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9 **BEFORE THE CALIFORNIA**
10 **STATE WATER RESOURCES CONTROL BOARD**

11 In Re Petitions By Yuba County Water Agency
12 To Modify Water Right Permits 15026, 15027
13 and 15030 (Applications 5632, 15204 and
15574, respectively)

**CLOSING BRIEF FOR PUBLIC
HEARING**

14
15 The lower Yuba River Accord ("Yuba Accord") is a monumental, consensus-based solution
16 to complex issues. It represents at least 6 years of work by more than seventeen parties. Parties
17 involved in the development of and that support the Yuba Accord include federal and state fisheries
18 agencies, non-governmental environmental organizations, federal and state water management
19 agencies, and water districts. Interests within Northern, Central, and Southern California were
20 represented.

21 The Yuba Accord will provide significant benefit for fishery resources in the lower Yuba
22 River and may also benefit fishery resources in the Feather River, the Sacramento River, and the
23 Delta. It will achieve the fishery benefits while improving water supply reliability for the districts
24 and companies served by Yuba County Water Agency ("Yuba") and water districts and agencies
25 served by the U.S. Bureau of Reclamation ("Reclamation") and California Department of Water
26 Resources ("DWR").

27 The Yuba Accord's fishery benefits and improvements in water supply reliability are
28 accomplished through: (1) a Fisheries Agreement, (2) Conjunctive Use Agreements, and (3) a Water

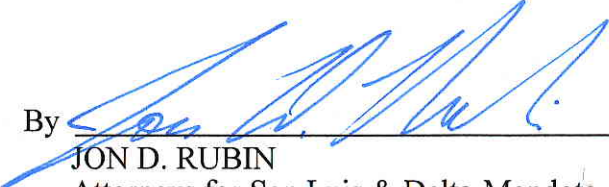
1 Purchase Agreement. The cornerstone of the Yuba Accord is the Fisheries Agreement. It requires
2 Yuba to maintain in-stream flows in the lower Yuba River to benefit native Chinook salmon,
3 steelhead and other fish and wildlife and to conduct fisheries studies and monitoring to better
4 understand the lower Yuba River's wild salmon and steelhead. The Conjunctive Use Agreements
5 allow for coordinated use and protection of surface and groundwater supplies in Yuba County. The
6 Water Purchase Agreement is the foundation upon which the Conjunctive Use and Fisheries
7 Agreements were built. The Water Purchase Agreement provides the funding which allows the
8 Yuba Accord to function and water for the CALFED Environmental Water Account and water
9 district and agencies served by Reclamation and DWR.

10 Before the State Water Resources Control Board are two petitions filed by Yuba. Through
11 the petitions, Yuba seeks an order modifying water-right permits 15026, 15027, and 15030. The
12 record is clear. Each and every modification to the water-right permits, as they are proposed, is
13 authorized by law and necessary. The Yuba Accord is dependent upon implementation of all
14 elements of the Fisheries Agreement and the Water Purchase Agreement, and the requested
15 modifications of water-right permits 15026, 15027, and 15030 are needed for that to occur. For that
16 reason, the issuance of an order modifying the water-right permits in a manner different from that
17 that petitioned by Yuba will compromise the Yuba Accord. The Authority and Westlands,
18 therefore, respectfully request that the State Water Resources Control Board issue an order
19 approving the petitions, as requested by Yuba.

20 Dated: December 28, 2007

Respectfully submitted,

21 DIEPENBROCK HARRISON
22 A Professional Corporation

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24 By 
25 JON D. RUBIN
26 Attorneys for San Luis & Delta-Mendota
27 Water Authority and Westlands Water District
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1 **PROOF OF SERVICE**

2 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
3 *Yuba County Water Agency Petitions to Modify Water Rights 15026, 10527 and 15030*
4 *(Application Nos. 5632, 15204 and 15574)*

5 I, **Laurie C. Briggs**, declare as follows:

6 I am over 18 years of age and not a party to the within action; my business address is 400 Capitol
7 Mall, Suite 1800, Sacramento, California, I am employed in Sacramento County, California.

8 On December 28, 2007, I served a copy of the following documents:

9 **CLOSING BRIEF FOR PUBLIC HEARING**

10 On the interested parties listed in the attached service list in the above-referenced case number to
11 the following:

12 **BY MAIL:** By following ordinary business practice, placing a true copy thereof enclosed in a
13 sealed envelope, for collection and mailing with the United States Postal Service where it would be
14 deposited for first class delivery, postage fully prepaid, in the United States Postal Service that same day
15 in the ordinary course of business.

16 **CERTIFIED MAIL:** Certified Mail Receipt No. [] (attached) - Return receipt Requested

17 **BY FACSIMILE** at _____ a.m./p.m. to the listed fax numbers. The facsimile machine I used
18 complied with California Rules of Court, rule 2003 and no error was reported by the machine. Pursuant
19 to California Rules of Court, rule 2006(d), I caused the machine to print a transmission record of the
20 transmission, a copy of which is attached to this declaration.

21 A true and correct copy was also forwarded by regular U.S. Mail by following ordinary
22 business practice, placing a true copy thereof enclosed in a sealed envelope, for collection and mailing
23 with the United States Postal Service where it would be deposited for first-class delivery, postage fully
24 prepaid, in the United States Postal Service that same day in the ordinary course of business.

25 **BY OVERNIGHT DELIVERY:**

26 Depositing copies of the above documents in a box or other facility regularly maintained by
27 Federal Express, or Golden State Overnight, in an envelope or package designated by Federal Express or
28 Golden State Overnight with delivery fees paid or provided for.

PERSONAL SERVICE: By personally delivery to the persons named below, at the address
indicated:

via process server: _____

via hand by: _____

BY ELECTRONIC SERVICE: I caused each such document to be sent by electronic mail to
the addressees at the email addressees listed on the attached service list.

I certify under penalty of perjury under the laws of the State of California that the foregoing is
true and correct and that this declaration was executed on December 28, 2007, at Sacramento, California.

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28 Laurie C. Briggs

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SERVICE LIST

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