



FOOTHILLS WATER NETWORK

November 6, 2015

Foothills Water Network
Response to Nevada Irrigation District's September 3, 2015
"Water Right Petition Protest Resolution Deal Points Version 3 (4-17-15)"
and to
California Department of Fish and Wildlife's October 23, 2015 "Edits"
To Those "Deal Points"

The Foothills Water Network (FWN or the Network) and its individual members who are protestants of the 2009 Nevada Irrigation District's water rights petitions thank Nevada Irrigation District (NID) and the California Department of Fish and Wildlife (DFW) for developing a description of the current points of agreement and disagreement about the disposition of the FWN and DFW protests.

The Network and individual Network protestants generally agree with the notes and comments made by DFW in its October 23, 2015 "edits" to the "Water Right Petition Protest Resolution Deal Points Version 3 (4-17-15)" developed by NID and circulated to DFW and FWN on approximately September 9, 2015.

We offer the following additions and clarifications:

1. Auburn Ravine Flow: The Network and individual Network protestants accept NID's description of its proposed resolution on this issue as an accurate reflection of NID's proposal. We agree with DFW that a year-round minimum flow of 10 cfs at the Lincoln gauging station is necessary for protest resolution. We agree with NID and DFW that this flow need not be additive to other flow commitments, such as the flow to be provided by PG&E that NID agrees to bypass past its Auburn Ravine 1 and Hemphill diversions.
2. Auburn Ravine, Hemphill Diversion: While individual members of the Network have advocated and will continue to advocate for interim actions to improve fish passage at NID's Hemphill Diversion, the Network and individual Network protestants agree with DFW that protest resolution will be limited to a permanent fish passage solution at Hemphill Dam. In order to achieve protest resolution on this issue, there must be an enforceable plan in place for upstream and downstream fish migration at Hemphill Dam, and for a means to avoid entrainment into the Hemphill Diversion canal. Interested FWN protestants must have the opportunity for consultation on the plan and fish passage design. FWN and individual FWN protestants agree to work with NID to seek grant or other funding for these facilities.
3. Doty Ravine: The Network and individual Network protestants concur with NID and DFW that we have reached agreement on Doty Ravine.

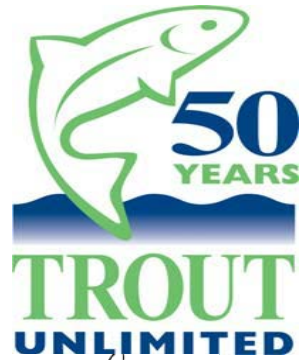
4. Coon Creek: The Network and individual Network protestants believe that NID and DFW have accurately characterized their respective positions on Coon Creek. The Network and individual Network protestants agree with DFW that NID must accurately describe the baseline condition. As an alternative, it would be acceptable to the Network and individual Network protestants if NID agreed to bypass “any required instream flow released by any upstream entity to pass downstream” in addition to existing leakage, and not require description of the baseline leakage, until and unless NID initiates activities on Camp Far West Diversion Dam that could alter the amount of leakage.
5. Deer Creek Instream Flow and Compliance: the Network and individual Network protestants concur with NID and DFW that we have reached agreement on instream flow and compliance on Deer Creek.
6. Bear River below Combie Dam: the Network and individual Network protestants concur with both NID and DFW that we have reached no resolution on this river reach. At this time, the Network and individual Network protestants adopt and support the position on the Bear River below Combie Dam described by DFW.
7. Water rights for facilities covered in FERC relicensing: the Network and individual Network protestants concur with NID and DFW that NID and protestants have agreed to the following: “All water right protests that overlap in area with the FERC relicensing (Middle Yuba, Canyon Creek, Texas Creek, Clear Creek, Fall Creek, Trap Creek, Rucker Creek, South Yuba and Bear River (to Combie)) will be resolved by the FERC relicensing proceeding.”
8. Water year types: the Network and individual Network protestants support the proposal of DFW to include an explicit definition of water year types in any agreement resolving protests in full or in part and in any water right. The Network and individual Network protestants agree with DFW’s belief that NID does not have a different understanding of water year types.



Foothills Water Network



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Thriving By Nature



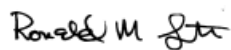
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Attachment:

DFW October 23, 2015 response to NID Deal Points v3 (September 3, 2015). NID's document is included as the left hand column of DFW's response, down to the section that begins "Water Year Types."