

## Attachment 1

### Description of Nature, Purpose, and Beneficiaries of YCWA-CCWD-EBMUD Water Transfer Project

The Project is the approval and implementation of a water transfer agreement among Yuba County Water Agency (YCWA), Contra Costa Water District (CCWD), and East Bay Municipal Utility District (EBMUD) to transfer at least 10,000 acre-feet of water with the potential for additional volumes during the spring and summer of 2022, and the related approval of a temporary change petition to add the CCWD points of diversion as authorized points of rediversion for YCWA transfer water and add to the authorized place of use the service areas that would be receiving transfer water. The YCWA Board of Directors approved the Project at a Board meeting on December 7, 2021.

The transfer agreement is entered into under and consistent with the 2007 YCWA-California Department of Water Resources Yuba Accord Water Purchase Agreement. The state-approved Yuba Accord allows YCWA to transfer water that is released into the lower Yuba River for fishery benefits after it reaches the confluence of the lower Yuba River and the Feather River. In 2007, YCWA prepared and certified the Final Environmental Impact Report/Environmental Impact Statement for the Proposed Lower Yuba River Accord and approved the Accord pursuant to the California Environmental Quality Act and CEQA Guidelines. The approval of this temporary water transfer to CCWD and EBMUD is consistent with and achieves the Accord purposes as evaluated and approved in the 2007 final EIR.

The Accord Water Purchase Agreement allows YCWA to transfer water to third parties (i.e., water agencies that do not receive Accord transfer water through subcontracts with DWR). CCWD and EBMUD are third parties eligible for a transfer under the Accord. YCWA will implement the water transfer pursuant to the Accord and the temporary water transfer authority and procedure at Water Code sections 1725 – 1732.

Under the transfer agreement, Yuba Accord transfer water will be diverted by EBMUD and CCWD at the Freeport Diversion Facilities and CCWD's points of diversion. CCWD and EBMUD would use transfer water in their own service areas as a supplemental water supply to mitigate for drought conditions. They also may decide to deliver transfer water to Marin Municipal Water District (MMWD) in Marin County and other San Francisco Bay area water agencies pursuant to the Bay Area Regional Reliability Program.

The Project beneficiaries would be CCWD and EBMUD and their customers. Depending upon later actions by CCWD or EBMUD, the Project beneficiaries also may include MMWD or other Bay Area water agencies and their customers.

The principal Project purpose is to deliver supplement water to CCWD and EBMUD and their customers and, depending upon later actions by CCWD or EBMUD, possibly to MMWD or other Bay Area water agencies and their customers. California and the Bay Area are suffering from an extraordinary drought. After two successive dry winters with significantly below average rainfall, reservoir storage volumes are at historical low levels. While it is early in the 2021-22 water year, there is a risk that 2022 also may be dry. If 2022 is dry, water supply shortages next year could be severe. The temporary water transfer is intended to make supplemental water supplies available to these water agencies in 2022 to mitigate adverse water supply situations caused by the drought.

Water would be transferred during 2022. Project approval and implementation will require approval by the State Water Resources Control Board of a temporary change petition pursuant to Water Code sections 1725 – 1732. The change petition would add the CCWD points of diversion as authorized points of rediversion for Yuba Accord transfer water (EBMUD is already approved as a point or rediversion) and add to the authorized place of use the service areas that would be receiving Accord transfer water.

The Water Code includes a special CEQA exemption for temporary water transfers and related changes approved and implemented under sections 1725 – 1732. (Wat. Code sec. 1729.) A temporary change means any change of point of diversion, place of use, or purpose of use involving a transfer or exchange of water or water rights for a period of one year or less. The one-year period does not include any time required for monitoring, reporting, or mitigation before or after the temporary change is carried out. If, within a period of one year, the water involved in the temporary change is moved to off-stream storage outside of the watershed where the water originated, the change is considered a temporary change, and the water moved to off-stream storage outside the watershed where the water originated may be put to beneficial use in the place of use and for the purposes of use specified in the State Water Resources Control Board order approving the temporary change. (Wat. Code sec. 1728.)