

State Water Resources Control Board

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 200,000 ACRE-FEET OF WATER PURSUANT TO THE LOWER YUBA RIVER ACCORD UNDER YUBA COUNTY WATER AGENCY'S PERMIT 15026

On October 1, 2025, Yuba County Water Agency (YWA or petitioner), filed a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights, for temporary change to transfer up to 200,000 acre-feet of water pursuant to California Water Code section 1725 et seq. under water right Permit 15026 (Application 5632). Temporary changes involving the transfer of water may be in effect for one year from the date of approval.

DESCRIPTION OF THE TRANSFER

With the petition, YWA seeks to temporarily extend operation of the Lower Yuba River Accord (Yuba Accord) Water Transfer Program, which was originally authorized through December 31, 2025, by State Water Board Corrected Order WR 2008-0014. Since adoption of Corrected Order WR 2008-0014, the State Water Board has issued supplemental orders authorizing the Freeport Regional Water Project intake, San Luis Dam, and the Delta intakes of Contra Costa Water District (CCWD) as additional points of diversion for the Yuba Accord Water Transfer Program.

YWA is requesting temporary changes to Permit 15026 that would enable a one-year extension of the Yuba Accord Water Transfer Program through December 31, 2026 while YWA's April 4, 2024 long-term transfer petition is pending with the State Water Board's Administrative Hearing Office. YWA's requested temporary changes do not include any changes to YWA's operations under the Yuba Accord streamflow schedules or changes to the Yuba Accord Fisheries Agreement. No new facilities will be constructed or operated. Water transfers made pursuant to the State Water Board's approval of YWA's requested temporary changes to Permit 15026 will comply with all regulatory requirements including State Water Board Orders (Corrected Order WR 2008-0014, Revised Water Right Decision 1644, and Revised Water Right Decision 1641) and the 2019 U.S. Fish and Wildlife Service and National Marine Fisheries Service Biological Opinions for long term operations of the Central Valley Project (CVP) and State Water Project (SWP).

PROPOSED CHANGES

Summary of Petition for Short-Term Transfer

To enable a one-year extension of the Yuba Accord Water Transfer Program, YWA has petitioned the State Water Board for a temporary transfer requesting the addition of the following points of diversion, places of use, and purposes of use to Permit 15026 through December 31, 2026.

Points of Rediversion to be temporarily added to Permit 15026:

- 1) Department of Water Resources (DWR) SWP Harvey O. Banks Pumping Plant
- 2) U.S. Bureau of Reclamation (Reclamation) CVP C.W. "Bill" Jones Pumping Plant
- 3) Freeport Regional Water Project intake on the Sacramento River
- 4) San Luis Dam at San Luis Reservoir
- 5) CCWD Rock Slough Intake
- 6) CCWD Old River Intake
- 7) CCWD Middle River Intake on Victoria Canal
- 8) Castaic Dam
- 9) Perris Dam
- 10) Pyramid Dam

Place of Use to be added to Permit 15026:

The service areas of the SWP (as shown on maps 1878-1, 2, 3, & 4 on file for DWR's Permit 16478 (Application 5630)) and the CVP (as shown on map 214-208-12581 on file for Reclamation's Permit 12721 (Application 5626)).

Purposes of Use to be added to Permit 15026:

Municipal, salinity control, and water quality control

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act. However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATUTORY PROVISIONS

Pursuant to Water Code section 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes: 1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee; 2. Would not injure any legal user of the water; and 3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses. Water Code section 1728, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change...". Additionally, Water Code section 1728, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change...".

OPPORTUNITY FOR COMMENTS

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of this petition and seeking information to assist in the evaluation of the proposed temporary change. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary change will be considered. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1728). Since, at this time, the State Water Board has not made a determination regarding whether the petition identified above presents a prima facie case, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

A copy of the petition and petition supplements is available on YWA's website at: <https://www.yubawater.org/326/Public-Notices>

Pursuant to California Water Code section 1726 subdivision (f), any interested person may file a comment regarding the petition. **Comments filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on November 12, 2025.**

Send comments to both:

Patricia Fernandez
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
Patricia.Fernandez@waterboards.ca.gov

John James
Yuba County Water Agency
1220 F Street
Marysville, CA 95901
jjames@yubawater.org

For additional information regarding this matter, please contact Patricia Fernandez by email at Patricia.Fernandez@waterboards.ca.gov.

Date of Notice: **October 13, 2025**