

NID statement	Agreement	Disagreement
<p><b>Auburn Ravine:</b></p> <p>1. NID will not divert the natural flow during times when the flow as measured at NID's Highway 65 gage is less than 8 cfs provided that during those times NID is not inhibited by a planned or unplanned outage from being able to import water from alternate conveyance facilities (i.e. Bear River Canal, Combie-Ophir Canal). In no circumstance will NID divert all the natural flow without prior consultation with CDFW and notification to FWN.</p> <p>Expressed as an equation:  During the Irrigation Season (April 15 – October 14)  When the flow measured at NID's Auburn Ravine at Highway 65 gaging station (BR200) is <math>\leq 8</math> cfs; NID will import an amount of water <math>\geq</math> than what is being diverted at the Auburn Ravine I diversion (BR100) + the Hemphill diversion (BR220) + pump customers (1.5 cfs) in the ravine.</p> <p>If <math>BR200 \leq 8</math> cfs; then NID import from PG&amp;E's system (YB132 and/or YB259) and/or import via North Ravine will be <math>\geq BR100 + BR220 + 1.5cfs</math></p> <p>Non-irrigation Season (October 15 – April 14):  When the flow measured at NID's Auburn Ravine at Highway 65 gaging station (BR200) is <math>\leq 8</math> cfs; NID will import an amount of water <math>\geq</math> than what is being diverted at the Auburn Ravine I diversion (BR100).</p> <p>If <math>BR200 \leq 8</math> cfs; then NID import from PG&amp;E's system (YB132 and/or YB259) and/or import via North Ravine will be <math>\geq BR100</math></p> <p>NID will pass any future instream flow of PG&amp;E's under their new FERC License for</p>		<p>During irrigation and non-irrigation season, an instream flow of 10 cfs shall be maintained at the Hwy 65 gaging station. Some of this water may come from PG&amp;E's instream flow requirements (which NID will pass). Some of this during outtages or low flow times may need to be imported from PG&amp;E's system or North Ravine.</p>

<p>the Drum-Spaulding Project through both the Auburn Ravine I and Hemphill diversions.</p> <p>During periods when NID is operating under a Post-1914 Water Right Curtailment Order from the SWRCB it will exercise its right to divert under its pre-1914 right in Auburn Ravine regardless of the flow at the Highway 65 gage. However; to ensure a portion of the flow remains in the Ravine, the available natural flow will be proportionality split with the amount being imported into the Ravine (i.e. If there is 10 cfs of natural flow and 25 cfs of import; 28% of the natural will remain in the Ravine (10/10+25).</p> <p>4/17/15 – Protestants would also like a minimum flow contribution; NID is not agreeable and feels a commitment to forego diversion under its water right is a commitment of water.</p>		
<p><b>Hemphill:</b></p> <ul style="list-style-type: none"> <li>a. To provide greater opportunities for outmigration, during the period the dam is in place, a portion of the north side of the dam will be kept at a lower elevation so that in times of low flow the water will be concentrated to the north side and will have greater depth and velocity then if spread across the width of the entire dam.</li> <li>b. In the fall of 2014 or as soon as practicable, NID will modify the apron of the diversion dam to allow for a more concentrated flow to be directed to the north bank to create an area of greater depth and velocity for passage during times of low flow. The timing of NID being able to complete the modification may be influenced by regulatory permitting and hydrologic conditions. Suspended March 2015; unable to acquire the necessary permit.</li> <li>c. Installation of a fish ladder and screen (if applicable) will be completed by NID after (1) Alternatives study is complete and a decision has been made on which alternative is going to be implemented. (2) Depending on legal</li> </ul>		<p>Department does not support temporary short term fix. Effort should be focused on permanent long term solution to fish passage.</p> <p>NID will consult with the Department and NOAA (if they choose to participate) to determine the best alternative for fish passage, considering target species and life stages.</p>

<p>authority, parties will seek support and/ or grant funding to assist in the project cost.</p>		
<p><b>Doty Ravine:</b> NID will actively support Placer County to replace the culvert on Garden Bar Road.</p>	<p>Agreed</p>	
<p><b>Coon Creek:</b> At the Camp Far West diversion NID will allow any required instream flow released by any upstream entity to pass downstream.</p>		<p>Current and historic leakage water has contributed to maintaining critical habitat downstream for many years such that this is now the “baseline” condition. NID needs to quantify the leakage that currently occurs and maintain that habitat, not simply “allow any required instream flow released by any upstream entity to pass downstream.”</p> <p>Moreover, in the event the current diversion facility is repaired or modified, NID will need to maintain existing habitat and/or mitigate for its loss.</p>
<p><b>Deer Creek – Instream flow:</b> Deer Creek Diversion Dam to Tunnel Diversion Dam Water Year Types wet, above normal, below normal and dry 5 cfs – April 15 – December 31 3 cfs – January 1 – April 14</p> <p>Water year types critically dry and extreme critically dry 3 cfs year around</p> <p>During periods when NID is operating under a Water Right Curtailment Order from the SWRCB, the Instream flow will be 3 cfs for all water year types; and 5 cfs during October 14 – November 30 in wet, above normal and below normal water year types.</p> <p>Below the Tunnel Diversion Dam – 2.5 cfs year around for all water year types</p>	<p>Agreed</p>	

<p>For any State regulatory or NID Board of Directors mandatory use restrictions on District customers, the instream flow will be reduced proportionally at each location (i.e. If there is a mandatory use restriction of 30%, the instream flow requirement will be 30% less.).</p> <p>If at any time NID is prevented from releasing water from Scott's Flat Reservoir due to a planned or unplanned outage; NID will utilize water from the Deer Creek Diversion Dam to the extent water is available to make the instream flow release. With the diversion dam at spill elevation there is approximately 40 acre feet of water available.</p> <p><b>Compliance:</b> Deer Creek Diversion Dam – existing gage (DC183); daily readings Between Deer Creek Diversion Dam and the Tunnel Diversion Dam – fixed hydraulic control in the structure near the head of the Newtown Canal ; daily readings</p>		
<p><b>Bear River below Combie –</b></p> <p>4/17/15 - Agreement has not been reached.</p> <p><b>Protestants:</b> Instream flow – 12 cfs in wet, above normal and below normal water year types; 5 cfs in dry, critical dry and extreme critically dry water year types. Gravel augmentation where access can be obtained. Large Woody Debris placement. NID: Will pay \$25,000 towards a restoration project</p>		<p>No agreement has been reached here.</p> <p>Department staff believes 5 cfs is an inadequate instream flow requirement. Regardless of what was discussed during negotiations, no negotiated agreement was reached on minimum instream flows. Department staff used the results of the 2D modeling to show that the percent of usable habitat will increase with flow increases. The Department's original proposal was 17 cfs in Wet, Above Normal, Below Normal, and Dry water year Types, and 8 cfs in Critically Dry water year types.</p> <p>The Departments recommends placement of large woody material and gravel enhancement in this reach to address the starvation of both of</p>

		these habitat elements from this reach. NID should develop a plan that is acceptable to the Department and the State Water Board that details the location of placement, quantity needed, frequency of replenishment for both wood and gravel. NID will submit that plan to the Deputy Director for the Division of Water Rights for approval.
<b>Other –</b> 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.	Agreed	

**Water Year Types:**

Water year types shall be defined as:

**Comment [1]:** DFW believes this additional language should be added. We believe we are all in agreement on Water Year types, and would like to memorialize that in our agreement.

**Table 1. Water Year Types for Determining Minimum Instream Flows.**

Water Year Type	DWR Forecast of Total Unimpaired Runoff in the Yuba River at Smartville in Thousand Acre-Feet or DWR Full Natural Flow Near Smartville for the Water Year
	in Thousand Acre-Feet <sup>1</sup>
Critically Dry	616 to 900
Dry	901 to 1,460
Below Normal	1,461 to 2,190
Above Normal	2,191 to 3,240
Wet	Greater than 3,240

<sup>1</sup> DWR rounds the Bulletin 120 forecast to the nearest 1,000 acre-feet. The Full Natural Flow is provided to the nearest acre-foot, and Licensee will round DWR's Full Natural Flow to the nearest 1,000 acre-feet.

In each of the months of February, March, April and May, the water year type shall be based on California Department of Water Resources (DWR) water year forecast of unimpaired runoff in the Yuba River at Smartville as set forth in DWR's Bulletin 120 entitled "*Water Year Conditions in California.*" DWR's forecast published in February, March and April shall apply from the 15<sup>th</sup> day of that month to the 14<sup>th</sup> day of the next month. From May 15 through October 14, the water year type shall be based on DWR's forecast published in May.

From October 15 through February 14 of the following year, the water year type shall be based on the sum of DWR's monthly (not daily) full natural flow for the full water year for the Yuba River near Smartville as made available by DWR on the California Data Exchange Center (CDEC) in the folder named "FNF Sum." (Currently these data are available at: <http://cdec.water.ca.gov/cgi-progs/stages/FNFSUM>). If DWR does not make the full natural flow for the full water year available until after October 14 but prior to or on October 31, from 3 days after the date the full natural flow is made available until February 14 of the following year, the water year type shall be based on the sum of DWR's monthly full natural flow for the full water year as made available. If DWR does not make available the final full natural flow by October 31, the water year type from November 1 through February 14 of the following year shall be based on DWR's May Bulletin 120.