

**commentletters - COMMENT LETTER - 03/18/08 BOARD MEETING ITEM: LOWER YUBA RIVER ACCORD DRAFT ORDER**

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**To:** <commentletters@waterboards.ca.gov>  
**Date:** Thursday, March 13, 2008 10:30:23 AM  
**Subject:** COMMENT LETTER - 03/18/08 BOARD MEETING ITEM: LOWER YUBA RIVER ACCORD DRAFT ORDER  
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3/18/08 Bd. Mtg. Item 7  
 Lower Yuba River Accord  
 Deadline: 3/13/08 by 12 p.m.

Reclamation is in receipt of the subject draft order, dated February 29, 2008.

Reclamation recommends that the State Water Resources Control Board (Board) proceed to adopt a final order approving Yuba County Water Agency's petition for modification and its petition for long-term transfer of water. However, Reclamation requests the following changes to the provisions in the draft order.

1. Page 8 Footnote 13: Revise the last sentence of this footnote to read "Until the USBR becomes a signatory to the Water Purchase Agreement, it is anticipated that DWR will wheel water provided under the Water Purchase Agreement for CVP contractors through SWP facilities."
2. Pages 27 and 56: Delete the references to an annual limit of 20,000 acre-feet imposed upon the quantity of transferable water from November 1 through June 30. Although page 3-8 of the EIR/EIS addresses average quantities of transfer volumes, Reclamation is unable to identify the basis for this absolute acre-foot limitation in the record before the Board. As Reclamation understand it, the Board's concern here regarding the quantity of transferred water made available during this particular time period pertains to the combined diversion rate and timing of the transferred water, not the quantity of water that is ultimately transferred at the allowable diversion rate. Moreover, this provision conflicts with the flexibility built in to the Yuba Accord agreements to provide additional transfer water when hydrological, regulatory, and biological conditions would otherwise permit. Because the environmental analysis supporting the Yuba Accord looked at "bookends" of quantities of water to be pumped from the the Sacramento-San Joaquin Delta (Delta) instead of a firm limit, Reclamation submits that this range is supported in the record and allows for more flexible implementation given varying conditions in the Delta.

