by email at [Patricia.Fernandez@waterboards.ca.gov](mailto:Patricia.Fernandez@waterboards.ca.gov).

Date of Notice: **November 17, 2022**