



RESOLUTION NO. 2024-10

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 RESPONSE 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 water for residential, commercial, industrial, agricultural, environmental, fire protection and prevention and other beneficial uses of water; and

WHEREAS, the South Yuba Canal, and Drum Canal are owned and operated by Pacific Gas and Electric Company (PG&E), but are operated in coordination with District's water storage and distribution facilities and are integral components of the District's water system, including being the primary conduits for conveying water to District water users located in Nevada and Placer Counties; and

WHEREAS, on or about February 9, 2024 a portion of the South Yuba Canal suffered a complete collapse rendering the South Yuba Canal inoperable; and

WHEREAS, on March 6, 2024, PG&E's Spaulding 1 powerhouse suffered an unscheduled outage/failure rendering the Drum Canal inoperable; and

WHEREAS, the Drum and South Yuba Canals serve as the water conveyance facilities that provide water to thousands of customers of the District serving numerous necessary and beneficial uses of water; and

WHEREAS, demand for water from District facilities occurs year round; however, those demands will begin to increase significantly with warming temperatures in spring and summer and with the onset of the District's irrigation season on April 15, 2024; and

WHEREAS, the Drum and South Yuba Canal failures will force the District to rely on limited water storage to supply customer demands in the spring and summer months; and

WHEREAS, PG&E currently forecasts repair of the Canals by June 8, 2024; and

WHEREAS, if the Drum and South Yuba Canal are not repaired by the June 8, 2024 target date, the District's limited water storage supplies may be exhausted and may not be able to fully serve the water needs and demands of irrigation water users; and

WHEREAS, in light of emergency conditions, and in accordance with California Water Code Sections 350 et seq. and 375 et seq., the Board of Directors of Nevada Irrigation District finds that the public interest demands that it declare a water shortage

emergency condition prevailing within the area served by the District with supplies derived from the Drum and South Yuba Canals because the Board finds and determines that the ordinary demands and requirements of water consumers served 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, pursuant to Water Code section 351, the failure or breakage of the Drum and South Yuba Canals have caused an immediate emergency; therefore, the declaration of water supply emergency may be made by the Board of Directors of the District without holding a public hearing and without advance publication of notice of hearing; and

WHEREAS, when the Board of Directors of the District has so determined and declared the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such reasonable 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 the Board of Directors to 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, implementation of water conservation measures, and provision for their enforcement by reducing or discontinuing service to customers willfully or repeatedly violating the regulations and restrictions; and

WHEREAS, projects, including the actions to be undertaken pursuant to this Resolution, to mitigate or to address an emergency are exempt from the California Environmental Quality Act (CEQA); 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 failure of Drum and South Yuba Canals have created an emergency where the ordinary demands and use of water by District customers cannot be satisfied without depleting the District's water supply. Given the emergency, and in the absence of emergency response, there would be insufficient water for all beneficial uses of water delivered and used by the District, including human consumption, sanitation, residential, fire protection and prevention, and agricultural uses within the area served by the supplies from the Drum and South Yuba Canals.

3. The Board finds and determines that the failure of the Drum and South Yuba Canals have caused a sudden, unexpected, and immediate emergency, and that a public hearing need not and cannot be conducted prior to adoption of this Resolution declaring emergency. However, the Board of Directors directs District staff to publicly notice via the District's website and other communication outlets to actively communicate with District customers regarding this emergency and the actions, including water conservation measures, authorized herein.
4. The Board finds and determines that the failure of the Drum and South Yuba Canals require 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 other applicable or potentially applicable laws or regulations.
5. The Board hereby appoints and authorizes its General Manager to take appropriate emergency actions that are necessary to mitigate the emergency water shortage and as needed for the protection of persons and property, including construction projects such as emergency interties, and further to adopt and publish such reasonable regulations and restrictions on the delivery of water and consumption of water within the impacted service area of the District in order to conserve the water supply for the greatest public benefit.
6. Such regulations may include the following:
 - a. The District may deny applications for new additional service connections and for increased delivery to existing connections.
 - b. The District may curtail or limit the volume of water delivered to any existing water user or customer consistent with the limitations on water supply, including allocating water for irrigation of the basis of crops grown in order to equitably distribute water and 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 established based on an evaluation of available water supply and capacity of any alternative supplies to meet customer demands.
 - d. The District may otherwise allocate supply as needed and based on water supply available consistent with applicable law, including prioritizing sanitation, human, consumption and fire protection.
 - e. The District may enforce the rules and regulations by any lawful means available to the District, including financial penalties and reducing or discontinuing service to consumers that willfully or negligently violate the District's regulations and restrictions.

- f. The District may implement its Drought Contingency Plan as set forth in its Urban Water Management Plan and/or Agricultural Water Management Plan.
7. Actions taken by the General Manager pursuant to this Resolution will be reported in writing to the Board of Directors within 24-hours and also reported publicly to the Board of Directors at the next available board meeting. Any curtailment actions that require mandatory compliance from NID customers will require ratification by the Board of Directors at the next available board meeting. Reporting to the Board of Directors will continue 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 Drum and South Yuba Canals to ensure PG&E's repair efforts proceed with utmost diligence.
9. This Resolution and any actions taken hereunder, including adoption of reasonable regulations and restrictions shall remain in full force and effect until emergency conditions no longer exist.

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 27th day of March 2024, by the following vote:

AYES: Bierwagen, Hull, Heck, Johansen

NOES: Caulder

ABSTAINING: None

ABSENT: None



President

ATTEST:



Board Secretary