



**RESOLUTION No. 2017-07**

OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

**DECLARING A WATER SHORTAGE EMERGENCY, AUTHORIZING  
EXTRAORDINARY WATER CONSERVATION RULES AND REGULATIONS,  
AND AUTHORIZING EMERGENCY ACTIVITIES AND PROJECTS**

**WHEREAS**, the Nevada Irrigation District (District) is a California Irrigation District formed and existing pursuant to Division 11 of the California Water Code and is empowered to provide treated water service and raw water service within its boundaries; and

**WHEREAS**, the South Yuba Canal, owned and operated by Pacific Gas and Electric Company (PG&E) is an integral component of the District's water delivery system, and specifically is the primary conduit for conveying water between Spaulding Reservoir and over 12,900 District Water users located in Nevada County; and

**WHEREAS**, On February 10, 2017 a portion of the South Yuba Canal suffered a complete collapse rendering the South Yuba Canal inoperable, resulting in the District's inability to convey and deliver water to over 12,900 of its water users; and

**WHEREAS**, the South Yuba Canal serves as the delivery facility to provide water to the City of Grass Valley and Nevada City for ultimate use by the homes and businesses within those cities; and

**WHEREAS**, the South Yuba Canal serves as the delivery facility to provide water to thousands of other water customers of the District for a number of necessary and beneficial uses of water including residential, commercial, industrial, municipal and agricultural uses; and

**WHEREAS**, the necessity and demand for water by the District's thousands of customers served by the South Yuba Canal will begin increasing significantly with warming temperatures in spring and summer and with the onset of the District's irrigation season beginning April 15, 2017; and

**WHEREAS**, if the South Yuba Canal is not repaired by the beginning of the irrigation season, the District will not be able to fully serve the water needs and demands of these water users; and

**WHEREAS**, in accordance with California Water Code Section 350 et seq. the Board of Directors of Nevada Irrigation District finds that the public interest

demands that it declare a water shortage emergency condition to prevail within the area served by the District with supplies derived from the South Yuba Canal because the Board finds and determines that the ordinary demands and requirement of water consumers served by such suppliers cannot be satisfied without depleting the water supply to a level where there is insufficient water for all necessary and beneficial uses, including human consumption, sanitation, fire protection, municipal and agricultural; and

**WHEREAS**, in the event of a breakage of a pipeline or conduit, such as the South Yuba Canal, causing an immediate emergency, the declaration of water supply emergency may be made by the governing body of the public agency without holding a public hearing; and

**WHEREAS**, when the governing body has so determined and declared the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

**WHEREAS**, the regulations and restrictions may include the right to deny applications for new or additional service connections, enforcement of rotations and rationing of water for irrigation use, and provision for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

**WHEREAS**, projects to mitigate or to address an emergency and certain other maintenance and construction activities are exempt from environmental review under the California Environmental Quality Act (CEQA); and

**WHEREAS**, the District's response to this emergency does not implicate a major federal action that may affect the environment under the National Environmental Policy Act (NEPA), but the District nonetheless finds that emergency projects are categorically excluded in NEPA; and

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT AS FOLLOWS:**

1. The above recitals are true and correct and hereby declared to be findings of the Nevada Irrigation District.
2. The Board finds and determines that the collapse of the South Yuba Canal has created an emergency situation where the ordinary demands of water consumers served by NID, the City of Grass Valley, and Nevada City

cannot be satisfied without depleting the District's water supply to the extent that there would be insufficient water for all beneficial uses of water used by the District, including human consumption, sanitation, fire protection, and agricultural uses within the area serviced by the supplies from the South Yuba Canal.

3. The Board finds and determines that the collapse of the South Yuba Canal has caused an immediate emergency, and that a public hearing need not be conducted prior to adoption of this declaration of emergency.
4. The Board finds and determines that the collapse of the South Yuba Canal requires immediate action to undertake emergency maintenance, repair and construction activities to preserve essential public services needed to protect persons and property and that such projects are exempt from CEQA and NEPA or such statutes otherwise do not apply.
5. The Board hereby appoints and authorizes its General Manager to take appropriate emergency actions that are necessary to mitigate the water shortage as needed for the protection of persons and property, including construction projects, and further to adopt such regulations and restrictions on the delivery of water and consumption of water delivered by NID within the area of the District served by the South Yuba Canal in order to conserve the water supply for the greatest public benefit.
6. Such regulations may generally include, but are not limited to the following:
  - a. The District may deny applications for new additional service connections and for increased delivery to existing connections in the areas served by water from the South Yuba Canal.
  - b. The District may curtail or limit the quantity of water delivered to any existing water user or customer consistent with the limitations on supply, including allocating water for irrigation of the basis of crops grown in order to minimize loss of permanent plantings and established crops.
  - c. The District may employ a system of rotating water service to various users. Such schedule of rotation and amount of water delivered during each rotation shall be the sole and exclusive discretion of the General Manager based on the evaluation of water resources available and capacity of the alternative supply facilities to meet the needs of customers served thereby.
  - d. The District may otherwise allocate supply as needed and based on water supply available for delivery and the District's ability to deliver water to particular consumers within the capacity of other sources of

supply, to meet the needs of the District's customers for sanitation, human, consumption and fire protection.

- e. The District may enforce the rules and regulations by any lawful means available to the District, including discontinuing service to consumers that willfully or negligently violate the regulations and restrictions.
7. The General Manager shall regularly report to the Board on measures implemented under the authority granted hereby for the duration of the emergency.
8. The General Manager shall coordinate with PG&E and any other agency with regulatory authority over the repair to the South Yuba Canal to ensure PG&E's repair efforts begin as soon as possible and proceed with utmost diligence until fully and satisfactorily completed with as little interruption of service and impact to the District's affected customers as possible.
9. If the regulations and restrictions on delivery and consumption of water adopted pursuant to this chapter conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of the water supply available for distribution within such service area, the regulations and restrictions adopted pursuant to this chapter shall prevail over the provisions of such laws relating to water rights for the duration of the period of emergency.
10. The regulations and restrictions shall be and remain in full force and effect during the period of the emergency and until the supply of water available for distribution within such area has been replenished for adequately augmented.

**PASSED AND ADOPTED** by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 1<sup>st</sup> day of March 2017, by the following vote:

AYES: Weber, Drew, Morebeck, Wilcox

NOES: None

ABSTAINING: None

ABSENT: Miller

  
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President

ATTEST:

  
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Board Secretary

