



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Flood Control  
**Department No.:** 054  
**For Agenda Of:** 11/4/2014  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Directors, Flood Control and Water Conservation District

**FROM:** Department Scott D. McGolpin, Public Works Director, 568-3010  
Director(s)  
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

**SUBJECT:** Yuba River Accord Water Purchase Agreement, All Supervisorial Districts

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

- A. Authorize the Public Works Director or his designee upon review and approval by County Counsel to execute Agreements with the Department of Water Resources (DWR) necessary for the Central Coast Water Authority (CCWA) to participate in the Yuba River Accord Water Purchase Program;
- B. Authorize the Public Works Director or his designee to execute a Release, Assumption and Indemnification Agreement with the Central Coast Water Authority for the Yuba River Accord Water Purchase Program; and
- C. Determine that this action is not a project under the California Environmental Quality Act (CEQA), Public Resources Code section 21065 and CEQA Guidelines sections 15061(b)(3), 15378(b)(5), and 15301, as the program is an organizational or administrative activity that will not result in direct or indirect changes in the environment and the program utilizes existing facilities.”

**Summary Text:**

The Yuba River Accord Water Purchase Agreement allows participating State Water Project (SWP) contractors to decide on an annual basis whether to purchase water under the various “Components” of water defined by the Accord. Total transfers are limited to 200,000 Acre Feet (AF) per year by the State Water Resources Control Board (SWRCB) order to all State Water Project Contractors.

Attachment 1 is the request from CCWA and provides a description of the program.

Approval of the recommended action would enable CCWA to request a portion of their allocated share of available program water each year. CCWA's allocated share is based on the full Table A amount of 45,486 acre feet per year and the actual amount available to CCWA would vary based on the requests of the other participants and would be prorated accordingly.

The program would allow CCWA to request an allocation of this water and thus increase deliveries in years when the full SWP deliveries do not occur and specific CCWA Members request the additional water. This agreement does not increase CCWA's Table A allocation under the SWP nor does it increase capacity of any of the delivery facilities. It does, however, allow the delivery of additional water in drier years. Included in Attachment 1 is a description of each component and price. The term of this agreement expires in 2025.

The Release, Assumption and Indemnification Agreement provides for the District to assign over to CCWA all liabilities and obligations of the District arising from the Yuba Agreement. CCWA releases and indemnifies the District from any and all liability relating to participation in the program.

**Background:**

Complaints regarding fishery protection and water rights on the lower Yuba River in 1989 resulted in litigation that extended into the early 2000's. SWRCB Decisions related to the litigation resulted in revised requirements for instream flow and fish protection (SWRCB Decision D-1644). Subsequent collaboration by the parties involved in the litigation and numerous stakeholders resulted in three agreements known as the Yuba River Accord. The three agreements were the Fisheries Agreement, Conjunctive Use Agreement, and Water Purchase agreement.

In 2008, the State Water Resources Control Board approved Water Right Order WR 2008- 0025 adopting the Yuba River Fisheries Agreement flow standards for the Yuba River which also allowed Yuba County Water Agency (YCWA) to transfer up to 200,000 acre-feet of water in any year under terms of a Water Purchase Agreement between YCWA and the State and Federal water projects.

The Water Purchase Agreement requires that the purchase price of the water offered by YCWA be renegotiated in 2015. DWR and the Federal SWP contractor representatives have completed negotiations. Based on the negotiations State Water Contractors who did not participate in the dry year water purchase program through the Accord and Water Purchase Agreement in 2008 may now participate with the option to request dry year water beginning in 2016, by executing: 1) a Participation Agreement with DWR in the same form as signed by the current Participating Contractors in 2007 and 2008 and effective through 2025; 2) Amendment 1 to the Participation Agreement; and 3) Amendment 5 to the Participation Agreement. A copy of the Participation Agreement and amendments received from DWR are included as Attachment 2.

CCWA did not participate in the original Water Purchase Agreement in 2008 and now has the opportunity and has requested to enter into the renegotiated Participation Agreement. A summary and background of the Yuba River Accord is included as Attachment 1. In addition, CCWA is willing to enter into an assumption, indemnification and release agreement with the District, a draft

of which is included as Attachment 3.

**Fiscal and Facilities Impacts:**

Budgeted: No

Narrative:

There are no fiscal impacts to the Flood Control District or the County's General Fund with these actions. As provided for in the Release, Assumption, and Indemnification Agreement, CCWA assumes any and all liabilities including making payments, reimbursement, and any and all conditions of the District under the Yuba Agreement.

**Special Instructions:**

Direct the Clerk of the Board to send a copy of the minute order of this action to the Flood Control District office, Attn: Christina Lopez.

**Attachments:**

Attachment 1: CCWA Letter and A Brief Summary of the Yuba River Accord

Attachment 2: Copies of the Participation Agreement and Amendments 1 and 5

Attachment 3: Draft Release, Assumption and Indemnification Agreement

**Authored by:** Thomas D. Fayram, Deputy Public Works Director, 568-3436