

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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STATE WATER RESOURCES
CONTROL BOARD
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DIV OF WATER RIGHTS
SACRAMENTO

PETITION FOR MODIFICATION OF WATER-RIGHT PERMITS
(Cal. Code Regs., title 23, §791(e))

Application Nos. 5632, 15204 & 15574 Permit Nos. 15026, 15027 & 15030

Present Holder and User of Water Rights

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Petition For Modification Of Water-Right Permits

The Yuba County Water Agency (Yuba) hereby petitions the State Water Resources Control Board (State Water Board) under the provisions of California Code of Regulations (CCR) section 791(e) for a temporary change to the water-right permits listed above. The following change is requested:

Change the effective date of the State Water Board's Revised Decision 1644 long-term instream-flow requirements from April 21, 2006 to March 1, 2007. (The April 21, 2006 effective date is specified on pages 173 and 175 of Revised Decision 1644.)

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This change in Yuba's water-right permits is required to accomplish the proposed temporary water transfer that is described in the amended petition for temporary transfer that Yuba filed with the State Water Board on November 16, 2005. Without this change, the carryover storage in New Bullards Bar Reservoir on September 30, 2006 (after implementation of the proposed temporary water transfer) would be up to 70,000 lower than it would be with this change. Such lower carryover storage would significantly increase the severity of any deficiencies in Yuba's deliveries of water to local water users in 2007, if 2007 is a dry year. Also, although most of the water that will be involved in the temporary transfer will be water that would be stored in the absence of the transfer, some additional transferable water will be made available by the change requested in this petition.

As discussed in Yuba's amended petition for temporary transfer, pursuant to the Fisheries Agreement for 2006 Lower Yuba River Pilot Program, Yuba will operate the Yuba River Project to provide the minimum instream flows in the Lower Yuba River between April 1, 2006 and February 28, 2007 that are specified in Exhibits 1-5 of that agreement. Copies of these exhibits were filed with Yuba's amended petition for temporary transfer. These minimum instream flows will provide a level of protection of fish, wildlife and other instream beneficial uses that will be equivalent to or better than the level of protection that would be provided by the long-term instream-flow requirements in Revised Decision 1644. The State Water Board therefore can grant this petition for modification of water-right permits without unreasonably affecting fish, wildlife or other instream beneficial uses.

Yuba is preparing California Environmental Quality Act (CEQA) documents for this petition. Yuba will submit drafts of these documents to the State Water Board, for it to review and comment on as a CEQA responsible agency.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: November 18, 2005, at Sacramento, California.

By Alan B. Lilly
Alan B. Lilly, Authorized Agent for the Yuba County Water Agency