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NID Nevada Irrigation District

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February 21, 1995

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EXECUTIVE OFFICE

Mr. John Caffrey, Chairman
State Water Resources Control Board
P. O. Box 2000
Sacramento, CA 95812-2000

Re: Draft Environmental Report

Dear Mr. Caffrey:

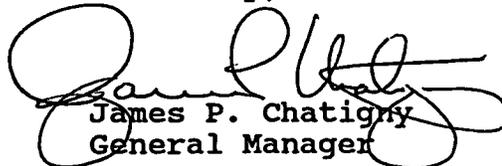
Upon review of the Draft Environmental Report (DER) as appendix to Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (December 1994), the District has the following comments:

- We believe that existing contracts/agreements between Nevada Irrigation District and Pacific Gas and Electric, which carry the "voice of law", would or could be violated should a SWRCB hearing on water rights require a change in the operation of the Yuba-Bear River Project storage facilities..
- The District has in existence several complex agreements with the Department of Fish & Game which require minimum pools in reservoirs, releases of water for fish and wildlife, and flow ramping rates on the Yuba & Bear Rivers.
- The District entered into a contract with the State of California Davis-Grunsky program for the construction and operation of recreational facilities until the year 2013. The agreement requires that specific acts be performed, and reservoir storage be provided to maximize recreational participation at the reservoirs. The lowering of reservoir elevations that may be required of adverse water rights amendments, could well place the District in non-compliance of this existing contractual requirement.

- The Nevada Irrigation District holds the Yuba/Bear River Hydroelectric Project, licence # 2266, as issued by the Federal Energy Regulatory Commission (FERC) in 1963. Specific operational procedures for pool levels, water releases for fish and wildlife, and the maximizing of hydro power could be violated if water right hearings take the District's ability to meet the contractual agreement with FERC through re-allocation of water releases to meet the standards as adopted by the SWRCB.
- The District would again urge the Board to consider all beneficial uses of water, especially the multi-uses that occur within a District such as Nevada Irrigation District. Public trust needs are present in the area of origins and watershed areas that must be met by water storage and stream flow facilities that exist in the foothill areas of California as there is not an answer to the problem of "pumping" water back up to the foothills once water storage levels are not adequate to service the needs of the mountain counties/areas of origin.
- The District would also urge the Board to seriously consider water transfers between willing sellers and willing buyers with as little administrative restrictions and interference from agencies that may want to put additional environmental demands on these water transfer agreements, which results in less water being available to meet the buyers needs.

Thank you for the opportunity to address the DER, and it is hoped that the District's concerns will be considered in the final analysis of Bay Delta Standards.

Sincerely,


James P. Chatigny
General Manager

JPC:cd