

California Department of Water Resources
Testimony in Support of Yuba County Water Agency Petition to
Change the Effective Date of
the Long-Term Instream Flow Requirements in Revised Decision 1644 ¹

The Department of Water Resources (DWR) supports the Yuba County Water Agency (YCWA) petition to change the effective date of the long-term instream flow requirements specified in Revised Decision 1644 (RD-1644) from March 1, 2007, to April 1, 2008. DWR operates the State Water Project (SWP) which stores and diverts water from the Feather River and Sacramento River watershed to provide water for municipal, agricultural, and environmental purposes throughout California. DWR supports the YCWA petition because it will further efforts toward implementing the proposed Lower Yuba River Accord, a proposal that will provide benefits to the environment, water supply, and flood control. Approval of the YCWA petition will enable YCWA to continue operating under existing conditions and implement a Pilot Program for the Yuba River Accord through a 2007 water purchase agreement between DWR and YCWA ("2007 Water Purchase Agreement"). Neither DWR nor other legal users of water would be injured by actions proposed under the petition and DWR believes that approval of the petition is important to further the public interest in providing for future reliable water supplies.

DWR and YCWA executed a 2006 Water Purchase Agreement to help implement the Yuba River Accord Pilot Program, as defined in YCWA's Initial Study/Proposed Mitigated Negative Declaration submitted to the State Water Resources Control Board for the change petition. Due to the Delta being out of balance most of 2006, no YCWA water was transferred. The expectation is that, in 2007, transfer water to the Environmental Water Account (EWA) will occur, providing additional information on effects of transfers under the proposed Lower Yuba River Accord.

Under the 2007 Water Purchase Agreement and in furtherance of the Pilot Program, DWR will purchase water for the EWA and for a Dry Year Water Purchase Program, if needed. DWR does not expect, however, a 2007 Dry Year Water Purchase Program will be needed due to the recent wet years. DWR administers these programs and has used YCWA water in the past to implement them. Under the 2007 Water Purchase Agreement, DWR's and Reclamation's water rights are protected by provisions to prevent impacts to the SWP or Central Valley Project.

The 2007 Water Purchase Agreement will implement provisions that are similar to requirements proposed for the Yuba River Accord, including timing of deliveries to benefit fish and payment provisions to provide funds for environmental and monitoring work. The YCWA petition enables the 2007 water

¹ Presented December 11, 2006, by Teresa Geimer, DWR Engineer.

purchase to proceed under existing conditions which enables YCWA to implement the Pilot Program flows. The Pilot Program is important for providing information and funding for environmental work necessary in preparing environmental documents for the proposed Yuba River Accord.

DWR believes it is essential to allow YCWA to proceed under existing conditions for another year so that it can implement the Yuba Accord Pilot Program, which is key to developing the proposed Yuba River Accord. As with past water transfers between DWR and YCWA, DWR and Reclamation are obligated under their water rights and State Water Board Decision 1641 to maintain water quality conditions in the Delta to protect beneficial uses of water. Therefore, no harm would occur to other legal users of water as a result of the change in the effective date for implementing the flows under RD-1644 and any transfers of water that would occur through the Delta during the period of the requested change.