

The Proposed Lower Yuba River Accord

Conjunctive Use Agreements Technical Brief

INTRODUCTION

The proposed Lower Yuba River Accord (Yuba Accord) includes three separate but related proposed agreements: (1) a Fisheries Agreement, (2) a Water Purchase Agreement, and (3) Conjunctive Use Agreements. This Technical Brief summarizes the essential points of the Conjunctive Use Agreements. For more information on the other agreements comprising the Yuba Accord, please visit www.ycwa.com.

CONJUNCTIVE USE AGREEMENTS IMPLEMENTATION

The Conjunctive Use Agreements will call for Yuba County Water Agency (YCWA) and seven of the local irrigation districts/mutual water companies (participating members) it serves in Yuba County to implement an array of conjunctive use measures. YCWA will integrate operations of the Yuba River Development Project (Yuba Project), specifically New Bullards Bar Reservoir, with the participating members and local groundwater supplies. These groundwater supplies will help meet local water supply needs in dry years, facilitating YCWA's operation of its storage facilities to meet the new, higher instream flow requirements in the lower Yuba River, as called for in the Fisheries Agreement.

Conjunctive Use Operations

Integration of surface water and groundwater supplies has been a key element of the YCWA transfer program for the past 14 years. Under the Yuba Accord, however, this integration will be used to provide a supplemental dry year supply of groundwater to irrigate local farmland and facilitate use of storage in New Bullards Bar Reservoir to meet (1) instream flow requirements called for in the Fisheries Agreement, and (2) commitments of transfer water in the Water Purchase Agreement. These operations will be consistent with YCWA's Groundwater Management Plan and within the safe yield of the groundwater aquifer.

Schedule 6 Years – Firm Commitments

In Schedule 6 years (4 percent of the years within the 78-year hydrologic period of record, as defined in the North Yuba Index¹), participating members will provide 30,000 acre-feet of groundwater to bolster surface water storage releases to meet the instream flow requirements. This commitment will be split among participating members, and YCWA will provide them a one-time, upfront payment for their commitment to pump groundwater in these years and an additional per acre-foot payment for actual pumping during a Schedule 6 year. YCWA also will provide financing to assist in the conversion of local diesel groundwater motors to more efficient and cleaner electric motors. Meeting the higher instream flow requirements may result in occasional surface water deficiencies under YCWA's contracts with participating members. To avoid such deficiencies, YCWA will compensate participating members for costs associated with groundwater pumping determined necessary to irrigate crops and avoid irrigation deficiencies.

Groundwater Substitution Water Transfers

YCWA's participating members may, on a voluntary basis, make additional quantities of surface water available for transfer through their use of groundwater as a substitute supply. Under the Water Purchase Agreement, in dry and critical years, DWR and Reclamation will purchase from YCWA the surface water made available by the participating members' use of groundwater as a substitute supply. YCWA will compensate the participating members from the water transfer revenues received from DWR and Reclamation. YCWA's conjunctive use program will ensure that groundwater pumping associated with the Yuba Accord will be within the safe yield of the groundwater aquifer to safeguard local agricultural, domestic, and municipal wells.

These long-term groundwater substitution transfers will be included in the Yuba Accord environmental analyses and documentation, and in the parties' request of the State Water Resources Control Board (SWRCB) to take actions to implement both a 2006 pilot program (including instream flow and water transfer provisions consistent with the Yuba Accord) and the Yuba Accord. This request also will include amending YCWA's water rights to include the State Water Project and the Central Valley Project within the authorized place of use for the specific term of the long-term Water Purchase Agreement, subject to conditions of the Water Purchase and Fisheries agreements.

Reasonable and Beneficial Use of Water Supplies

Consistent with the terms of YCWA water supply contracts with its members, YCWA and the participating members will work together to ensure that water deliveries will not exceed the amounts that may be put to reasonable and beneficial use within the member's service areas. As part of the Conjunctive Use Agreements, the members plan to pursue water use efficiency actions to maintain water supply reliability (e.g., use of tailwater collection and recovery systems). In Conference Years (e.g., extremely dry years), YCWA and participating members will implement strategic steps to assure total diversions do not exceed specified amounts.

¹ *The North Yuba Index is an indicator of the amount of water available in the north Yuba River at New Bullards Bar Reservoir (NBBR) that can be used to achieve flows on the lower Yuba River through operations of NBBR. The index comprises two components: (1) active storage in NBBR at the commencement of the current water year, and (2) total inflow to NBBR for the current water year, including diversions from the middle Yuba River and Oregon Creek to NBBR.*

TERM OF CONJUNCTIVE USE AGREEMENTS

The Conjunctive Use Agreements are scheduled to go into effect in late 2006 and continue through 2015. YCWA and the participating members will consider extending the term of the Conjunctive Use Agreements into the term of the long-term YCWA Federal Energy Regulatory Commission Federal Power Act license for the Yuba Project (i.e., in or after 2016) after determining that such an extension would not impair YCWA's ability to meet Yuba County water supply demands.

INTEGRATION WITH OTHER, ONGOING YUBA ACCORD PROCESSES

2006 Pilot Program

YCWA, DWR, and Reclamation plan to implement a pilot transfer program during the 2006 water year based on the instream flow requirements in the Fisheries Agreement, and the transfer accounting rules in the Water Purchase Agreement, as modified to accommodate the pilot program concept. Parties to the Fisheries Agreement also plan to implement a pilot fisheries program during the 2006 water year. Parties to Fisheries and Water Purchase agreements will collaborate in developing this 2006 pilot program, including applicable environmental compliance.

Potential Feather River Diversion Facility

The instream flow requirements in the Fisheries Agreement were developed, in part, based on the need to meet current and anticipated water supply demands within Yuba County through 2016. YCWA believes that if demands continue to increase within the county after 2016, flows in the lower Yuba River may need to do "double duty" (i.e., flows first will be used to improve habitat for lower Yuba River fisheries, and then some of the flows will be diverted near the confluence of the Yuba and Feather rivers as necessary for urban and agricultural use only within Yuba County). To prepare for this possibility, YCWA is considering a new Feather River Diversion Facility in the event it determines that operation of such a facility would assist YCWA in making water supplies available to meet growing water supply needs within Yuba County. The Yuba Accord does not require construction of any such facility. However, if YCWA elects to pursue construction of a new diversion facility in the future, project-specific environmental review will be required. For the moment, other parties to the Fisheries and Water Purchase agreements reserve judgment on a potential Feather River Diversion Facility until the comprehensive environmental compliance process has been completed for the Yuba Accord.

Agreements Approval

The parties to the Yuba Accord are now working on a joint Environmental Impact Report/Environmental Impact Statement required by the California Environmental Quality Act and the National Environmental Policy Act, and additional reviews required by the state and federal Endangered Species Acts. Based on results of these steps, participating members will determine whether to approve and execute the agreements. Subject to the foregoing, and subject to approval and execution of the Fisheries Agreement and Water Purchase Agreement (expected in late 2006), SWRCB approval of amendments of Water Right Decision 1644, and other related matters, YCWA and the participating members plan to execute the Conjunctive Use Agreements.