

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

**PETITION FOR TEMPORARY TRANSFER
OF WATER/WATER RIGHTS**
(Water Code 1725)

Point of Diversion Point of Rediversion Place of Use Purpose of Use

Application No(s) 5632 Permit No. 15026 License No. _____

Statement or Other No. _____

Present Holder and User of Water Right

YUBA COUNTY WATER AGENCY

Curt Aikens

(530) 741-6278

Person or Company name

Contact person

Telephone No.

Address

City

State

Zip Code

CAIKENS@YCWA.COM and PMB@BKSLAWFIRM.COM

E-MAIL (For noticing purposes)

Co-petitioner

Person or Company name

Contact person

Telephone No.

Address

City

State

Zip Code

E-MAIL (For noticing purposes)

Proposed New User

See supplement

Person or Company name

Contact person

Telephone No.

Address

City

State

Zip Code

E-MAIL (For noticing purposes)

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are **shown on the accompanying map and described as follows:**

Amount of Water to be Transferred up to 125,000 Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is N/A cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year) One year.

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

Present New Bullard Bar Reservoir; see Permit No. 15026

Proposed see supplement

Place of Use

Present YCWA service area; see Permit No. 15026.

Proposed _____

Purpose of Use

Present See supplement.

Proposed _____

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	<u>No changes</u>	_____	_____
Proposed	_____	_____	_____

The proposed transfer/exchange water is presently used or stored within the county/counties of:

Yuba.

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties: Within the service area of the SWP and CVP.

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes.
(yes/no)
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. See Supplement.
- 2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point? Yes.
(yes/no)
- 2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? Yes.
(yes/no)
- 2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change.
See the records of the Division of Water Rights.

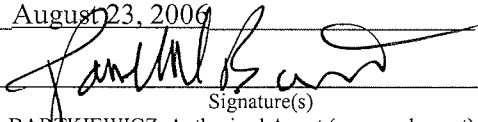
- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. See supplement.
- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). The transfer agreement (1) sets forth criteria to ensure that only water that meets the requirements of Water Code sec. 1725 is transferred, and (2) includes provisions to mitigate for refill impacts.
4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. This will be addressed in the environmental assessment.
- 5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. This will be addressed in the environmental assessment.

- 5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707) ? Yes.
(yes/no)
- 5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. This will be addressed in the environmental assessment.
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- 5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). This will be addressed in the environmental assessment.
-
- 6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No.
(yes/no)?
- 6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred. N/A.
-

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE SWRCB ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: August 23, 2006 at Sacramento, California


Signature(s) (916) 446-4254 Telephone No.

PAUL M. BARCIKIEWICZ, Authorized Agent (see supplement)

NOTE: This petition shall be accompanied by all information and fees required by this form and W.C. Section 1725 et. seq, before the SWRCB will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

Proof of Service: Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

Fees: The following fees must accompany the petition before the petition will be accepted:

1. The fee of \$0.30 per acre-foot shall be submitted with the petition. (Title 23, California Code of Regulations section 1064). The fee is made payable to the State Water Resources Control Board.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

**SUPPLEMENT TO PETITION OF YUBA COUNTY WATER AGENCY FOR A
TEMPORARY TRANSFER OF WATER IN 2007**

Proposed New User

The CALFED Environmental Water Account (Department of Water Resources), Attention: Dan Flory; 916-653-6636; 1416 Ninth Street, Sacramento, CA 95814; dflory@water.ca.gov. (for up to 125,000 acre feet). The Department of Water Resources may use a portion of the transfer water not needed for the Environmental Water Account for the Department's 2007 Dry-Year Water Purchase Program for use within the service areas of the State Water Project and the Central Valley Project.

Point of Rediversion - Proposed

Clifton Court Forebay (State Water Project) and Tracy Pumping Plant (Central Valley Project).

Place of Use - Proposed

The service areas of the State Water Project (as shown on map 1878-1, 2, 3 and 4 on file with Application No. 5629) and the Central Valley Project (as shown on map 214-208-12581 on file with Application No. 5626).

Purpose of Use

Present: irrigation, domestic, industrial, recreational, and fish mitigation and enhancement.

Proposed: same, and municipal, salinity control and water quality control.

Other Changes in Permit Terms Required to Accomplish the Proposed Temporary Change

California Water Code section 1726(a)(1) states in part: "A permittee or licensee who proposes a temporary change shall submit to the Board a petition to change the terms of the permit or license as required to accomplish the proposed temporary change." Section 791(e) of the State Board's regulations (Title 23, Article 15 of the California Code of Regulations) states: "The procedures set forth in Articles 15, 16, 16.5 and 17 shall be followed as nearly as possible when filing and processing petitions for changes in permits or licenses other than changes in point of diversion, place of use, and purpose of use." This temporary change proposed by the Agency under Water Code sections 1725-1732 is to be processed under the procedures set forth in Article 16 ("Temporary Changes Due to Transfer or Exchange of Water or Water Rights").

In addition to the proposed changes in point of diversion, place of use and purpose of use that are described in this petition, Yuba County Water Agency (“Agency”) is filing a separate petition to the State Board to modify the terms of the Agency's water right permits to change the effective date of the State Board's Revised Decision 1644 long-term instream-flow requirements from March 1, 2007 to April 1, 2008. (The April 21, 2006 effective date that was specified on pages 173 and 175 of Revised Decision 1644 was extended to March 1, 2007 by State Board Order WR 2006 – 0009, dated April 6, 2006.) This change in the terms of the Agency’s water-right permits is required to accomplish the proposed temporary change that is described in this petition because the long-term instream-flow requirements in Revised Decision 1644 conflict with the instream flows that are specified in the proposed “Fisheries Agreement For 2007 Lower Yuba River Pilot Program” among the Agency, the California Department of Fish and Game, the South Yuba River Citizens League, Friends of the River, Trout Unlimited and The Bay Institute (the “2007 Fisheries Agreement”), which is described in the following paragraphs. The Agency and the same the parties entered into a comparable fisheries agreement for the 2006 Yuba River Pilot Program.

Pursuant to the 2007 Fisheries Agreement, the Agency will operate the Yuba River Project to provide the minimum instream flows in the Lower Yuba River between March 1, 2007 and March 31, 2008 that are specified in Exhibits 1, 2, 3, 4 and 5 of the 2007 Fisheries Agreement. Copies of these exhibits are attached to this supplement as Exhibit A. The environmental assessment that SWRI will prepare and submit to the State Board in support of this petition will analyze whether or not this proposed water transfer, carried out consistent with the minimum instream flows specified in the 2007 Fisheries Agreement, will unreasonably affect fish, wildlife or other instream beneficial uses. While the instream flows in the 2007 Fisheries Agreement are not part of this petition and cannot be included in the State Board’s order approving this petition, it still is appropriate for the environmental assessment to include these flows in its analysis of the effects of implementation this petition because the Agency will be contractually committed to provide these flows during the period of the proposed transfer.

The minimum instream flows specified in the 2007 Fisheries Agreement are comparable to the proposed long-term minimum instream flows specified in the proposed Yuba River Accord. The Agency and 16 other parties have developed the Yuba Accord, which consists of the Proposed Lower Yuba River Fisheries Agreement and several other elements. The other elements of the Yuba Accord are: (a) the Conjunctive Use Agreements, under which the Agency and Member Units will implement programs to conjunctively use available surface water and groundwater supplies to ensure that local water supplies are not reduced to implement the Yuba Accord; (b) the Water Purchase Agreement among the Agency, DWR and Reclamation, under which the Agency will transfer water, including water made available by the instream-flow schedules in the Fisheries Agreement, to DWR and Reclamation, and DWR and Reclamation will make payments to the Agency that the Agency will use to make payments to the River Management Fund under the Fisheries Agreement, to Member Units under the Conjunctive Use Agreements, and to fund flood-control and water-supply projects in Yuba County; and (c) a modification of the 1966 Pacific Gas & Electric Company/Agency Power Purchase Contract so

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that the Agency can implement the Fisheries Agreement, the Water Purchase Agreement and the Conjunctive Use Agreements. The Parties to the Yuba Accord are pursuing environmental compliance and regulatory approvals for the various elements of the Yuba Accord, with the goal and intention of implementing the Yuba Accord on or before April 1, 2008.

1b. Documentation

The total quantity of water to be transferred under this petition will be up to 125,000 acre feet. The Agency will make water available for this transfer from stored water released from New Bullards Bar Reservoir. There will not be a groundwater substitution component of the agency's 2007 water transfer. The minimum amount of the 2007 transfer will be 62,000 acre feet.

Enclosed with this petition as Exhibit B is an exhibit to the 2007 water purchase agreement between the Agency and the Department that sets forth refill criteria for transfer water made available through releases from storage (Exhibit B-2 to the 2007 water purchase agreement between the Agency and the Department).

3a. Environmental Analysis

The Agency will submit under separate cover an environmental assessment prepared by SWRI that will also include the information requested in the Division of Water Rights' environmental information form.

Authorized Agents

The authorized agents of Yuba County Water Agency for this transfer petition are:

1. Curt Aikens
General Manager
Yuba County Water Agency
Marysville CA 95901
530-741-6278
facsimile: 530-741-6541
caikens@ycwa.com

2. Paul M. Bartkiewicz
Bartkiewicz, Kronick & Shanahan
1011 22nd Street
Sacramento CA 95816-4907
916-446-4254
facsimile: 916-446-4018
pmb@bkslawfirm.com

EXHIBITS TO THIS SUPPLEMENT

- A. Exhibits 1, 2, 3, 4 and 5 of the 2007 Fisheries Agreement
- B. 2007 New Bullards Bar Reservoir Refilling Conditions and Procedures

**SUPPLEMENT TO PETITION OF YUBA COUNTY WATER AGENCY FOR A
TEMPORARY TRANSFER OF WATER**

EXHIBIT A

(Exhibits 1 through 5 of 2007 Fisheries Agreement)

Exhibit 1. Instream Flow Requirements.

Marysville Gage (cfs)

Schedule	OCT		NOV	DEC	JAN	FEB	MAR	APR		MAY		JUN		JUL	AUG	SEP	Total Annual Volume (AF)
	1-15	16-31	1-30	1-31	1-31	1-29	1-31	1-15	16-30	1-15	16-31	1-15	16-30	1-31	1-31	1-30	
1	500	500	500	500	500	500	700	1000	1000	2000	2000	1500	1500	700	600	500	574200
2	500	500	500	500	500	500	700	700	800	1000	1000	800	500	500	500	500	429066
3	500	500	500	500	500	500	500	700	700	900	900	500	500	500	500	500	398722
4	400	400	500	500	500	500	500	600	900	900	600	400	400	400	400	400	361944
5	400	400	500	500	500	500	500	500	600	600	400	400	400	400	400	400	334818
6	350	350	350	350	350	350	350	350	500	500	400	300	150	150	350	350	232155

* Indicated flows represent average volumes for the specified time period. Actual flows may vary from the indicated flows according to established criteria.

* Indicated Schedule 6 flows do not include an additional 30 TAF available from groundwater substitution to be allocated according to established criteria.

Smartville Gage (cfs)

Schedule	OCT		NOV	DEC	JAN	FEB	MAR	APR		MAY		JUN		JUL	AUG	SEP	Total Annual Volume (AF)
	1-15	16-31	1-30	1-31	1-31	1-29	1-31	1-15	16-30	1-15	16-31	1-15	16-30	1-31	1-31	1-30	
A	700	700	700	700	700	700	700	700	-	-	-	-	-	-	-	700	-
B	600	600	600	550	550	550	550	600	-	-	-	-	-	-	-	500	-

* Schedule A used with Schedules 1, 2, 3 and 4 at Marysville.

* Schedule B used with Schedules 5 and 6 at Marysville.

Exhibit 2

FLOW SCHEDULE YEAR TYPES BASED ON THE NORTH YUBA INDEX FOR ESTABLISHING REQUIRED FLOWS IN THE LOWER YUBA RIVER FISHERIES AGREEMENT

The water year hydrologic classification for the Yuba River to determine the flow requirements of Yuba County Water Agency's water right permits shall be based on the North Yuba Index. Determinations of a year's flow schedule year type shall be made in February, March, April, and May and for any subsequent updates.

Flow Schedule Year Type	North Yuba Index Thousand Acre-Feet (TAF)
Schedule 1	Equal to or greater than 1400
Schedule 2	Equal to or greater than 1040 and less than 1400
Schedule 3	Equal to or greater than 920 and less than 1040
Schedule 4	Equal to or greater than 820 and less than 920
Schedule 5	Equal to or greater than 693 and less than 820
Schedule 6	Equal to or greater than 500 and less than 693
Conference Year	Less than 500

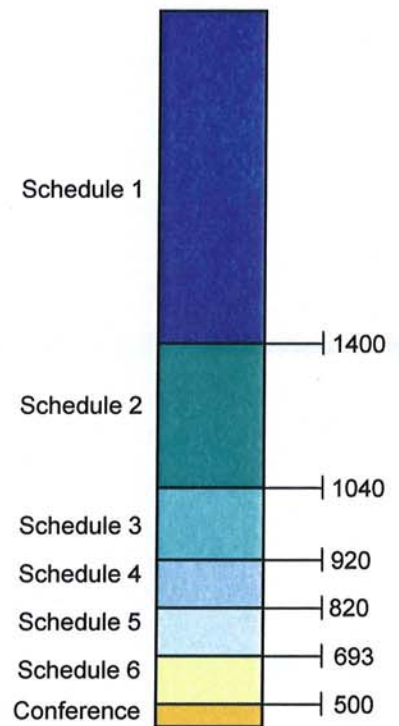


Exhibit 3. Dry Year Storage Adjustments To Instream-Flow Requirements

- In some dry years with Schedule 5 instream-flow requirements, the September 30 New Bullards Bar Reservoir storage may be very low.
- To ensure sufficient carryover storage in the event of a subsequent very dry year, a dry-year storage adjustment will be made.
- The dry-year storage adjustment will be made as follows:
 - If the September 30 New Bullards Bar Reservoir storage is less than 400,000 acre-feet, then the Marysville Gage instream-flow requirement will be 400 cfs from October 1 until the next February Bulletin 120 forecasts are available.
 - If the September 30 New Bullards Bar Reservoir storage is less than 450,000 acre-feet but greater than or equal to 400,000 acre-feet, then, the River Management Team may decide to adjust the Marysville Gage instream-flow requirement to 400 cfs from October 1 until the next February Bulletin 120 forecasts are available.
 - When the next February Bulletin 120 forecasts are available, the instream-flow requirements will be based on those forecasts.

EXHIBIT 4

DEFINITION OF THE NORTH YUBA INDEX

The North Yuba Index is an indicator of the amount of water available in the North Yuba River at New Bullards Bar Reservoir that can be utilized to achieve flows on the Lower Yuba River through operations of New Bullards Bar Reservoir. The index is comprised of two components: (1) active storage in New Bullards Bar Reservoir at the commencement of the current water year and; (2) total inflow to New Bullards Bar Reservoir for the current water year, including diversions from the Middle Yuba River and Oregon Creek to New Bullards Bar Reservoir. The following is the definition of the index and the procedure for determining the index for each water year.

$$\text{North Yuba Index} = Sa^{\text{NBB}} + I^{\text{NBB}}$$

Where:

Sa^{NBB} = New Bullards Bar Reservoir Active Storage

The New Bullards Bar Reservoir Active Storage for determining the current year North Yuba Index equals the actual recorded amount of water in storage in New Bullards Bar Reservoir on September 30th of the previous water year minus the Federal Energy Regulatory Commission Project License minimum pool amount of 234,000 acre-ft.

and:

I^{NBB} = Forecasted Total Annual Inflow To New Bullards Bar Reservoir

The Forecasted Total Annual Inflow To New Bullards Bar Reservoir shall be based on actual inflow to date to New Bullards Bar Reservoir, including the diversions from the Middle Yuba River and Oregon Creek plus forecasted inflow for the remainder of the water year, where such forecast is based on the Department of Water Resources 50%-exceedance forecast of unimpaired flow contained in Bulletin-120 at the beginning of each month from February until May or June, with periodic updates. The procedure for determining the Forecasted Total Annual Inflow To New Bullards Bar Reservoir is described in Exhibit 5, which is entitled "*Procedure for Calculating the Forecasted Total Annual Inflow Into New Bullards Bar Reservoir*".

Determination of the North Yuba Index for a water year shall be made based on 50%-exceedance estimates of unimpaired runoff as published in California Department of Water Resources Bulletin 120 beginning in February and updated in March, April and May, and any subsequent updates. The year type for the preceding water year shall remain in effect until the initial forecast of unimpaired runoff for the current year is available.

Exhibit 5
Procedure for Calculating the Forecasted Total Annual Inflow Into
New Bullards Bar Reservoir To Calculate North Yuba Index

The forecasted total inflow into New Bullards Bar Reservoir shall be calculated starting in February and updated periodically, but no less than monthly, until May. If a June updated Bulletin 120 forecast or any post May 1 update is published by the Department of Water Resources, then an updated forecast of total inflow to New Bullards Bar Reservoir shall be calculated as described below.

The forecasted total inflow into New Bullards Bar Reservoir is based on two main components: (1) the actual measured inflow into New Bullards Bar Reservoir to date; plus (2) the Bulletin 120 based calculation of forecasted inflow for the remainder of the water year. The following formula shall be used to calculate the forecasted total inflow to New Bullards Bar Reservoir (NBBR):

$$I^{NBB} \text{ (TAF)} = \text{Total Actual Inflow to NBBR from October 1 to the end of Month}^{i-1} \\
+ \text{Forecasted Inflow from the beginning of Month}^i \text{ to September 30} \\
\text{(Month}^{i-1} \text{ is the previous month and Month}^i \text{ is the current month)}$$

Where:

Total actual inflow to NBBR is the calculated inflow based on a daily summation of inflow for the month as follows:

$$\text{Total Actual Inflow to NBBR (TAF)} = \text{Monthly change in stored water (TAF)} + \\
\text{Monthly outflow (TAF)}$$

and where:

The forecasted inflow from the beginning of Monthⁱ to September 30 is calculated using statistically derived linear coefficients applied to the measured inflow into New Bullards Bar reservoir and the Bulletin 120 published 50%-exceedance forecasts of unimpaired flow of the Yuba River at Goodyears Bar and at Smartville, and for the time periods identified in the following table:

Table 1. Coefficients For the Calculation of Forecasted New Bullards Bar Inflow (AF)

Forecast Month	Forecasted For:	Constant (C)	Total Actual Inflow to NBBR (C1)	Bulletin 120 Forecasted Smartville (C2)	Bulletin 120 Forecasted Goodyear's Bar (C3)
February	February	-2,146	0.01424	0.52533	
	March	-3,221	0.02458	0.54787	
	April-July	-30,416	0.01413	0.62473	-0.24081
	August-September	-	0.01593	0.64037	
March	March	-23,495	0.00596	0.55386	
	April-July	-31,134	0.01237	0.62162	-0.23266
	August-September	-	0.01473	0.59396	
April	April-July	-30,665	0.00547	0.61332	-0.19623
	August-September	-	0.01409	0.53241	
May	April-July	-31,652	0.01033	0.61645	-0.22353
	August-September	-	0.01298	0.50071	

For all subsequent forecast updates the May coefficients shall be used, with the forecasted Goodyears Bar runoff equaling 0.273 times the current forecasted Yuba River unimpaired flow at Smartville.

The following procedure shall be used to calculate the Forecasted New Bullards Bar Inflow:

The general formula for Forecasted New Bullards Bar Inflow is:

$$\text{Forecasted NBB Inflow}^1 = \text{February NBB Inflow} + \text{March Inflow} + \text{April-July Inflow} + \text{August-September Inflow}$$

Formula terms are only applicable as shown in Table 1. As an example, the March forecast does not include a term for forecasted February NBB Inflow. The following formulas shall be used to calculate the terms of the formula above using the corresponding coefficients from Table 1 (*Note terms are calculated in AF and the result is converted to TAF for use in the calculation of the Forecasted Total Inflow to New Bullards Bar (I^{NBB} (TAF))*):

$$\text{February NBB Inflow} = C + C1 \times \text{Total Actual Inflow to NBB} + C2 \times \text{Forecasted Smartville}^{(\text{February})}$$

$$\text{March NBB Inflow} = C + C1 \times \text{Total Actual Inflow to NBB} + C2 \times \text{Forecasted Smartville}^{(\text{March})}$$

$$\text{April - July Inflow} = C + C1 \times \text{Total Actual Inflow to NBB} + C2 \times \text{Forecasted Smartville}^{(\text{April - July})} + C3 \times \text{Forecasted Goodyears Bar}^{(\text{April - July})}$$

$$\text{August - September Inflow} = C1 \times \text{Total Actual Inflow to NBB} + C2 \times \text{Forecasted Smartville}^{(\text{August - September})}$$

("Forecasted Smartville" is the DWR forecast for "Yuba River at Smartville Plus Deer Creek")

The May calculation of Forecasted NBB Inflow and subsequent updated calculations shall be reduced by the actual NBB inflow between April 1 and the calculation date.

Example calculation of the North Yuba Index for February 1, 2003:

Excerpt from February 2003 DWR Bulletin -120:

**FEBRUARY 1, 2003 FORECASTS
APRIL-JULY UNIMPAIRED RUNOFF**

HYDROLOGIC REGION and Watershed	Unimpaired Runoff in 1,000 Acre-Feet					
	HISTORICAL			FORECAST		
	50 Yr Avg	Max of Record	Min of Record	Apr-Jul Forecasts	Pct of Avg	80 % Probability Range
Yuba River						
North Yuba below Goodyears Bar	286	647	51	240	84%	
Yuba River at Smartville Plus Deer Creek	1,044	2,424	200	900	86%	510-1,560

**FEBRUARY 1, 2003 FORECASTS (CONT'D)
WATER YEAR UNIMPAIRED RUNOFF**

Unimpaired Runoff in 1,000 Acre-Feet													
HISTORICAL			DISTRIBUTION								FORECAST		
50 Yr Avg	Max of Record	Min of Record	Oct Thru Jan*	Feb	Mar	Apr	May	Jun	Jul	Aug & Sep	Water Year Forecasts	Pct of Avg	80% Probability Range
564	1,056	102											
2,459	4,926	369	675	255	300	360	380	130	30	30	2,160	88%	1,510-3260

*Unimpaired runoff in prior months based on measured flows

From the published Bulletin-120 information, and from historical gaged date for New Bullards Bar Reservoir, the North Yuba Index can be calculated as follows:

- 1) The end-of-September 2002 New Bullards Bar Reservoir Storage (from USGS gage number 11413515) is 532,088 acre-feet.
- 2) From end-of-October, November, December, and January New Bullards Bar storage figures and monthly reservoir releases (from USGS gages 11413510 and 11413520), the total inflow to New Bullards Bar between October 1, 2002 and January 31, 2003 is 387,302 acre-feet.
- 3) Using the B-120 information and the inflow to date, the forecasted February inflow is calculated as follows:

$$\text{Inflow} = C + C1*(\text{Oct-Jan Inflow}) + C2*(\text{B120 Forecasted Flow at Smartville for February})$$

$$\text{Forecasted February Inflow} = -2,146 + 0.01424 (387,302) + 0.52533 (255,000) = 137,328 \text{ acre-feet}$$

- 4) The forecasted March inflow is calculated as follows:

$$\text{Inflow} = C + C1*(\text{Oct-Jan inflow}) + C2*(\text{B120 Forecasted Flow at Smartville for March})$$

$$\text{Forecasted March Inflow} = -3,221 + 0.02458 * (387,302) + 0.54787 * 300,000 = 170,660 \text{ acre-feet}$$

- 5) The forecasted April-July inflow is calculated as follows:

$$\text{Inflow} = C + C1*(\text{Oct-Jan Inflow}) + C2*(\text{B120 Forecasted Flow at Smartville for April-July}) + C3*(\text{Forecasted Flow at Goodyear's Bar for April-July})$$

$$\text{Forecasted April-July Inflow} = -30,416 + 0.01413 * (387,302) + 0.62473 * (900,000) + -0.24081 * (240,000) = 479,519 \text{ acre-feet}$$

- 6) The August and September inflows are calculated as follows:

$$\text{Inflow} = C1*(\text{Oct-Jan Inflow}) + C2*(\text{Forecasted flow at Smartville for August and September})$$

$$\text{Forecasted August and September Inflow} = 0.01593 * (387,302) + 0.64037 * (30,000) = 25,381 \text{ acre-feet}$$

7) The North Yuba Index for 2003, as calculated for February 1, 2003, is:

Active NBB Storage + Actual Inflow (Oct – Jan) + forecasted Feb Inflow + forecasted Mar Inflow + forecasted Apr-Jul Inflow + forecasted Aug-Sept Inflow =

(532,088-234,000) + 387,302 + 137,328 + 170,660 + 479,519 + 25,381 = 1,498,278 acre-feet = **Index Number of 1498 which is a Schedule 1 year**

Example calculation of the North Yuba Index for May 1, 1999:

Excerpt from May 1999 DWR Bulletin -120:

**May 1, 1999 FORECASTS
APRIL-JULY UNIMPAIRED RUNOFF**

HYDROLOGIC REGION and Watershed	Unimpaired Runoff in 1,000 Acre-Feet					
	HISTORICAL			FORECAST		
	50 Yr Avg	Max of Record	Min of Record	Apr-Jul Forecasts	Pct of Avg	80 % Probability Range
Yuba River						
North Yuba below Goodyears Bar	286	647	51	330	115%	
Yuba River at Smartville Plus Deer Creek	1,029	2,424	200	1,200	117%	1,090-1,360

**May 1, 1999 FORECASTS (CONT'D)
WATER YEAR UNIMPAIRED RUNOFF**

Unimpaired Runoff in 1,000 Acre-Feet													
HISTORICAL			DISTRIBUTION								FORECAST		
50 Yr Avg	Max of Record	Min of Record	Oct Thru Jan*	Feb *	Mar *	Apr *	May	Jun	Jul	Aug & Sep	Water Year Forecasts	Pct of Avg	80% Probability Range
564	1,056	102											
2,337	4,926	369	720	520	350	305	510	310	75	55	2,845	122%	2,720-3,030

*Unimpaired runoff in prior months based on measured flows

From this information and historic information, the North Yuba Index can be calculated as follows:

- 1) The end-of-September 1998 New Bullards Bar Reservoir Storage (from USGS gage number 11413515) is 708,904 acre-feet.
- 2) From end-of-October, November, December, January, February, March and April New Bullards Bar storage and monthly reservoir releases (from USGS gages 11413510 and 11413520), the total inflow to New Bullards Bar between October 1, 1998 and April 30 1999 is 1,098,591 acre-feet.
- 3) Using the B-120 information and the inflow to date the forecasted April - July inflow is calculated as follows:

Inflow = C + C1*(Oct-April Inflow) + C2*(B120 Forecasted Flow at Smartville for April-July) + C3*(Forecasted Flow at Goodyear's Bar for April-July)

Forecasted April-July Inflow = $-31,652 + 0.01033 * (1,098,591) + 0.61645 * (1,200,000) + 0.22353 * (55,000) = 707,142$ acre-feet.

- 4) The August and September inflows are calculated as follows:

Inflow = $C1 * (\text{Oct-April Inflow}) + C2 * (\text{Forecasted flow at Smartville for August and September})$

Forecasted August and September Inflow = $0.01298 * (1,098,591) + 0.50071 * (55,000) = 41,799$ acre-feet

- 5) The North Yuba Index for May 1, 1999, is calculated as follows:

Active NBB Storage + Actual Inflow (Oct – April) + forecasted Apr-Jul Inflow + forecasted Aug-Sept Inflow – Actual April Inflow =

$(708,904 - 234,000) + 1,098,591 + 707,142 + 41,799 - 182,647 = 2,139,789$ acre-feet = **Index Number of 2140 which is a Schedule 1 year**

**SUPPLEMENT TO PETITION OF YUBA COUNTY WATER AGENCY FOR A
TEMPORARY TRANSFER OF WATER**

EXHIBIT B

(Exhibit B-2 to 2007 Water Purchase Agreement)

EXHIBIT B-2**New Bullards Bar Reservoir Refilling
Conditions And Procedures For Water Transfer
From Yuba To The Department**

The Department and Reclamation must be assured that the refilling of New Bullards Bar Reservoir resulting from purchase of water from Yuba by the Department, will not impact the Projects. Such impacts could occur (according to the Department and Reclamation) if storage vacated by the transfer is refilled during Balanced Conditions in the Delta. Yuba agrees that if there is an outstanding account of impacts after the 2008 Water Year reservoir refill period, Yuba will release additional water during subsequent Balanced Conditions in excess of normal operating requirements to compensate for impacts. The following procedures for determining impacts and conditions for additional releases will be used in accounting for refill. The Department will work with Reclamation to allocate the impact account between the Projects.

1. “Base Transfer” is the amount of water released for the Department from New Bullards Bar Reservoir determined by operations criteria in **Exhibit B-1**, attached hereto and incorporated by reference.
2. “Impact Account” is the amount of water the Department and Reclamation would have obtained from the Yuba River in the absence of the transfer to the Department, but not received due to refilling of New Bullards Bar Reservoir in Water Year 2008. The amount of Impact Account water will be computed daily during the Refill Period based on balanced or excess conditions as used in the Coordinated Operations Agreement between the Department and Reclamation (“COA”).
3. “Refill Period” is from October 1, 2007 through September 30, 2008.
4. “Target Storage” is those storage levels during the Refill Period at which Yuba would normally operate New Bullards Bar Reservoir without a water transfer to the Department. The levels are:
 - (a) October 1 through October 15 is linearly ramped from 705,000 acre-feet to 700,000 acre-feet
 - (b) October 16 through February 15 is 700,000 acre-feet.
 - (c) February 16 through March 31 is linearly ramped from 700,000 acre-feet to 796,000 acre-feet.
 - (d) April 1 through April 30 is linearly ramped from 796,000 acre-feet to 896,000 acre-feet.
 - (e) May 1 through May 31 is linearly ramped from 896,000 acre-feet to 966,000 acre-feet.
 - (f) June 1 through June 30 is 966,000 acre-feet.

EXHIBIT B-2

- (g) July 1 through must be determined on a case by case basis as described in **Exhibit B-1**.
5. "Actual Storage" is the amount of water physically in storage in New Bullards Bar Reservoir at any time.
 6. "Theoretical Storage" is the sum of (1) Actual Storage on the day specified and (2) Transfer Amount Account.
 7. "Excess Release Credits" occur if the total releases during the 2007 transfer period, which satisfy the operations criteria for transfer water in **Exhibit B-1**, exceed the amount of transferred water for which payment is made. Such excess will be counted as a credit toward any subsequent refill obligations under this Agreement. The quantity of excess releases will be verified by storage reductions beyond those made for the release of Transfer Water as defined in **Exhibit B-1**. If excess releases are made at a time when the Delta is not in Balanced Conditions, then there will be no Excess Release Credits granted towards subsequent refill obligations.
 8. When Actual Storage exceeds the Target Storage during the Refill Period, there will be no further impacts.
 9. The accounting procedure in attached **Exhibit B-1** ("Operations Criteria"), attached hereto, incorporating the definitions and concepts in this Exhibit, is to be used in calculating the Impact Account. General principles in **Exhibit B-1** are to be applied in accounting for any unusual operational conditions not set forth in the application example.
 10. If the Transfer Amount Account is not zero on September 30, then the remaining balance of the account will be carried forward to the subsequent water year and impact accounting will continue until the outstanding balance is eliminated.
 11. If there is an Impact Account balance on September 30, Yuba will release water during Balanced Conditions on a schedule that is agreed to by the Parties at a time when such releases would not create or affect deficiencies in local deliveries or instream flows, and will be coordinated with releases for other (if any) water transfers of Yuba. The water released to offset refill impacts will be delivered as Transfer Water by Yuba and the accounting provisions and refill conditions of this section will apply to those quantities.
 12. By November 29, 2007, the Parties will complete an accounting of the Transfer Amount.
 13. By July 31 of each year of refill, the Parties will complete an accounting of the Impact Account until the requirement for accounting has been completed in accordance with Exhibit B-1.

EXHIBIT B-2

**Accounting Procedures For Determining
New Bullards Bar Refill Impacts
On The Projects**

The following columnar description sets forth the format, criteria, and procedures to be used for the determination of combined impacts to the Projects due to changes in refilling New Bullards Bar Reservoir caused by the 2007 transfer to the Department. An example of the application is attached.

COLUMNAR DESCRIPTION

- Column 1 - Date
- Column 2 - New Bullards Bar Reservoir Actual Storage as of 2400 hours.
- Column 3 - Storage Reduction Credit. If Actual Storage is reduced during Balanced Conditions during the Refill Period, there can be a credit to the Impact Account and a corresponding addition to the Transfer Amount Account. The credit is limited to streamflow at the Marysville Gage attributable to the reduction in storage excluding reduction in storage for instream flows, with the operational buffer, other water transfers and local diversions. If Actual Storage is reduced during other than Balanced Conditions during the Refill Period, there is no credit to the Impact Account.
- Column 4 - Transfer Amount Account (Base Transfer for 2007) lists transfer water for which impact accounting is yet to be made. It is the previous day's amount minus the previous day's impact volume, plus storage reduction credits. (Note that storage reduction credits are also made to the Impact Account.) $Column\ 4_i = Column\ 4_{i-1} - Column\ 7_{i-1} + Column\ 3_{i-1}$ any transfer amount account remaining after September 30 will be the initial (October 1) amount used in the subsequent water year.
- Column 5 - Theoretical Storage indicates the operation of storage as it might have occurred in the absence of the transfer. It is the actual storage plus the Transfer Amount Account. $Column\ 5_i = Column\ 2_i + Column\ 4_i$
- Column 6 - Target Storage is a postulated level of storage, which New Bullards Bar might not normally exceed. When Column 5 exceeds this level, it is postulated that the storage would be reduced to the Target Storage amount. The Target Storage is defined as follows: October 1 (705,000); October 2-October 15 (ramped linearly to 700,000) October 16-February 15 (700,000); February 16-March 31 (ramped linearly to 796,000); April 1-30 (ramped linearly to 896,000); May 1-31 (ramped linearly to 966,000); June 1-30 (966,000); July 1-September 29 – determined by hydrology.
- Column 7 - Impact Volume indicates daily amounts of water that would be released to achieve the Column 6 Target Storage. $Column\ 7_i = (Column\ 5_i - Column\ 6_i)$ but not less than zero, and not greater than $Column\ 4_i$. The Impact Volume is limited to a maximum amount of 7340 acre-feet, the normal maximum daily release capacity at New Bullards Bar Reservoir

EXHIBIT B-2

- Column 8 - Delta Conditions are determined jointly by the Department and Reclamation in accordance with the COA. A "1" is listed if the Delta is declared to be in Balanced Conditions three days after the daily amounts are calculated, a zero or null "-" is listed when the Delta is declared to be in excess conditions three days after the daily amounts are calculated. The amount of Theoretical Storage above the Target Storage on December 31, if any (Column 5 - Column 6), is deducted from the Transfer Amount Account (Column 4) on January 1.
- Column 9 - Net Daily Impact is the daily impact volumes minus storage reduction credits when the Delta is in Balanced Conditions as indicated in
Column 8. $Column\ 9_i = (Column\ 7_i - Column\ 3_i) \times Column\ 8$
- Column 10 - Impact Account is the accumulation of Net Daily Impacts.
 $Column\ 10_i = Column\ 10_{i-1} + Column\ 9_i$

The September 30 value includes any excess releases that exceed the maximum transfer amount yet satisfy transfer criteria. If the accounting is carried forward into subsequent years, the repayment releases made during the subsequent transfer period will be credited on the September 30 entry.

1 PROOF OF SERVICE BY MAIL

2 I, Anni Farnsworth, declare:

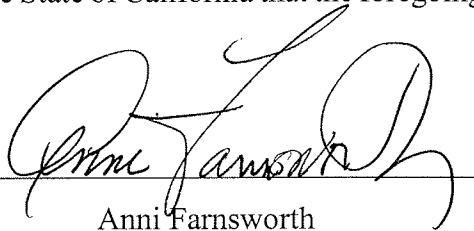
3 I am over the age of eighteen and not a party to this action. My business address,
4 which is located in Sacramento County, is 1011 22nd Street, Sacramento, California 95816. On
5 August 23, 2006, following ordinary business practices, I placed for delivery by U.S. Mail at
6 Sacramento, California 95816 copies of the **2007 Temporary Water Transfer Petition of Yuba**
7 **County Water Agency to Department of Water Resources** enclosed in a sealed envelope, with
8 postage prepaid, addressed to:

9 *See attached Service List*

10
11 I am readily familiar with this business' practice for collection and processing of
12 correspondence for mailing with the United States Postal Service and, in the ordinary course of
13 business, the correspondence would be deposited with the United States Postal Service on the day
14 on which it is collected at the business.

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

17 Dated: **August 23, 2006**

18 
Anni Farnsworth

Service List

Board of Supervisors
County of Alameda
1221 Oak Street
Oakland CA 94612

Board of Supervisors
County of Butte
25 County Center Drive
Oroville, CA 95965

Board of Supervisors
County of Colusa
546 Jay Street
Colusa CA 95932

Board of Supervisors
County of Contra Costa
651 Pine Street, 4th Floor - North Wing
Martinez CA 94553

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville CA 95667

Board of Supervisors
County of Fresno
Room 301, Hall of Records
2281 Tulare Street
Fresno CA 93721-2198

Board of Supervisors
County of Glenn
Courthouse
526 West Sycamore Street
P.O. Box 391
Willows CA 95988

Board of Supervisors
County of Imperial
County Administration Center
940 West Main Street, Suite 211
El Centro CA 92243-2871

Board of Supervisors
County of Kern
1115 Truxtun Avenue, 5th Floor
Bakersfield CA 93301

Board of Supervisors
County of Kings
1400 West Lacey Blvd
Administration Building No. 1
Hanford CA 93230

Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles CA 90012

Board of Supervisors
Madera County
209 West Yosemite Avenue
Madera, CA 93637

Board of Supervisors
County of Mariposa
100 Bullion Street
Mariposa, CA 95338

Board of Supervisors
County of Merced
2222 M Street
Merced, CA 95340

Board of Supervisors
County of Napa
1195 Third Street, Room 305
Napa CA 94559

Board of Supervisors
County of Orange
10 Civic Center Plaza
Santa Ana CA 92701

Board of Supervisors
County of Riverside
County Administrative Center
4080 Lemon Street, 12th Floor
Riverside CA 92501

Board of Supervisors
County of Sacramento
700 H Street
Sacramento CA 95814

Board of Supervisors
County of San Benito
481 Fourth Street
Hollister CA 95023

Board of Supervisors
County of San Bernardino
County Government Center
385 North Arrowhead Avenue, Fifth Floor
San Bernardino CA 92415-0110

Board of Supervisors
County of San Diego
County Administration Center
1600 Pacific Coast Highway, Room 402
San Diego CA 92101

Board of Supervisors
County of San Joaquin
Courthouse, Room 701
222 East Weber Avenue
Stockton CA 95202

Board of Supervisors
County of San Luis Obispo
Courthouse Annex
Room 202
San Luis Obispo CA 93408

Board of Supervisors
County of San Mateo
Hall of Justice & Records
401 Marshall Street
Redwood City, CA 94063

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara CA 93101

Board of Supervisors
County of Santa Clara
70 West Hedding Street
San Jose CA 95110

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

Board of Supervisors
County of Solano
580 Texas Street
Fairfield CA 94533

Board of Supervisors
County of Stanislaus
1010 10th Street
Modesto, CA 95354

Board of Supervisors
County of Sutter
463 Second Street
Yuba City CA 95991

Board of Supervisors
County of Tehama
P.O. Box 250
Red Bluff CA 96080

Board of Supervisors
County of Tulare
2800 W. Barrel
Visalia CA 93291

Board of Supervisors
County of Ventura
Hall of Administration
800 South Victoria Avenue
Ventura CA 93009

Board of Supervisors
County of Yolo
625 Court Street
Woodland CA 95695

Board of Supervisors
County of Yuba
Yuba County Government Center
915 8th Street
Marysville CA 95901

Ryan Broddrick
Department of Fish & Game
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Department of Fish & Game
1701 Nimbus Road
Rancho Cordova, CA 95670

U.S. Bureau of Reclamation
c/o John F. Davis
2800 Cottage Way
Sacramento, CA 95825-2890

U.S. Fish & Wildlife Service
2800 Cottage Way
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