

CALIFORNIA DEPARTMENT OF WATER RESOURCES

POLICY STATEMENT
IN SUPPORT OF YUBA COUNTY WATER AGENCY PETITIONS FOR
THE LOWER YUBA RIVER ACCORD

December 5, 2007

The Department of Water Resources (Department) supports the Yuba County Water Agency's water right petitions requesting modification of its water rights to allow implementation of the Lower Yuba River Accord (Yuba Accord). The Department of Water Resources and the Yuba County Water Agency have just signed a Long-Term Water Purchase Agreement, one of the key elements to allow implementation of the Yuba Accord. Through this Water Purchase Agreement, the Department will make water available to the CALFED Environmental Water Account (EWA) and water users in our Dry Year Program. The EWA water will be purchased in one lump sum to provide 60 TAF of water for use by EWA each year over the next 8 years. The Dry Year Program water will be paid for by water users of the State Water Project who sign up for the program and water users of the Central Valley Project who are members of the San Luis and Delta Mendota Water Authority and participate in the program. The water for the Water Purchase Agreement cannot be made available without the implementation of the Yuba Accord as provided for in Yuba County Water Agencies petitions. The water will be moved though the Delta at times that are protective of at risk fish species as we have done over the past 7 years for water transfers for the EWA and past dry year programs.

California experienced a dry year in 2007. Reservoir levels are currently very low and precipitation so far this year has also been low. The Water Purchase Agreement allows additional water supplies to be purchased should next year or future years be dry and it is a way to help offset some of the water supply impacts of recent court decisions to the water users.

The Water Purchase Agreement is the financial engine that runs the Yuba Accord. The Water Purchase Agreement not only compensates Yuba County Water Agency and its member units for their direct costs of making the water available; it helps pay for the conversion of remaining groundwater wells that use diesel engines to pump water to electric use to reduce air quality concerns in the region. It pays for the groundwater monitoring and rapid response plans to ensure protection of local groundwater resources; it pays for the fishery studies to document the effectiveness of the new Yuba Accord flows and to answer key fishery questions. It also provides resources to Yuba County Water Agency to allow it to invest in much needed levee improvements in their area at a time when the awareness of the need for levee improvements in the State has never been higher.

The Yuba Accord provides fishery flows in the Lower Yuba River that resolve outstanding legal issues between Yuba County Water Agency, environmental groups and the State Water Resources Control Board (State Water Board). The State Water Board has a long tradition of allowing parties to resolve their differences and stepping in to use its regulatory authority in cases when such local solutions are not possible. In this case, Yuba County Water Agency has worked diligently with all parties including State and federal fishery agencies and environmental groups to develop a set of fishery flows and monitoring programs that meet their needs. The State Water Board should seize upon this solution and allow its implementation through the water right changes that Yuba County Water Agency proposes.

The Yuba Accord also allows Yuba County Water Agency to re-operate its reservoir at New Bullard's Bar in conjunction with local groundwater users in ways that make more water available for fishery flows and for water supplies in the Water Purchase Agreement. This conjunctive use program has been piloted for several years with the Department's participation. It effectively makes surface water flows available for water transfer as local users safely utilize their local groundwater sources. The Department of Water Resources has purchased water from Yuba County Water Agency almost every year since 2001 for EWA. The Department has seen the effectiveness of the Yuba County Water Agency's conjunctive use program and their keen interest in protecting their local groundwater users with monitoring programs and rapid responses when concerns arise. Conjunctive use of surface and groundwater is encouraged in the State's Water Plan. It makes efficient use of our scarce water resources and expands our collective water supply capabilities. At a time when we are looking for additional storage in this State, the Department of Water Resources and the State Water Board must do all we can to allow the most effective use of water in existing reservoirs, be they surface or groundwater reservoirs.

In closing, the Lower Yuba River Accord resolves long standing legal issues over fishery flows in the Lower Yuba River; it allows for the long-term implementation of an effective surface water / groundwater conjunctive use program, it allows water to be used for both environmental purposes in the Delta and in our dry year programs. Approval of the water right aspects of the Yuba Accord is good deal for the fishery in the Lower Yuba River, it a good deal for the State Water Board, it is a good deal for Yuba County Water Agency, it is a good for the Environmental Water Account and it is a good deal for water users south and west of the Delta who have been actively involved in the development of this long-term relationship with Yuba County Water Agency. The Yuba Accord fosters good water management and is good public policy. The Department of Water Resources strongly recommends that the State Water Board approve the Yuba County Water Agency water right petitions to allow implementation of the Lower Yuba River Accord.