

FIRST AMENDED NOTICE OF INTENT TO APPEAR

The CORDUA IRRIGATION DISTRICT plans to participate in the water right hearing regarding

Yuba County Water Agency
Petition to Modify Water Right Permits 15026, 15027 and 15030
(Applications 5632, 15204 and 15574)

and

Petition for Long-Term Transfer of up to 200,000 acre feet of Water from YCWA to the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) under Permit 10506 (Application 5632)

scheduled for

Wednesday, December 5, 2007, and continuing, if necessary
on Thursday, December 6, 2007

- I/we intend to present a policy statement only
- I/we intend to participate by cross-examination or rebuttal only
- I/we agree to accept electronic service of hearing-related materials
- I/we plan to call the following witnesses to testify at the hearing

SEE ATTACHMENT

<u>NAME</u>	<u>SUBJECT OF PROPOSED TESTIMONY</u>	<u>ESTIMATED LENGTH OF DIRECT TESTIMONY</u>	<u>EXPERT WITNESS (YES/NO)</u>
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Dated: 10-30-07



PAUL R. MINASIAN

ATTACHMENT TO FIRST AMENDED NOTICE OF INTENT TO APPEAR

Yuba County Water Agency Petition to Modify Water Right Permits 15026, 15027 and 15030 (Applications 5632, 15204 and 15574) and Petition for Long-Term Transfer of up to 200,000 acre feet of Water from YCWA to the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) under Permit 10506 (Application 5632)

Cordua Irrigation District

The SWRCB has determined that a Petition to Change filed by Cordua Irrigation District, requesting deleting pages 110 and 111 of Decision 1644 relating to water use in the area North of the Yuba River for waterfowl habitat and straw decomposition, will not be considered. The SWRCB has further directed that the need for modification in those portions of the Decision is not to be a direct issue upon which evidence may be submitted in the hearing upon the Yuba County Water Agency's Petition for Modification of Water Right Permit Numbers 15026, 15027 and 15030, Cordua Irrigation District is required not to produce direct evidence aimed at showing that those purported restrictions, if enforced in conjunction with the long-term transfer, will have disastrous impacts upon the waterfowl habitat in the area north of the Yuba River and similar detrimental impact upon rice culture which permits the economic maintenance of open spaces, agricultural use of the land in that area and waterfowl habitat.

Cordua Irrigation District, however, believes that through cross-examination and rebuttal evidence, the SWRCB will be required to consider effectively the same evidence offered in the Petition for Change and condition the approval of the long-term transfer and the approval of the modification of fishery flows in the Yuba River upon there being sufficient waters available from Yuba River Flows under the Agency's water rights to provide for the reasonable and beneficial use of water in the area North of the Yuba River for waterfowl habitat and straw decomposition and preparation of the rice fields for the following agricultural year planting, which amounts of water are in excess of the one-and-one-tenth (1.1) ac ft average estimated in Decision 1644 for

the period October 1 through January of each year. This can be easily accomplished by deleting the language.

It is respectfully submitted that the Board should not and cannot approve a transfer of water to other geographic areas nor approve a modification of fish flows without finding and assuring that the water taken and transferred to other geographic areas, or through the modification of fish flows will not result, as required under (1) the Uncodified Water Code Act 9407, Section 5.2, which states they:

“ . . . will occur without unreasonably affecting the overall economy of the area from which water is to be transferred”,

and (2) pursuant to Water Code Section 1736, applicable to long-term transfers, which states they:

“ . . . would not result in substantial injury to any legal user of water and would not unreasonably affect fish, wildlife or other instream beneficial uses.”

If the long-term transfers and extensive groundwater pumping result in the inability to maintain agriculture and waterfowl habitat in the area north of the Yuba River, Water Code Section 1736 is not met.

As the evidence will show, application of these standards require that the SWRCB modify or delete pages 110 and 111 of Decision 1644, and if this evidence is not directly presented to the Board, the Board needs to hear the evidence via cross-examination and rebuttal.

SERVICE LIST

Water Right Hearing on Yuba County Water Agency's 2007 Petition for Modification and Long-Term Transfer Petition (Proposed Lower Yuba River Accord)

YCWA Petition to Modify Water Right Permits 15026, 15027 and 15030 (Applications 5632, 15204 and 15574) and Petition for Long-Term Transfer of up to 200,000 acre feet of Water from YCWA to the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) under Permit 10506 (Application 5632)

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