



State Water Resources Control Board



Division of Water Rights

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Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental Protection

November 20, 2007

RE: Additional State Water Board Evidence in Hearing to Consider Yuba County Water Agency's (YCWA) Petition to Modify Water Right Permits 15026, 15027 and 15030 and Petition for Long-Term Transfer under Permit 10506

To All Hearing Participants:

The Hearing Team of the State Water Resources Control Board (State Water Board) is adding the materials specified below to its list of evidence to be included in the record for the hearing on the above-referenced petitions, in order to assist the State Water Board in its assessment of the incremental impacts of the proposed petitions on the San Francisco Bay/Delta region. Because the Draft and Final Environmental Impact Report/Environmental Impact Statements (EIR/EIS) for the Proposed Lower Yuba River Accord reference the *NRDC v. Kempthorne* decision and the other documents, we do not anticipate that inclusion of this evidence will impose a burden on any party.

The additional evidence is:

- The August 31, 2007 interim remedy bench ruling, transcripts for the interim remedy order hearing, and the declarations listed in the attachment to this notice that were filed in connection therewith, in *NRDC v. Kempthorne*, Case No. 1:05-cv-01207-OWW (E.D. Cal.);
- The court's findings of fact, conclusions of law and remedy order in that case, should it be issued before the State Water Board issues a decision on the above-referenced petitions;
- Resources Agency, March 2007. Pelagic Fish Action Plan;
- Interagency Ecological Program, 2006-2007. Work Plan to Evaluate the Decline of Pelagic Species in the Upper San Francisco Estuary; and
- Interagency Ecological Program, 2005. Pelagic Organism Decline Synthesis Report 2005.

Please advise the Hearing Officer by November 30, 2007, if you have any objections to the inclusion of this evidence.

Sincerely,

Ernest Mona
Water Resource Control Engineer
Hearings and Special Projects Section

Encl. List of Declarations

California Environmental Protection Agency

Declarations & Exhibits from *NRDC v. Kempthorne*:

- Stephen Ford, Department of Water Resources, August 2, 2007
- Cay Goude, U.S. Fish and Wildlife Service, July 3, 2007 and August 3, 2007
- Charles Hanson, environmental consultant for State Water Contractors, July 23, 2007
- Jerry Johns, Department of Water Resources, July 9, 2007
- John Leahigh, Department of Water Resources, July 9, 2007 and August 2, 2007
- Christina Swanson, The Bay Institute of San Francisco, July 23, 2007 and August 13, 2007