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February 4, 2022

SWRCB - DWR  
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**VIA HAND DELIVERY**

Eric Oppenheimer  
Deputy Director, Division of Water Rights  
State Water Resources Control Board  
1416 Ninth Street, 12th Floor  
Sacramento, California 95814

Re: Application 5632 & Permit 15206 - Yuba County Water Agency

Petition for Change Involving Water Transfers (Point of Diversion, Temporary Change), including an attachment and a supplement, with Environmental Information, including color photographs and map information

Dear Deputy Director Oppenheimer:

Please find enclosed Yuba County Water Agency's (YCWA) Petition for Change to add three of the Contra Costa Water District (CCWD) points of diversion as points of rediversion on YCWA's water-right Permit 15026 (Application 5632) through December 31, 2022. The required Environmental Information form is enclosed with the Petition for Change. Please also find enclosed a check in the amount of \$15,345.00 in payment of the applicable water-right change petition fee. (See section 1064(a)(1)(A)(ii) of the SWRCB's regulations.)

The proposed temporary addition of these three CCWD points of diversion to YCWA's permit as points of rediversion would enable YCWA to deliver to CCWD water made available under the Yuba River Accord (Yuba Accord). YCWA releases water from its Yuba River facilities according to the Yuba Accord's streamflow schedules, as approved by the SWRCB in Corrected Order WR 2008-0014. Under that order and the existing Yuba Accord agreements, that water can be transferred to contractors of the Central Valley Project (CVP) and the State Water Project. With the addition of the CCWD points of diversion as points of rediversion on YCWA's Permit 15026, CCWD would be able to take delivery of up to 25,000 acre-feet of Yuba Accord water this year, pursuant to a one year agreement among YCWA, CCWD and EBMUD. CCWD is a CVP contractor and its service

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Eric Oppenheimer

February 4, 2022

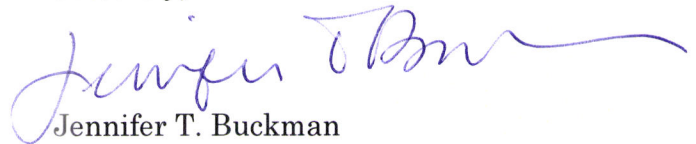
Page 2

area is within the CVP's place of use, which Corrected Order WR 2008-0014 added to the place of use of YCWA's Permit 15026.

As discussed in the enclosed materials, the proposed redirection of Yuba Accord water at the CCWD points of diversion will not involve any changes to YCWA's operations under the Yuba Accord streamflow schedules. As also discussed in the enclosed petition and Environmental Information form, CCWD would operate consistent with existing regulatory requirements for its existing points of diversion.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Jennifer T. Buckman

Attorneys for Yuba County Water Agency

Enclosures

c (w/o encl.): Willie Whittlesey, Yuba County Water Agency  
Marguerite Patil, Contra Costa Water District

Please indicate County where your project is located here:

See attachment

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication
Application 5632, Permit 15206, License, Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83). Present: See Permit No. 15026 - all existing points of diversion and rediversion will be retained

Proposed: See attachment

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated. Present: No change

Proposed: No change - see attachment

Purpose of Use Present: No change

Proposed: No change

Instream Flow Dedication - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83). Upstream Location:

Downstream Location:

Table with 12 columns for months (Jan-Dec) and 2 rows for flow quantities (cubic feet per second or gallons per day).

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Proposed New User(s) Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

YCWA would remain the sole permittee. Under the one-year transfer agreement with Contra Costa Water District (CCWD) and East Bay Municipal Utilities District (EBMUD), CCWD and EBMUD have an option to purchase (a) an amount to be agreed upon during the spring transfer window of April 1 through June 30, and 10,000 acre-feet of water during the summer transfer window of July 1 through November 30. See attachment for contact information.

**Amount of Water to be Transferred**

Up to 25,000 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is 450 cfs cubic feet per second or million gallons per day.

**General Information – Provide the following information, if applicable to your proposed change(s).**

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses?  Yes  No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

See attachment

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

No users of water will be affected by the proposed change, since the proposed change is to add 3 of CCWD's existing points of rediversion to Accord transfer water, and the Accord transfers have already been approved. See attachment.

**All Right Holders Must Sign Below:** I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated 02/02/2022 at Sacramento, CA

  
Right Holder or Authorized Agent Signature

\_\_\_\_\_  
Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, available at:  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**Attachment to  
Petition of Yuba County Water Agency  
to Add Points of Rediversion to Permit No. 15026  
To Facilitate a One-Year Transfer  
of Accord Transfer Water to Contra Costa Water District**

County:

The permanent existing points of diversion are located in Sierra and Yuba Counties with points of rediversion in San Joaquin County added until December 31, 2025 by Corrected Order WR 2008-0014. The proposed additional points of rediversion are in Contra Costa County.

Proposed New Points of Rediversion:

The proposed new points of rediversion would be:

By California Coordinate System of 1983 in Zone 3	40-acre subdivision of public land survey or projection thereof	Projected Section	Township	Range	Base and Meridian
Rock Slough Intake North 2,179,904 feet East 6,232,668 feet	SE ¼ of NE ¼	33	2N	3E	MD
Old River Intake North 2,147,455 feet East 6,250,918 feet	NW ¼ of SE ¼	31	1N	4E	MD
Middle River Intake North 2,139,610 feet East 6,259,970 feet	NE ¼ of NW ¼	9	1S	4E	MD

These points of rediversion would be added to water-right Permit 15026 until December 31, 2022. See Supplemental Information, attached to this document, for further information.

Place of Use:

In Corrected Order WR 2008-0014, the SWRCB approved the addition of the authorized place of use of the Central Valley Project (as shown on map 214-208-12581 on file with Application 5626) to Yuba County Water Agency's (YCWA) Permit 15026 through December 31, 2025. The proposed additional authorized points of rediversion would be used for potential annual transfers of water to Contra Costa Water District (CCWD). CCWD is a CVP contractor and its service area is within the CVP place of use that has been added to YCWA's Permit 15026.

Proposed New Users:

YCWA, CCWD and EBMUD have entered into an agreement under which CCWD, or EBMUD, or both, could divert water made available for transfer by YCWA under the Lower Yuba River Accord and Corrected Order WR 2008-0014. CCWD would divert the water at the proposed points of redirection using CCWD's existing facilities at those locations. For purposes of the redirection of water under Permit 15026, YCWA would have access to that location through its agreement with CCWD and EBMUD. CCWD's address and point of contact for this matter is:

Lucinda Shih, Water Resources Manager  
CCWD  
P.O. Box H2O  
Concord, CA 94524  
925-688-8168 office  
925-588-8127 mobile

Amount of Water to Be Transferred

The total water transferred under the YWA agreement with EBMUD and CCWD will be up to 25,000 acre-feet, including 10,000 acre-feet of "summer water" that will be transferred between July 1 and November 30. Consistent with the approvals for the Accord (see Corrected Order WR 2008-0014), the total water transferred between December 1 and June 30 will not exceed 20,000 acre-feet.

Proposed Terms of Approval of Addition of New Point of Rediversion:

YCWA proposes that the SWRCB's approval of the addition of the proposed new point of redirection include the following terms:

1. The new points of redirection at the CCWD points of diversion are added until December 31, 2022. The total quantity of water to be redirected at these new points of redirection shall not exceed 25,000 acre-feet, including 10,000 acre-feet to be transferred during the summer transfer window of July 1 through November 30. YCWA will make that water available under the Lower Yuba River Accord (Yuba Accord) approved in Corrected Order WR 2008-0014 consistent with the terms of the Yuba Accord.
2. YCWA will comply with all applicable requirements of the SWRCB's Revised Decision 1644, as amended by Corrected Order WR 2008-0014. All of the instantaneous and annual limits on pages 59-60 of Corrected Order WR 2008-0014 shall apply to the total of all redirection under Permit 15026 at the CCWD points of diversion and the other points of diversion authorized for Accord transfer water.
3. Diversions at the new points of redirection will be subject to all terms that presently apply to CCWD's diversion of water at its points of diversion.

**Yuba County Water Agency  
Supplemental Information Regarding  
Petition for Temporary Change under  
Water Code Sections 1725 - 1727  
to Add Contra Costa Water District Points of Rediversion**

**Analysis to Support Determinations of No Impacts to Legal Users  
of Water or Instream Beneficial Uses**

**I. OVERVIEW OF CHANGE PETITION**

This supplemental information is provided to support the petition of Yuba County Water Agency (YWA) under which YWA requests that the Division of Water Rights of the State Water Resources Control Board (SWRCB) approve a temporary change, pursuant to California Code of Regulations section 791, et seq., to add existing points of diversion for Contra Costa Water District (CCWD) as points of rediversion for YWA’s Permit 15026 (Application 5632). The addition of these points of rediversion would enable delivery of up to 25,000 acre-feet (af) of Yuba Accord transfer water to CCWD between April 1 and November 30, 2022.

The transfer water would be diverted by means of CCWD’s Three Main Delta Diversion Facilities (in the Sacramento-San Joaquin Delta (Delta): Rock Slough Intake, Old River Intake and Middle River Intake, which are shown in Figure 1. The location of these points of rediversion is shown in Table 1. The specific time for diversion of transfer water will depend on the schedule of transfer water released from the Yuba River Development Project (Yuba Project), Delta conditions and other operational factors. Figure 2 attached at the end of this document shows the general area for the transfer including Yuba County, the Yuba River, Feather River, Sacramento River and Bay-Delta and CCWD’s Three Main Delta diversion facilities.

Table 1. Location of Points of Rediversion

By California Coordinate System of 1983 in Zone 3	40-acre subdivision of public land survey or projection thereof	Projected Section	Township	Range	Base and Meridian
Rock Slough Intake North 2,179,904 feet East 6,232,668 feet	SE ¼ of NE ¼	33	2N	3E	MD
Old River Intake North 2,147,455 feet East 6,250,918 feet	NW ¼ of SE ¼	31	1N	4E	MD
Middle River Intake North 2,139,610 feet East 6,259,970 feet	NE ¼ of NW ¼	9	1S	4E	MD

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The transfer water will be used within the authorized place of use for Yuba River Accord (Yuba Accord) transfer water, which includes the service areas of the Central Valley Project (CVP) and the State Water Project (SWP). The transfer water will be a supplemental water supply to mitigate for anticipated water-supply shortages in CCWD's service area and/or by exchange or wheeling arrangements with one or more of the Bay Area Regional Reliability Project (BARR) agencies that are within the authorized place of use for Yuba Accord transfer water.

CCWD has had discussions with Marin Municipal Water District (MMWD), which is a member of BARR, about assisting MMWD in its efforts to obtain emergency water supplies for its service area. MMWD's service area is not within the authorized place of use for Yuba Accord transfer water, and there are no facilities in place that could be used to convey water from CCWD to MMWD during the one-year term of this water transfer. Yuba Accord transfer water will not be delivered to MMWD as part of the change petition project or otherwise in 2022. Accordingly, YWA is not seeking in the change petition to add MMWD's service area to the authorized place of use for Yuba Accord transfer water.

Additional information regarding the proposed water transfer is set forth below in the Project Description section of this document.

This document sets forth information to support determinations by the SWRCB under Water Code Section 1727 that the proposed water transfer would not have the potential to: (a) impair the water supply for other legal users of water; and (b) unreasonably affect fish, wildlife or other instream beneficial uses.

## **II. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Because the duration of this transfer would be less than 1 year, the transfer is exempt from CEQA under Water Code section 1729. Accordingly, additional CEQA compliance is not needed for the proposed water transfer under this change petition.

## **III. NO INJURY TO OTHER WATER USERS**

The Yuba Accord includes a Water Purchase Agreement (WPA) with the California Department of Water Resources (DWR) for transfer water to provide supplemental water supplies for participating SWP and CVP contractors (Participating Contractors). The Yuba Accord also includes provision for transfer to non-parties to the WPA if DWR did not elect to purchase the transfer water or could not export it.

As a result of evolving regulatory requirements that have constrained cross-Delta pumping, there are fewer periods when Yuba Accord transfer water can be transferred south of the Delta than were anticipated when the WPA was signed. Due to these constraints, DWR has attempted to "back up"

Yuba Accord transfer water into storage in the SWP's Oroville Reservoir.<sup>1</sup> This operation cannot always be accomplished, however, and even when it is successful, the transfer water stored in Oroville Reservoir is sometimes spilled at a later time when winter runoff fills the reservoir.

In further recognition of these constraints, DWR and YWA agreed to amend the WPA in 2015 (Amendment 5) to authorize a second type of Yuba Accord water transfers to non-parties to the WPA. With Amendment 5 there are now two types of Yuba Accord transfers to non-parties: (a) transfer water that cannot be used beneficially by the SWP or CVP (and determined to increase CVP or SWP storage for later export), which generally would occur during spring months; and (b) up to 10,000 af of transfer water that would otherwise be transferred to the Participating Contractors, which generally would occur during summer and fall months. These scenarios would not injure any legal users of water because they would only entail redirecting transfer water, which by agreement with DWR and with the concurrence of the United States Bureau of Reclamation (Reclamation) for accounting of transfer water, would be new water to the system, and would not be water available to any legal user of water absent the transfer. YWA will coordinate with DWR with respect to implementing the Yuba Accord water transfer to CCWD in 2022.

YWA's proposed transfer to CCWD would comport with Amendment 5 of the WPA and the WPA's accounting principles for Yuba Accord transfer water. Consistent with the WPA, transfer water to CCWD would be accounted for by YWA at the Marysville Gage. In order to avoid impacts of the transfer to SWP or CVP water supplies, YWA has agreed that the amount of transfer water diverted by CCWD compared to the amount of transfer water accounted for at the Marysville Gage would be reduced by the amount of carriage water that DWR and Reclamation determine would be needed to maintain Delta water quality. Therefore, with a carriage water cost applied to the transfer, DWR and Reclamation would not be injured.

In summary, DWR, Reclamation and YWA have determined through agreement and associated detailed accounting principles that Yuba Accord Released Transfer Water under the WPA is new water to the system. Diversion by CCWD under the conditions described in this change petition would not injure any legal users of water.

#### **IV. NO UNREASONABLE EFFECTS TO INSTREAM BENEFICIAL USES**

The entirety of the proposed transfer actions and effects on the physical environment within the Yuba River watershed, Feather River, Sacramento River and Delta were analyzed in the Yuba Accord Final Environmental Impact Report (Yuba Accord EIR), except for: (a) the location of the CCWD Delta diversion facilities, which are proximate to the State and Federal Delta export facilities; and (2) the specific diversion rates planned for this temporary transfer. The Yuba Accord EIR can be found at <https://www.yubawater.org/Search?searchPhrase=yuba%20accord> and SWRCB Corrected Order WR 2008-0014 approving Yuba Accord water transfers can be

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<sup>1</sup> DWR "backs up" Yuba Accord water into Oroville Reservoir storage by relying on the Yuba Accord water to meet requirements downstream of the Feather and Yuba Rivers' confluence that would otherwise require releases of equal amounts of water from Oroville Reservoir. The Yuba Accord water allows DWR to reduce releases from Oroville Reservoir that otherwise would need to be higher to meet those requirements. The resulting increment of retained Oroville Reservoir storage that is a result of releasing less water than would have been required without the Yuba Accord water is the "backed up" Yuba Accord water.

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found at

[https://www.waterboards.ca.gov/waterrights/board\\_decisions/adopted\\_orders/orders/2008/wro2008\\_0014corrected.pdf](https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/2008/wro2008_0014corrected.pdf).

CCWD diversions at Rock Slough, Old River and Middle River Intakes, for delivery to the CCWD service area and storage in Los Vaqueros Reservoir, are governed by SWRCB Decision 1629<sup>2</sup> and water rights orders as amended, as well as California Department of Fish and Wildlife Incidental Take Permit 2081-2009-013-03 issued to CCWD. CCWD operations were evaluated as the “without project” baseline in the CEQA/NEPA documents for Los Vaqueros Reservoir Expansion Project.<sup>3</sup>

The proposed water transfer would not have any unreasonable impacts on any instream beneficial uses. Flows resulting from the transfer would be within the range of effects analyzed: (1) in the Yuba Accord EIR, and (2) for CCWD’s water diversion and use permits. The diversion rates planned for this temporary transfer are within the authorized diversion rates for Yuba Accord transfer water. Using CCWD’s Delta diversion facilities instead of the CVP and SWP Delta Export facilities would be an environmentally-neutral or beneficial change, because redirecting transfer water at CCWD’s Delta diversion facilities rather than DWR backing transfer water into storage would slightly increase flows in the Feather River, Sacramento River and the Delta in the spring and slightly reduce flows in the summertime when DWR would have released the “backed up” Accord water for export. CCWD diversion of Accord water would be within the diversion rates authorized for the operation of CCWD’s Delta diversion facilities, all of which are equipped with state-of-the-art fish screen facilities, and these changes would not significantly impact fish or wildlife.

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<sup>2</sup> [https://www.waterboards.ca.gov/waterrights/board\\_decisions/adopted\\_orders/decisions/d1600\\_d1649/wrd1629.pdf](https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/decisions/d1600_d1649/wrd1629.pdf)

<sup>3</sup> <https://www.ccwater.com/710/Environmental-Documents>  
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## **V. PROJECT DESCRIPTION**

### **1. Overview of the Parties to the Transfer**

#### **A. Yuba County Water Agency**

YWA is located in Yuba County and operates the Yuba Project, which is located on the Yuba River and provides multiple benefits, including flood control, water supply and environmental enhancement.

The Yuba Accord is a collaborative, multi-party agreement that resolves instream flow issues associated with operation of the Yuba Project in a way that protects and enhances lower Yuba River fisheries, improves water-supply reliability, and provides revenue for local flood control, water supply projects and other activities to advance YWA's mission.

#### **B. Contra Costa Water District**

CCWD is located in central and eastern Contra Costa County provides water to approximately 550,000 people and a wide variety of institutional, commercial and industrial customers in its service area. CCWD operates fully-screened diversions in the Delta that supply water to its customers using the Contra Costa Canal, and storing water for later use in the off-stream Los Vaqueros Reservoir. CCWD relies on the Delta for its water supply, diverting water under Reclamation's water rights made available through CCWD's CVP contract, and under CCWD's own water rights. CCWD diverts its water supply from the Rock Slough Intake, Old River Intake, Middle River Intake on Victoria Canal, and Mallard Slough Intake (see Figure 1). CCWD primarily uses Rock Slough, Old River, and Middle River Intakes because salinity at Mallard Slough is generally too high for drinking water use, except during periods of high Delta outflow.

CCWD owns and operates the Old River Intake and the Middle River Intake. The Rock Slough Intake is a Reclamation-owned facility that CCWD operates and maintains under agreement with Reclamation. CCWD's CVP contract gives CCWD access to the point of diversion at Reclamation's Rock Slough Intake on the Contra Costa Canal.

All of CCWD's Three Main Delta Diversion Facilities have been equipped with resource agency-approved fish screens with 2/32-inch or 3/32-inch spacing and less than 0.2-cfs approach velocity. Furthermore, the redundancy in diversion facilities and use of local storage allow CCWD to provide additional benefits by adjusting the timing and location of diversion to benefit sensitive fish species and in accordance with differences in water quality at CCWD's Three Main Delta Diversion Facilities.

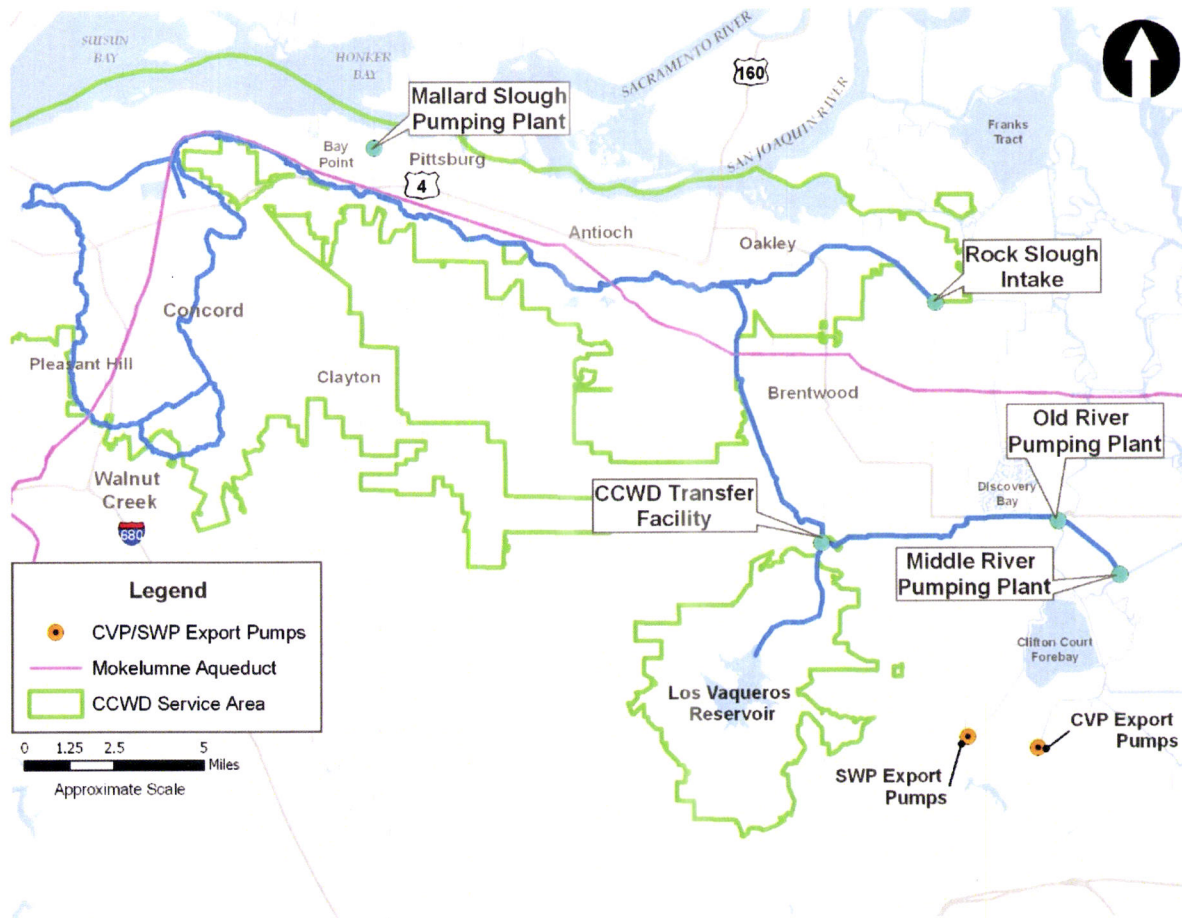


Figure 1. Map of CCWD Three Main Delta Diversion Facilities and Service Area

From time to time (especially in dry years), CCWD has a need for supplemental water supplies, which could be met in part by Yuba Accord transfer water. Additionally, CCWD is coordinating with other Bay Area water agencies to provide transfer water to these partners through use of previously-stored water in Los Vaqueros Reservoir and exchange with Delta diversions. Since the execution of the Bay Area Regional Reliability (BARR) Project Memorandum of Agreement in 2015, CCWD, along with Alameda County Water District, Bay Area Water Supply and Conservation Agency, East Bay Municipal Utility District, Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, and Zone 7 Water Agency, have worked cooperatively to address water supply reliability concerns and drought preparedness on a mutually-beneficial and regionally-focused basis.

CCWD’s service area is within the CVP service area. Portions of the respective service areas of some of the BARR water agencies are within the service areas of the CVP and/or SWP, and are accordingly within the authorized place of use for Yuba Accord transfer water. Yuba Accord transfer water made available to CCWD would be rediverted only at authorized points of rediversion for Yuba Accord transfer water, and used only within the authorized place of use for Yuba Accord transfer water.

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In 2014, the SWRCB approved the point of diversion on the Sacramento River for the Freeport Regional Water Project (Freeport Project) as a point of rediversion for Yuba Accord transfer water under YWA's Permit No. 15026.

## **2. Regulatory Setting / Required Project Approvals**

### **A. YWA's Water Rights and the Yuba Accord EIR**

The Yuba Accord was implemented in 2008 following YWA's certification of the Yuba Accord EIR in 2007 and the issuance by the SWRCB of Corrected Water Right Order 2008-14 in 2008, approving the addition of the SWP and CVP service areas as places of use of, and the Delta export pumps as points of rediversion to, YWA's Permit No. 15026 through the year 2025.

The Yuba Accord includes the WPA with DWR for transfer water to provide supplemental water supplies for Participating Contractors.

Amendment 5 to the WPA (executed in 2015), authorizes these two types of Yuba Accord water transfers to nonparties to the WPA: (a) transfer water that cannot be directly diverted at the Delta export facilities due to regulatory conditions or other constraints, or cannot be used to offset SWP or instream flow requirements (i.e., transfer supplies that cannot be used beneficially by the SWP or CVP), which generally would occur during spring months; and (b) up to 10,000 af of transfer water that would otherwise be transferred to the Participating Contractors, which generally would occur during summer and fall months.

The WPA would authorize YWA to transfer these two types of water transfers to CCWD if: (1) the CCWD points of diversion are authorized points of rediversion for YWA transfer water; and (2) the transfer to CCWD would not adversely affect the operation of the CVP and SWP during Balanced Conditions, or at any other time that such diversion would directly or indirectly require the CVP and SWP to release water from storage or to reduce their diversion or rediversion of water from the Delta (i.e., carriage water) in order to provide or assure flow in the Delta required to meet any applicable provision of state or federal law. YWA has agreed that the amount of transfer water rediverted by CCWD compared to the amount of transfer water accounted for at the Marysville Gage would be reduced by the amount of carriage water that DWR and Reclamation determine would be needed to maintain Delta water quality.

YWA would make Yuba Accord transfer water available for rediversion at CCWD's Three Main Delta Diversion Facilities consistent with SWRCB Corrected Order WR 2008-0014, which approved the addition of the SWP and CVP service areas as authorized places of use under YWA's Permit 15026 (Application 5632) through year 2025. CCWD is within the CVP service area and therefore within the authorized place of use identified in the SWRCB order. The proposed transfer would not result in any changes to YWA operations or Yuba River flows because the transfer water releases from New Bullards Bar Reservoir are already part of the Yuba Accord. Additionally, the proposed transfer would not involve construction of any new facilities and would comply with all regulatory requirements applicable to YWA's water rights.

## **B. Regulatory Compliance for Adding CCWD Points of Diversion to YWA's Water Right for a 2022 Transfer**

The YWA operations to make the transfer water available for CCWD rediversion are the same as for the authorized Yuba Accord transfers. There would be no changes to operations of the Yuba Project facilities nor would there be any changes in flows on the Yuba River due to the transfer to CCWD. This temporary transfer would only require a minor reoperation of CCWD's existing facilities. All necessary local, state, and federal permits for operations of CCWD's existing facilities have already been obtained. No new permits would be required to accomplish this temporary transfer, except for the addition of points of rediversion included in this change petition.

Temporarily adding the Rock Slough, Old River, and Middle River Intakes as points of rediversion on the YWA water right would allow CCWD to redivert the transfer water at CCWD's Three Main Delta Diversion Facilities, which are between the approved points of diversion for Accord transfer water at the Freeport Project and the Banks Pumping Plant. The transfer water would be made available for diversion at CCWD's Three Main Delta Diversion Facilities under the same conditions that it is made available for diversion at the Freeport Project or Banks Pumping Plant. Rediversion of transfer water at CCWD's Three Main Delta Diversion Facilities would occur under the existing permits that govern CCWD's approved operations in the Delta.

## **C. CCWD's CEQA/NEPA**

Existing operations at CCWD's existing facilities are described as the "without project" scenario in the 2020 Final Supplement to the 2010 Final Environmental Impact Statement/Environmental Impact Report for the Los Vaqueros Reservoir Expansion Project (see footnote 3). The CCWD Board of Directors certified the CEQA document in May 2020.

## **D. CCWD's Water Rights**

CCWD diverts water from the Delta on the basis of water rights held by CCWD or Reclamation. Reclamation delivers water to CCWD pursuant to CCWD's CVP Contract I75r-3401A-LTR1-P. Under this contract, CCWD diversions from Rock Slough, Old River, and Middle River points of diversion into the Contra Costa Canal are based on Reclamation's water rights for direct diversion under SWRCB Applications A009366 and A009367, diversion to storage under Application A022316 for Contra Loma Reservoir, and rediversions based on various other water rights held by Reclamation, including those for Shasta, Folsom, and Trinity Reservoirs.

CCWD's own water rights include Application A020245 to divert water from the Delta at Old River Intake and Middle River Intake for storage in Los Vaqueros Reservoir. These water rights permits allow diversions of up to 350 cfs from Rock Slough Intake, 250 cfs from Old River Intake, and 250 cfs from Middle River Intake, with a maximum combined diversion rate of 320 cfs from Old River and Middle River Intakes. CCWD is permitted to divert 222,000 af of diversions and rediversions from CCWD's Three Main Delta Diversion Facilities under all water rights, and to deliver up to 177,000 af to the CCWD service area.

### 3. EFFECTS ANALYSIS

#### A. Release of Yuba Accord Transfer Water

The proposed transfer would not include any changes to YWA operations of the Yuba Project, as transfer flows would be originating from the Yuba River with and without a transfer to CCWD. Under the WPA, DWR purchases Yuba Accord transfer water for fish and wildlife purposes in the Bay-Delta, and for cities and farms throughout the State through contracts with the SWP and CVP. Presently, CVP contractors receive a share of Yuba Accord transfer water via the San Luis and Delta-Mendota Water Authority, which has an agreement with DWR.

The WPA includes extensive accounting provisions that identify the transfer water that would be made available to DWR and Participating Contractors, as well as water that could be made available to nonparties to the WPA.

The accounting provisions of the WPA were established by DWR, Reclamation and YWA to ensure that the transfer water released by YWA from the Yuba River would be new water to the Feather River, Sacramento River and Bay Delta such that legal users of water, including the SWP and CVP, would not be injured by the transfer of this water. Reclamation, although not a signatory to the WPA, was a co-author of the accounting provisions of the WPA and agreed to the accounting provisions by concurrence letter to DWR, dated November 7, 2007.

The accounting provisions of the WPA provide all parties certainty that water released from the Yuba River by YWA consistent with the Yuba Accord and compliant with the accounting provisions would be new, or added, water to the system that increases flows above the flows that would have occurred absent the Yuba Accord. The change petition is for the redirection of a portion of the Yuba Accord transfer water at one of CCWD's diversion facilities for conveyance to CCWD's canal system.

YWA makes transfer releases on the Yuba River for long-term transfer operations under the Yuba Accord through two with-transfer conditions that would not otherwise be present without the Yuba Accord agreements. First, in years when there is more runoff in the Yuba River watershed than is needed to satisfy in-basin demands and requirements, YWA operates to meet an end-of- September storage target in New Bullards Bar Reservoir of 650,000 af. This storage target is 55,000 af lower than the target storage of 705,000 af without the Accord. The lower target storage is achieved by releasing additional storage throughout the July through September period for the Yuba Accord transfer. Operations for target storage are discretionary (i.e., not required by any regulatory or agreement requirements) to meet commitments for the delivery of transfer water volumes under the WPA.

The second operational constraint generating transfer flows is the Yuba Accord instream flow requirements, described in the Yuba Accord Fisheries Agreement and included in YWA's water rights as part of the SWRCB's implementation of the Yuba Accord. Generally, in the spring, summer, and fall of below normal and drier years, or the late summer and fall during above normal and wet years, YWA makes storage releases to comply with the Yuba Accord instream flow requirements, which are almost always greater than the baseline (without transfer) flow

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requirements and operations defined by SWRCB Decision D-1644 (the regulatory conditions that preceded the Yuba Accord). This second set of Yuba Accord instream flow operational constraints is a non-discretionary requirement, and therefore, YWA releases transferable water (generally defined as the portion of a release that is greater than the baseline release) without regard to conditions in the rest of the Delta system, and without regard for the ability of downstream entities to divert transfer flows.

## **B. Transfer Water Timing and Flow Scenarios**

The transfer conditions and range of flow-related effects for diversion of Yuba Accord transfer water at CCWD's Three Main Delta Diversion Facilities can best be characterized by examining the potential transfer scenarios for two time periods:

- i. Spring months of April through June, and
- ii. Summer/Fall months of July through November.

The remainder of this section is a summary of the basic conditions that would be present for several transfer scenarios for these two time periods.<sup>4</sup> For all the following discussion, and as described above (except under wet conditions when YWA may decide to not make transfer releases), transfer releases are made independent of downstream conditions, and the operations downstream of the Yuba River for diversion of the transfer water have no effect on operations or flows on the Yuba River.

### **i. Springtime Transfer**

For a transfer to CCWD during the springtime, the Delta could be in excess or balanced conditions. In the springtime, there is no instance where DWR or Reclamation would be directly diverting transfer flows in the Delta at their export facilities. DWR or Reclamation cannot directly divert transfer flows from the Delta in the springtime prior to July, because biological opinions dictate operational constraints on Delta export facilities in the spring, limiting export of transfers to the summer and fall months of July through November. The three transfer scenarios for the springtime are:

- 1) Transfers during Balanced<sup>5</sup> Conditions when DWR could back the transfer water into Oroville Reservoir (or other CVP/SWP north of Delta Reservoirs).
- 2) Transfers during Balanced Conditions when DWR could not back the transfer water into Oroville Reservoir.
- 3) Transfers during Excess Conditions.

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<sup>4</sup> Another scenario, the "no-transfer" baseline or "without-Accord" conditions, is relevant for context in order to understand the effects on the Bay-Delta system with a transfer of Yuba Accord water to CCWD. The Yuba Accord operations are already being conducted even though there is presently no transfer to CCWD. The effects of the proposed transfer to CCWD therefore are mostly, if not totally, the result of differing flow paths of the transfer water, which, as noted above, is accounted as new water to the system created by the Accord transfer.

<sup>5</sup> Balanced Conditions exist when DWR and Reclamation agree that releases from upstream reservoirs plus unregulated flow approximately equal the water supply needed to meet Sacramento Valley in-basin uses, Delta water quality and outflow requirements, and Delta exports.

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Transfers during Excess Conditions are not being considered at this time. Transfers under the other two scenarios are described below.

**(1) Transfers During Balanced Conditions When DWR Could Back Transfer Flows into Oroville Reservoir**

Normally, when Balanced Conditions exist in the Delta in the springtime, DWR reduces releases from Oroville Reservoir to “back” the Yuba Accord transfer water into Oroville Reservoir. Water backed into a CVP or SWP reservoir is defined as “Stored Released Transfer Water” in the WPA accounting. Historically, this has generally occurred in April, May, and June, but it has also occurred as early as January. With a CCWD transfer, some or all of the transfer release would not be backed into Oroville Reservoir and would instead flow to the CCWD diversion facilities for rediversion. Under this scenario, system changes with a CCWD transfer, relative to the conditions where DWR would back up the transfer water, would be as follows:

- 1) Oroville Reservoir releases would not be reduced based on Accord transfer flows, and therefore, flows on the Feather River below the Thermalito complex downstream to the Sacramento River and to CCWD’s Three Main Delta Diversion Facilities would be higher by the transfer flow amount. The transfer flow amount would be no greater than 643 cfs, which includes an estimate of 30 percent carriage water<sup>6</sup> losses. The carriage water associated with the CCWD transfer would ensure that this transfer would not have impacts on Delta water quality.
- 2) Due to less transfer water being backed into Oroville Reservoir, less water would be released from Oroville Reservoir at a later date for delivery of Yuba Accord transfer water to the CVP and SWP export facilities, and at that time flows in the Feather River, Sacramento River and through the Delta to the export facilities would be lower. The reduction in flows would include the carriage water associated with the increment not released for export. Exports at that later date would also be less with the CCWD transfer. Reductions in exports and accompanying carriage water required could mean that, if Delta water quality standards control Delta operations, less Delta outflow would be needed to meet some of the water quality standards in the Delta. Under this condition, all Delta standards and in-stream flow requirements would continue to be met, but the added water quality effects of exports would not be present.
- 3) No other system changes, including changes to CVP or SWP operations, would occur under this scenario.

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<sup>6</sup> Carriage water has been defined as “the extra amount of Delta outflow required as a result of an increase in pumping to maintain a controlling Delta water quality standard.” Historically, DWR and Reclamation have required 20 to 50 percent of the volume of water to be pumped in a north-to-south Delta water transfer to be dedicated to carriage water. This increment was assessed to mitigate the impacts of the additional pumping caused by the transfer and thus prevent injury to DWR or Reclamation, which are responsible for maintaining compliance with the Delta water quality objectives imposed by SWRCB Decision 1641.  
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## **Summary of Effects and Impacts with a Springtime Transfer When DWR Could Back Transfer Water into Storage**

As stated in item 1 above, increased flows of up to 643 cfs on the Feather River to make available up to 450 cfs of transfer water at CCWD's Three Main Delta Diversion Facilities would occur under this scenario. According to DWR's Supplementary Hydrological Modeling data (DWR January 2022), flows on the Sacramento River at Freeport will range from about 6,000 cfs to 11,000 cfs in April to June in 2022. Inflows to the Delta at Freeport can easily exceed 11,000 cfs when it is raining or due to snowmelt, even in dry water years. The increased flow due to the transfer would be a small portion of the inflow to the Delta from the Sacramento River and will not cause negative impacts.

### **(2) Transfers During Balanced Conditions When DWR Could Not Back Transfer Flows into Oroville Reservoir**

There have been times in past years when the Delta was in Balanced Conditions in the spring, but DWR was not able to back water up into Oroville Reservoir, and DWR and Reclamation have indicated that they could not quantify or calculate whether the Accord water had been backed up into any other CVP or SWP reservoir. YWA is endeavoring to transfer Accord water to nonparties to the WPA during the spring when it would otherwise have not been transferred.

When the Delta is in Balanced Conditions in the spring, but DWR and Reclamation are unable to identify the specific use of transfer water and cannot demonstrate the ability to back the water into SWP or CVP storage, or quantify the result, Yuba Accord transfer water would be diverted at CCWD's Three Main Delta Diversion Facilities, and the following changes, relative to conditions without a CCWD diversion of transfer water and relative to the No-Transfer scenario, would occur:

With the diversion of transfer water at CCWD's Three Main Delta Diversion Facilities, DWR and Reclamation would no longer be able to make use of the transferrable Yuba Accord flow for CVP and SWP project purposes and would need to make an adjustment to CVP and SWP operations accordingly. However, because DWR and Reclamation could not quantify the effects of the Accord water, no identifiable changes to CVP or SWP operations would occur. With this scenario and CCWD diversion of Accord water, no injury to the CVP or SWP would occur because under the without transfer/no Yuba Accord scenario, the CVP and SWP would also not have use of the Accord transfer water. Therefore, no changes to CVP and SWP operations would occur compared to the no-transfer/no Accord baseline because of the CCWD diversion of the transfer water.

As described above, any adjustments to CVP and SWP operations would not injure the CVP or SWP and would not cause significant unreasonable or even identifiable effects on fish and wildlife. If DWR and Reclamation cannot "back up" the Accord transfer water into storage during Balanced Conditions, then they are not able to quantify how the Projects are using the transferable Yuba Accord water for Project purposes and therefore would have no identifiable impacts to their operations as a result of the CCWD diversion of Accord water. Because YWA has agreed in the WPA to adjust accounting for Accord water to CCWD to reduce the amount of water available to

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CCWD by the carriage water cost, as described in the previous section, no unreasonable effects on Delta water quality would occur.

### **Summary of Effects and Impacts with a Springtime Transfer When DWR Could Not Back Transfer Water into Storage**

Since DWR and Reclamation are not able to quantify any benefit of the Accord flows under this scenario, diversion of these flows by CCWD will not result in any measurable effects and no injury would occur to DWR or Reclamation because CCWD diversion of Accord water is the same as the no transfer/without Accord condition with the exception of potential carriage water costs that will be accounted for by agreement. With this scenario, no unreasonable effects on fish and wildlife would occur as there would be indeterminate effects on CVP and SWP operations for Delta water quality, the CVP and SWP would continue to maintain water quality in the Delta, and any effects of the CCWD diversion of Accord water would include accounting for carriage water to maintain Delta water quality.

#### **ii. Summertime Transfer**

During the summertime, the Delta could be in Excess or Balanced Conditions. Under Balanced Conditions, DWR and Reclamation could either have available export capacity to divert the water from the Delta, or limited to no capacity to divert the water from the Delta. Summertime transfer flows can occur during times when three differing primary conditions could be present. The three summertime scenarios are:

- 1) Transfers during Balanced Conditions with export capacity.
- 2) Transfers Balanced Conditions with no export capacity.
- 3) Transfers during Excess Conditions.

Transfers during Excess Conditions are not being considered at this time. Transfers under the other two scenarios are described below.

#### **(1) Transfers During Balanced Conditions with Export Capacity**

When there is CVP or SWP export capacity in the Delta in the summertime, transfer water would normally be directly diverted at the export facilities. With transfer to CCWD, some of the transfer release would not be exported and instead would be diverted at the CCWD diversion facilities. The changes that would occur with a CCWD transfer would be:

- 1) CCWD diversions would be increased, and less water would flow through the Delta export pumps and exports would be reduced.
- 2) Depending upon the controlling conditions for Delta operations of the CVP and SWP, and which of CCWD's Three Main Delta Diversion Facilities are used for diversion, there could also be effects associated with the export of water, and these effects would be compensated by the provision of carriage water per YWA's agreement with DWR. Assessment of carriage water to the CCWD diversion of Yuba Accord transfer water would be governed by the

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determination of Reclamation and DWR of carriage water amounts and by a requirement in the WPA to address this type of effect. Assessment of carriage water would ensure Delta water quality conditions would be maintained and CVP and SWP operations would not be impacted.

- 3) No other system changes, including changes to CVP or SWP operations, would occur under this scenario.

### **Summary of Effects and Impacts with a Summertime Transfer with Export Capacity**

If Reclamation and DWR determine a carriage water cost attributable to the CCWD diversion of Accord transfer water, it would be the same amount of carriage water that would be attributed to export of the transfer water at the CVP and SWP export facilities. Therefore, no changes in water quality would occur with this scenario.

### **(2) Transfers During Balanced Conditions with No Export Capacity**

Without transfer to CCWD, when there is not enough CVP or SWP export capacity in the Delta or there are other constraints that preclude diversion of all of the transfer water at the export facilities in the summertime, DWR would reduce releases from Oroville Reservoir to back Accord transfer water up in Oroville Reservoir. With a CCWD transfer, some or all of the transfer release would not be backed up into Oroville Reservoir, and would instead be released to CCWD's Three Main Diversion Facilities for diversion. The changes with an CCWD transfer would be:

- 1) Oroville Reservoir releases would not be reduced to back the water up, and therefore flows on the Feather River below the Thermalito complex downstream to the Sacramento River and to CCWD's Three Main Diversion Facilities would be increased by the CCWD transfer flow amount.
- 2) With less transfer water backed into Oroville Reservoir, less water would be released from Oroville Reservoir at a later date for delivery of the transfer water to the export facilities, and at that time flows in the Feather River, Sacramento River, and through the Delta to the export facilities would be lower. Accordingly, exports at that later date would be less with the CCWD transfer, along with a possible reduction in carriage water due to the lower export volume of transfer water. All Delta standards and in-stream flow requirements would continue to be met.
- 3) No other system changes, including changes to CVP or SWP operations, would occur under this scenario.

### **Summary of Effects and Impacts with a Summertime Transfer with No Export Capacity**

The effects of a summertime transfer where no export capacity exists at the DWR and Reclamation Delta export facilities, or exports are otherwise constrained, would be the same as described above for times when DWR could back up water into storage in the springtime, except these effects would occur during the summer season instead of the spring. As described above, increased flows of up

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to 643 cfs on the Feather River to make available up to 450 cfs of transfer water at CCWD's Three Main Delta Diversion Facilities would occur under this scenario in the summertime compared to DWR backing the transfer water into Oroville. Flows would be reduced at a later time when DWR would have exported the transfer water. According to DWR's January forecast (DWR January 2022), flows on the Sacramento River at Freeport would be above 4,000 cfs in July to November 2022. The increased flow due to the transfer will be a small portion of the inflow to the Delta from the Sacramento River and will not cause negative impacts.

### **C. Effects of Rediversion of Transfer Water at CCWD Delta Diversion Facilities**

The transfer water could be: (1) rediverted from the Rock Slough, Old River, and Middle River Intakes for direct use in CCWD's service area, (2) rediverted from the Old River and Middle River Intakes to storage in Los Vaqueros Reservoir for later use, or (3) rediverted at the Freeport Project for direct use in CCWD's service area or to storage in Los Vaqueros Reservoir via the EBMUD-CCWD Intertie, or (4) a combination of these three modes of operation.

Rediversions for direct use in CCWD's service area would be to meet CCWD's customer demands, which range from approximately 100 cfs in the early spring to 250 cfs in the summer. Rediversions to storage in Los Vaqueros Reservoir would occur at a rate up to the maximum permitted rate of 200 cfs. The maximum rate of rediversion of the transfer water would be 450 cfs. Pumping at CCWD's Three Main Delta Diversion Facilities would increase with the transfer as compared to the without-transfer scenario in 2022, because the transfer water would be used either to meet CCWD customer demands instead of using water previously stored in Los Vaqueros Reservoir, or to replenish Los Vaqueros storage when filling otherwise would not have occurred. Total CCWD diversions would remain within the range of historical operating conditions that are permitted for existing CCWD operations. The positive barrier fish screens at all of CCWD's Three Main Delta Diversion Facilities would minimize the direct entrainment risks of sensitive fish species due to any diversions for the transfer. In addition, the transfer operations would be coordinated with CVP and SWP operations, so that the Delta flow and water quality requirements to protect fish and other beneficial uses of water would not be adversely impacted by the transfer.

### **D. Summary of Impacts, Mitigation, and Benefits and Determination of No Injury to Legal Users of Water**

#### **1. Determination of No Unreasonable Impacts to Fish and Wildlife – Compliance with Water Code Section 1727(b)(2)**

The proposed water transfer would not have any unreasonable impacts on any instream beneficial uses. Flows resulting from the transfer would be within the range of effects analyzed in the Yuba Accord EIR and permitted for CCWD's operations. The proposed new temporary points of rediversion of transfer water at CCWD's Three Main Delta Diversion Facilities are geographically located between the approved points of rediversion at the south Delta export facilities and the Freeport Project intake on the Sacramento River. CCWD's Three Main Delta Diversion Facilities are all equipped with agency-approved fish screens, which have been demonstrated to be effective in minimizing or avoiding take. Transfer water diverted at CCWD's Three Main Delta Diversion

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Facilities, rather than at Banks or Jones Pumping Plants, would have the same carriage water requirements to avoid impacts to Delta water quality and the ecosystem. Diverting transfer water at CCWD's Three Main Delta Diversion Facilities rather than DWR backing transfer water up into storage would slightly increase flows in the Feather River Sacramento River and the Delta, and would not significantly impact fish or wildlife.

## **2. Determination of No-Injury – Compliance with Water Code Section 1727(b)(1)**

As detailed above, two potential conditions associated with CCWD's redirection of transfer water could occur, but neither of them would cause injury to any legal users of water. In the springtime CCWD could divert transfer water that DWR would otherwise have backed into storage in Oroville. This scenario would not injure any legal users of water because it would only entail redirecting transfer water, which by agreement with DWR and concurrence with Reclamation, would be accounted for as new water to the system and would not be water available to any legal user of water absent the transfer. This would also be the case for summertime transfer to CCWD when DWR would otherwise back the water up into Oroville due to lack of available export capacity or other export constraints.

The second potential condition would be diversion of the transfer water by CCWD rather than export by DWR or Reclamation. As stated in the preceding paragraph, redirection of transfer water would be use of Accord water deemed to be new to the system, and this transfer water would not be available to other legal users of water absent the transfer. By agreement with DWR, YWA has committed to accounting for transfer water to a third party so long as the effects of the transfer would not impact SWP or CVP water supplies. This commitment would require a reduction in transfer water to CCWD by the amount of carriage water Reclamation and DWR determine would be needed to maintain Delta water quality. Therefore, with a carriage water cost applied to the transfer, all Delta standards would continue to be met, and DWR, Reclamation, and other water users would not be injured.

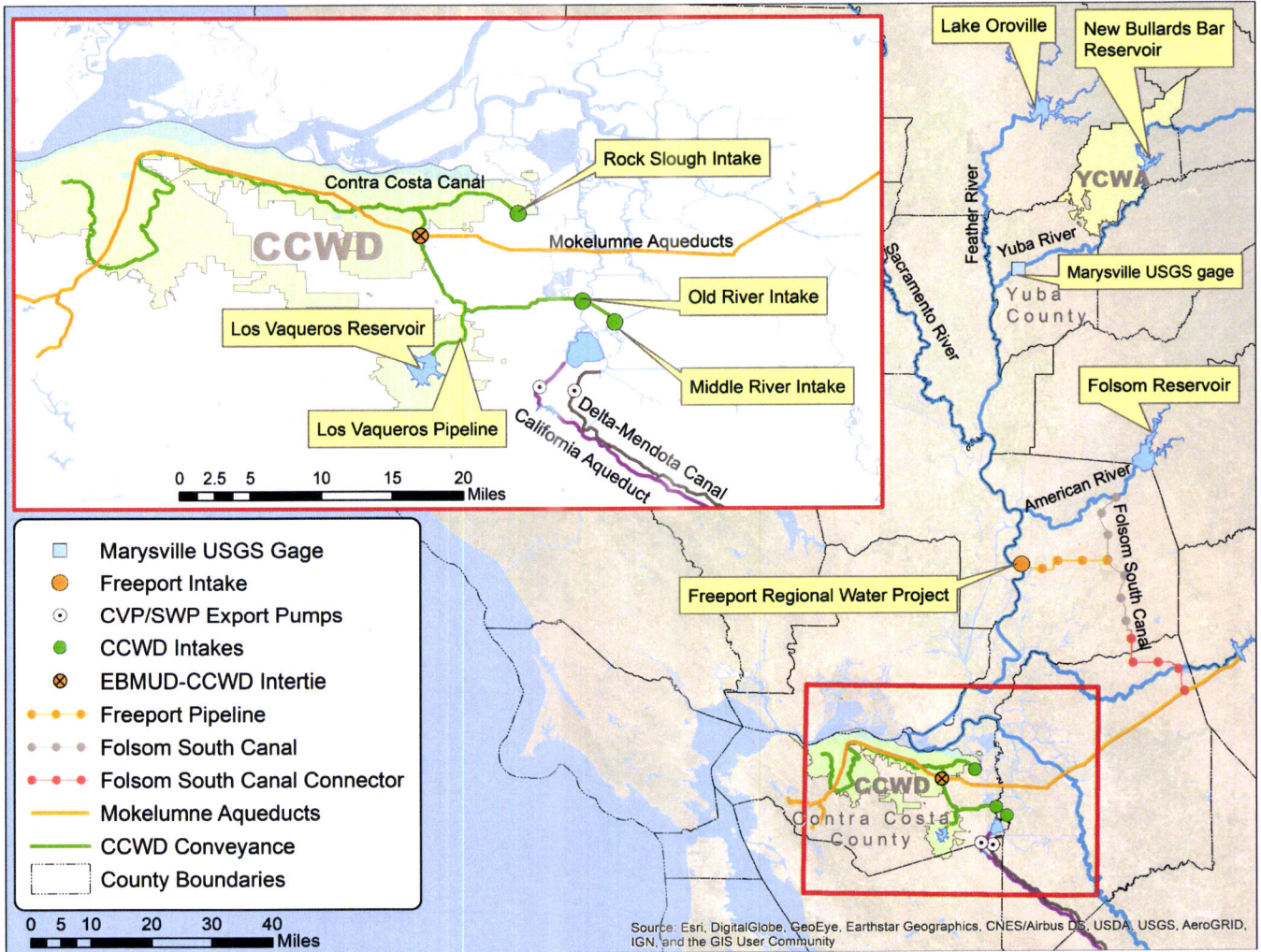
### **E. Consistency with Regulations, Agreements, Plans and Policies**

The proposed transfer will be implemented consistent with applicable operating permits and requirements, as described in this document.

#### **NAMES OF PREPARERS**

Stephen Grinnell, P.E., Engineering Consultant to YWA  
Lucinda Shih, P.E., and Yuan Liu, P.E., Contra Costa Water District

**Figure 2: Map showing Yuba County, the Yuba River, Feather River, Sacramento River and Delta and CCWD's Three Main Delta Diversion Facilities**



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State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
<http://www.waterboards.ca.gov/waterrights>

## ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

### DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

The proposed change to Permit No. 15026 is to add three existing points of diversion for Contra Costa Water District (CCWD) as new points of diversion under this permit through December 31, 2022. The addition of these points of diversion would allow CCWD to divert Yuba Accord transfer water at these locations. Pursuant to the one-year agreement among YWA, CCWD and EBMUD, the maximum amount of Yuba Accord water that could be diverted through the CCWD points of diversion would be 25,000 acre-feet, including 10,000 acre-feet during the summer transfer period of July 1 through November 30. CCWD's service area is already within Permit No. 15026's authorized place of use because that service area is included in the Central Valley Project's (CVP) place of use and Corrected Order No. WR 2008-0014 approved the addition of the CVP's place of use to Permit No. 15026 through December 31, 2025. The addition of the proposed new authorized points of diversion to Permit No. 15026 would not change any of YCWA's operations, or any streamflow requirements, from those approved in Corrected Order No. WR 2008-0014.

Insert the attachment number here, if applicable:

**Coordination with Regional Water Quality Control Board**

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request  
02/04/2022

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes  No

Will a waste discharge permit be required for the project?

Yes  No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Local Permits**

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact  
02/04/2022

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

Yes  No

Grading Permit

Use Permit

Watercourse

Obstruction Permit

Change of Zoning

General Plan Change

Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.

Yes  No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Federal and State Permits**

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board       Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams       California Coastal Commission
- State Reclamation Board       U.S. Army Corps of Engineers       U.S. Forest Service
- Bureau of Land Management       Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies.       Yes       No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
--------	-------------	---------------------	--------------	--------------

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Construction or Grading Activity**

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake?       Yes       No

If necessary, provide additional information below:

The points of diversion are already existing. No construction is necessary.

Insert the attachment number here, if applicable:

**Archeology**

Has an archeological report been prepared for this project? If yes, provide a copy.  Yes  No

Will another public agency be preparing an archeological report?  Yes  No

Do you know of any archeological or historic sites in the area? If yes, explain below.  Yes  No

If necessary, provide additional information below:

No construction is necessary. The points of diversion already exist and are in operation.

Insert the attachment number here, if applicable:

**Photographs**

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

**Maps**

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

**All Water Right Holders Must Sign This Form:**

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 02/04/2022 at Sacramento, CA



Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

**NOTE:**

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

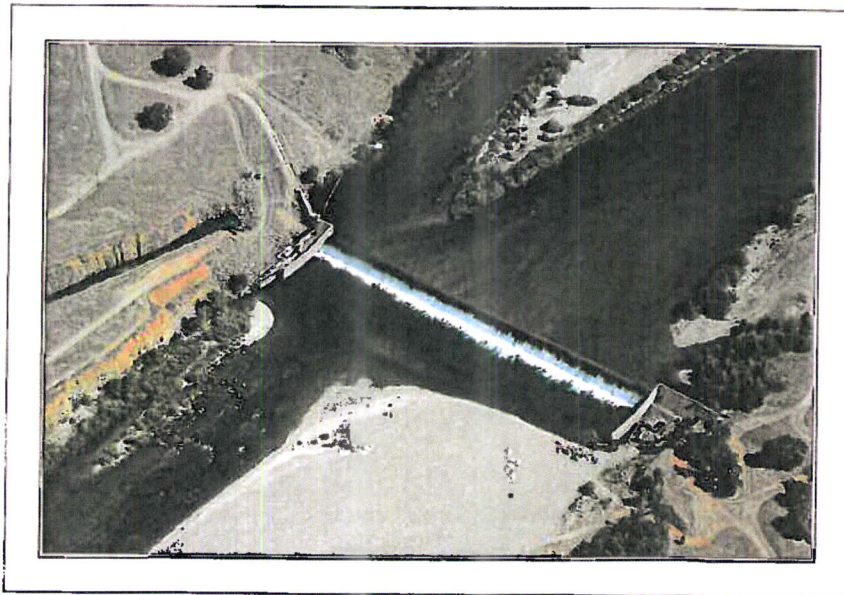
**PHOTOGRAPHS FOR PETITION OF YUBA COUNTY WATER AGENCY  
TO ADD A POINT OF REDIVERSION TO PERMIT NO. 15026**

**Existing Points Of Diversion And Rediversion**

(1) New Bullards Bar Dam



(2) Daguerre Point Dam



**(3) Browns Valley Irrigation District diversion**



**(4) State Water Project – Harvey O. Banks Pumping Plant**



**(5) Central Valley Project – C.W. "Bill" Jones Pumping Plant**



**(6) Freeport Regional Water Authority Intake on Sacramento River**



Places Where Water to Be Rediverted Would Be Used

Examples of Residences within CCWD Service Area

Mohican Way, Antioch



Keller Ridge Drive, Clayton



Julian Way, Pleasant Hill



Kenwood Drive, Concord



Starling Drive, Martinez



Whitman Road, Concord



Typical Examples of Institutional Uses within CCWD Service Area



Contra Costa Regional Medical Center

(R): River View Middle School





**MAP REFERENCES FOR PETITION OF YUBA COUNTY WATER AGENCY  
TO ADD THREE POINTS OF REDIVERSION TO PERMIT NO. 15026**

**YCWA Existing Points Of Diversion And Rediversion**

Yuba County Water Agency's existing place of use and points of diversion and rediversion are identified in the State Water Resources Control Board's (SWRCB) file for Application 5632 (Permit 15026). The existing points of diversion and rediversion are as follows:

- (1) New Bullards Bar Dam on the North Yuba River;
- (2) Browns Valley Irrigation District diversion on the lower Yuba River, approximately 0.75 upstream of Daguerre Point Dam;
- (3) Daguerre Point Dam on the lower Yuba River;
- (4) The State Water Project's Harvey O. Banks Pumping Plant, located near Tracy;
- (5) The Central Valley Project's C.W. "Bill" Jones Pumping Plant, located near Tracy; and
- (6) The Freeport Regional Water Project intake located on the Sacramento River near Freeport

**Proposed New Points of Rediversion**

The proposed new points of rediversion are:

By California Coordinate System of 1983 in Zone 3	40-acre subdivision of public land survey or projection thereof	Projected Section	Township	Range	Base and Meridian
Rock Slough Intake North 2,179,904 feet East 6,232,668 feet	SE ¼ of NE ¼	33	2N	3E	MD
Old River Intake North 2,147,455 feet East 6,250,918 feet	NW ¼ of SE ¼	31	1N	4E	MD
Middle River Intake North 2,139,610 feet East 6,259,970 feet	NE ¼ of NW ¼	9	1S	4E	MD

The points of rediversion for CCWD are described in Water Right Decision 1629 (June 1994) and Water Right Orders issued by the SWRCB on July 8, 2010, and are shown on Figure 2.

### **Place of Use**

The place where water rediverted from the proposed new points of diversion would be used is the service area for the Contra Costa Water District, which is within the Central Valley Project's authorized place of use. The Central Valley Project's authorized place of use appears on Map 214-208-12581 in the file for Application 5626 (Permit 12721).

**PROOF OF SERVICE**

I, William K. Bezerra, declare as follows:

I am over the age of eighteen and work in Sacramento County at the law firm of Bartkiewicz, Kronick & Shanahan, A Professional Corporation, located at 1011 22<sup>nd</sup> Street, Sacramento, California 95816. On February 4, 2022, I served the **Petition for Change Involving Water Transfers (Point of Diversion, Temporary Change), including an attachment and a supplement, with Environmental Information, including color photographs and map information, for Application 5632 & Permit 15206, held by Yuba County Water Agency**, in a sealed envelope, with postage fully prepaid, by placing copies of that document for collection and mailing with the United States Postal Service at Sacramento, California 95816 to the following persons at the following addresses:

Charlton H. Bonham  
Director  
California Department of Fish and Wildlife  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, California 95814

Erin Chappell  
Regional Manager, Bay-Delta Region  
California Department of Fish and Wildlife  
7329 Silverado Trail  
Napa, California 94558

Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, California 95670-6114

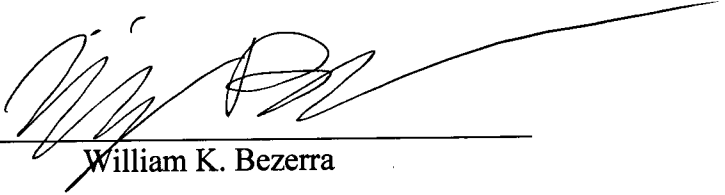
Yuba County Board of Supervisors  
915 8th Street Suite 109,  
Marysville, CA 95901

[Continued on following page]

Contra Costa County Board of Supervisors  
1025 Escobar Street  
Martinez, CA 94553

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 4, 2022 at Sacramento, California.



William K. Bezerra