



## ***SOUTH FEATHER WATER & POWER***

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**TO:** Board of Directors

**FROM:** Michael Glaze, General Manager

**DATE:** September 19, 2005

**RE:** General Information (regarding matters not scheduled on the agenda)  
9/27/05 Board of Directors Meeting

### **Constructed Conveyances Policy – Complaint by Customer Nancy Lueder**

Attached is a copy of a letter by Nancy Lueder that was sent to each of you. Her first paragraph indicates that she will be present at your meeting to reiterate her concerns. The “Public Participation” item that is a part of the agenda for all of your regular monthly meetings will provide her that opportunity.

Although she discusses a number of issues in her letter, the last sentence indicates that she wants the Board to investigate “the new regulations being levied against longtime water customers.” I think I identified three “new regulations” that Mrs. Lueder believes are improperly being imposed on existing Agency customers: (1) implementation of the requirement for raw-water customers to purchase bottled water if they do not have an approved alternate source of water for domestic purposes; (2) termination of Community Line chlorination; and, (3) threatening customers with termination of service if they have leaks on their property.

She is generally correct that a new regulation has been imposed on her and many other existing raw-water customers regarding the requirement to purchase bottled water from a commercial vendor. As the Board directed, the Agency took action this year to comply with the “Constructed Conveyance Rule” as required by the State Department of Health Services (DHS) in conformance with EPA regulations promulgated after Congress passed the Safe Drinking Water Act of 1996. The policy approved by the Board specifies the minimum DHS requirements, including the requirement that customers purchase a minimum of five gallons of bottled water per month from a commercial vendor. However, the Agency has imposed no additional regulations other than those required by DHS, nor added strings to DHS’s requirements. Mrs. Lueder opines that you are being unfair by making customers bear the responsibility for compliance with this regulation. She also questions how much “defending was made of the users” before imposing the regulation (apparently she is not aware that the Agency was able to stall its implementation for nine years, while other irrigation districts capitulated several years earlier).

Terminating chlorination of Community Line water was not a requirement imposed by any regulatory agency. Chlorine had been injected into that system for many years because many customers were using the water for domestic purposes. After the Agency had to implement the Constructed Conveyances Rule,

there was no further need to protect “domestic” usage, and no justification for the continued expense to inject chlorine. It now operates like all of our other raw-water conveyance systems.

The Agency does not have a policy that requires termination of service if an Agency ditch leaks on an irrigation customer’s property. We have never sent a customer a letter threatening termination of service for that reason. The ditch traversing Mrs. Lueder’s property develops leaks from time to time (as do all of our earthen ditches), but Agency personnel are responsible for their repair, not she. An overflow weir that was constructed about 12 years ago in the bank of the ditch on her property to release water into a natural and defined swale whenever localized runoff in that area exceeds the carrying capacity of the ditch. But this is a planned seasonal discharge rather than a leak.

If Mrs. Lueder chooses to address the Board during the Public Participation item, staff will be happy to answer any additional questions she or directors may have.

### **LAFCo Municipal Services Review**

In addition to responding to the LAFCo consultant’s survey in July, Matt Colwell and I spent a half-day on-site with the consultants, answering their questions, describing our system and operations, and giving them a tour of the new building and the Miners Ranch Treatment Plant and solar complex. We anticipate receiving a copy of their report within the next several months and will provide copies to directors upon receipt.

### **Yuba County Water District Election**

After Buck Weckman resigned from the YCWD Board last January, selection of his replacement was decided by way of an absentee-ballot election. Of the 504 registered voters in the district, less than half voted. Billie J. Hamilton, Jr. won the election with 131 votes cast, with his opponent, Charles “Chuck” Barbero receiving 105 votes. Election results from the Yuba County Clerk’s office are attached.

### **Forecasts for State’s Water Needs**

Attached is an Associated Press article discussing a DWR water plan and a report from the Pacific Institute that discuss the State’s future water needs. These are provided as a summary of the various discussions ongoing that will ultimately lead to legislated policy that will impact SFWPA in various ways. What that legislation and the various impacts will be is impossible to predict. The strong message in the Pacific Institute report is that additional water should be conserved and that pricing policies that subsidize the inefficient use of water should be eliminated. This message is gaining support amongst legislators such that I’ll predict that SFWPA’s declining domestic-water block rate (cheaper rate for large-volume consumers) will eventually be prohibited.

## Relicensing Update

Attached is Devine, Tarbell & Associates' status report through August 28, 2005. I have not attached the detailed summary referenced therein, but would be happy to provide copies to those who want more information.

Nancy L. Lueder  
4100 Foothill Blvd., P. O. Box 6305, Oroville CA 95966  
(530) 589-2963; FAX (530) 589-4719; email [nanCa@cncnet.com](mailto:nanCa@cncnet.com)

August 24, 2005

Dee Hunter, President  
Jean Brown, Louis F. Checchi, Jim Edwards  
and Vivian Meyer, Directors  
South Feather Water & Power  
2310 Oro Quincy Highway  
Oroville CA 95966

Dear President Hunter and Directors,

Having read your on-line information several times, I find only one spot on any agenda (February I believe) where customer input had been given, and no regular spot assigned to same on any other agenda. For this reason, I am sending you my concerns and remarks and plan to attend your next board meeting hoping to present them to you face-to-face. I have tried not to address the board for many years because it becomes frustrating, but the situation of late has gotten to the point I feel I must make an effort.

I will admit readily to being confused about my standing with you. Your mission statement says your mission ..... "is both to deliver a dependable supply of safe, quality drinking water to its customers, and a dependable supply of water for agricultural users, ....(Emphasis added) I had always believed myself to be a customer of your agency for agricultural water. Have you finally made the move to divorce the irrigation side of your agency from the domestic totally, by using different terms for your customers?

When I moved here in 1976, there was one OWID pipe entering onto the property, and it "wyed" off into two lines – one line had a "house" meter, and the second line had an ag meter. The only difference between the handling of the two lines was that the meter to the house was read monthly and the meter for the ag line was read during agricultural useage; the meter to the house was a constant source of irritation to everyone because it required regular removal of crawdads, debris and plain "yuck" in order to keep the water flowing; the ag line was passed through a filter on our side of the line and we were able to keep it somewhat cleaned out for the sprinklers.

I do not remember what year, but not very many years ago, after fighting to keep water flowing through the house line, my husband spoke with your manager, Mike Glaze, about just putting the "wye" back together in a manner of speaking, and allowing the house water to pass through the ag meter since it was able to handle large amounts of debris without plugging so quickly. Mike agreed, and the "house" meter was removed. The water from the "house" line is used for toilets, showers, washing machines, and anywhere the temperature raises to the boiling point for any given amount of time — not for cooking, drinking or even brushing teeth.

In January or February, 2005, I received your letter demanding that I secure and provide you with evidence I had secured no less than 5 gallons of drinking water per month. A list of providers was given me from which to choose, based upon those providers notifying you I had in fact purchased the water. When I spoke with Mike Glaze, he explained that your regulatory agency had required that proof be made that the untreated water users had no less than 5 gallons of water per month in their home, and you were then asking that we make the accommodation. In other words, we were being placed in the position of meeting a requirement the regulatory agency had put upon you and we were ordered to give up our privacy issues by forcing a third party (the water provider) to provide you with notice we had purchased the water. I asked Mike Glaze why I could not continue to buy my drinking water from whichever store offered the best price and provide him with a receipt for the purchase, since someone in your agency already handled my account monthly to record payment of my bill. I was informed this would be too much work for your agency employees.

It has been my general observation that new regulations are imposed in a **forward** motion and not in reverse. Generally an agency will impose change on those new to a system, and not require those in a system to redo, add on, or assume legal requirements not in place at the time they became part of the system (I believe the term is "grandfathering"). Evidently your agency does not believe in this process, and chooses to penalize your customers for the inability of providing potable water to them. Evidently your customers are being asked to meet your responsibility as delineated by your regulatory agency. Hardly a fair situation.

I have a filter at the junction where your water enters my domestic system, and I have a filter on my house. The filters are cleaned and replaced with regularity. This year the water is slimy, green, filled with dirt and generally what I would term "gross". A call to your agency elicited the information that the regulatory agency no longer allowed you to put chlorine in the community line or other non treated lines, and what we were being faced with was algae. The filters are cleaned and changed almost daily, at a great cost to me. Again, it has been my observation that new regulations are imposed in a **forward** motion and not in reverse. Again, I wonder how much defending was made of the users who have been within the system as approved by your agency? Of course, I am sending a copy of this letter to Mike Glaze and to the regulatory agency so, hopefully, when you follow up there will be answers available to you.

As I explained to Mike Glaze, the water conditions have been very frustrating to us for the almost thirty years we have lived here. At certain times of the year we have only 4 to 6 pounds of pressure/flow, during winter and as we use the water becomes filthy, and we spend great amounts of time and money dealing with cleaning and replacing water filters. In these years we have seen many new feet of domestic pipelines being installed, replaced and repaired, new homes going in and new service being installed. In fact, we watched OWID put a domestic water line alongside Foothill Blvd when it was resurfaced several years ago and the line stops directly in front of my home. We are unable to hook onto the line because the engineering was so deficient water cannot be delivered beyond the home of David Minasian. A suggestion was made by the then sitting board, or one member of it, that we contribute \$20,000 or \$30,000 per community line user and put in our own pumping station to receive water. Need I tell you the reaction of those of us on that line?

The purpose of this letter is to ask that you and the regulatory agency governing your delivery of water service consider the fact many of us are not new to this system and it is hardly proper to be levying new responsibility upon us at this point. They, and you, should allow us to purchase our

drinking water where we want or you should be providing an allowance to those required to purchase the water since you are unable to provide potable water after all these years of being in business. It is wrong to ask us to assume new regulations being imposed upon you, when you are evidently unable to manage the your agency resources sufficiently to provide the water to us.

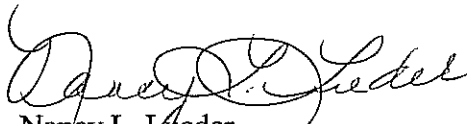
At the very least, the regulatory agency must allow you to again introduce chlorine into the line to kill off algae and at least rudimentary bugs/disease as the water enters our property. Your agency as well as the county agencies agreed to have your water plumbed into our home before I arrived here, as evidenced by the "wye" of pipe and the installation of a house meter. Therefore, you cannot now change your horses in midstream and make the rules different and prohibitive.

This year is the first year most every letter I receive from your agency contains the threat of turning off the water service somewhere in the letter....either if I don't buy and provide you with notice I have purchased water; if I don't contact your agency for irrigation within the parameters set by Mike Glaze; and if I've leaks of your water on my property. Surely you are aware of the situation of your lines. Surely you realize that the community line is more like a sieve than a water line. My husband and I fought and conquered the grape and blackberry vines threatening to eat the southern property line of our olive orchards. Your continual leakage of water has brought about a lush growth of both vines, and they march ever onward into my orchard. The leaks also fill at lest 3 ponds beyond my property. It hardly speaks responsibly for you to then threaten to cut my water service if I have a leak in my system, when you pour and have poured gallons of water all over my property from that portion of the line between myself and Robert Meier.

The irrigation ditch along my property on the north and west borders has been also a source of irritation. The weir installed at its bend has discharged sufficient water over the years to erode my property into a very deep ditch. It also has provided water to at least three landowners beyond me who have let me know they depend on the water for their ponds and action will be taken if I somehow repair the erosion to my property and slow or stop the runoff. Again, it hardly speaks responsibly for you to then threaten to cut off my water service for leaks on my property.

I apologize for the length of this letter. I do realize most letters only have the first page, and sometimes the first paragraph, read, but I hope always a board member will take to heart the matters their constituents write them about. Thank you for your attention. Thank you for what I hope will be your investigation into the new regulations being levied against longtime water **customers** of your agency.

Sincerely,

  
Nancy L. Lueder

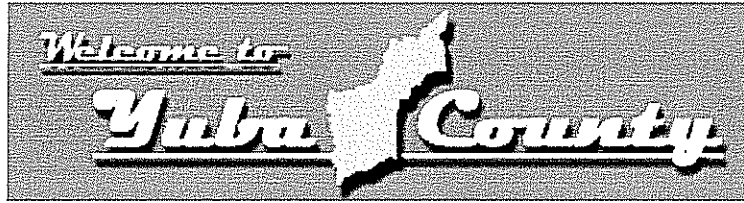
cc: Mike Glaze, Manager

cc: State Water Resources Control Board  
Post Office Box 100  
Sacramento California 95812

RECEIVED

AUG 25 2005

S.F.W.P.  
OROVILLE OFFICE



Monday September 19th, 2005

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## Yuba County Water District 2005 Election Results

YUBA COUNTY  
YUBA COUNTY WATER  
DISTRICT DIV 2 SPECIAL  
August 30, 2005

YUBA COUNTY  
YUBA COUNTY WATER DISTRICT DIV 2 SPECIAL  
August 30, 2005

Election Results as of 08/31/2005 at 03:00:00 PM

### List of Contests:

- [Yuba County Water Director - Division 2](#)
- [Registration and Turnout](#)

### Yuba County Water Director - Division 2

Completed Precincts: 0 of 4

#### Vote Count Percentage

CHARLES "CHUCK" BARBERO	105	44.5%
BILLIE J. HAMILTON, JR	131	55.5%

### Registration and Turnout

Completed Precincts: 0 of 4

#### Reg/Turnout Percentage

Total Registered Voters	504	
Precinct Registration	0	
Precinct Ballots Cast	0	
Absentee Ballots Cast	236	46.8%
Total Ballots Cast	236	46.8%

# California water plan calls for regional flexibility

Posted on Sat, Sep. 17, 2005

DON THOMPSON

Associated Press

**SACRAMENTO** - As California's population climbs from 36 million to a projected 48 million by 2030, a lack of water particularly in arid Southern California may pose the biggest limit on growth.

Water agencies say billions of dollars worth of additional storage is needed, including reservoirs and dams that are anathema to many environmental groups. One environmental group countered this week that California can meet its needs by increasing conservation in a state that already helps lead the nation in water stinginess, per capita.

The state Department of Water Resources, which is developing a new state water plan to be released later this year, says both sides are right.

Each of the previous seven state water plans developed since the first in 1957 have treated the water balance like a math equation: Demand minus supply equals a gap that must somehow be filled.

The five-volume draft plan under final review for the first time offers a smorgasbord of recommendations for how to bridge the gap that could exist by 2030 - but says solutions may vary by region.

A new reservoir that might be politically palatable in one region might never stand a chance elsewhere, for instance, said Jerry Johns, the state's deputy director for water resource planning and management.

"Rather than throwing it out entirely, we think we ought to keep all the tools in our toolbox and see what works best for each region," he said.

The report breaks the state down into 10 regions, with separate projections for each: four coastal areas, three in the Central Valley, two in the mountains, one in the southeast desert.

Moreover, it offers three projections: one if current water use trends continue, the others assuming more or less use by 2030.

Then it offers 25 strategies for water management, including such things as increasing urban and agricultural water efficiency, boosting the use of recycled water, more water storage, desalinization, and increasing the state's ability to transfer water from wetter to drier regions.

"Before, water plans have been a nice reference document," Johns said. "This water plan's a whole lot different than water plans we've done before. It creates kind of a water portfolio: How are you going to meet your regional water needs?"

The Oakland-based Pacific Institute for Studies in Development, Environment and Security this week said the department doesn't go far enough in projecting how much water could be saved by increasing efficiency and conservation, nor in promoting those efforts.

The institute says California can trim water waste by 20 percent over 25 years, providing enough savings to satisfy a thirsty growing population, the state's vaunted agricultural region and environmental needs.

That will take new technology and more financial incentives, both requiring strong government leadership, the group said. It won't require new storage like reservoirs and dams that the institute says are too destructive.

By contrast, the Association of California Water Agencies earlier presented an alternative that calls for investing billions of dollars in protecting and upgrading the systems that move Northern California water to farmers and to thirsty Southern California.

ACWA's 12-step plan proposes at least \$3 billion in new spending on dams, pipelines and reservoirs, and suggests reconsidering the controversial idea of building a canal to move freshwater around the briny Sacramento-San Joaquin River Delta east of San Francisco Bay.

The water agencies assume less conservation is likely than does either the Pacific Institute or the Department of Water Resources, where Johns said he is delighted to be in the middle.

"More efficient use of water is kind of an underlying theme - you've just got to do that," said Johns, responding to the institute's projections. "If their vision of the future is right, that's phenomenal - we get more bang for the buck" by using less water.

The plan goes to Gov. Arnold Schwarzenegger for his approval in time for a scheduled release in December.

"We're getting pretty general agreement on what the plan ought to be," Johns said. "Now, how do we make it work?"

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Read the draft water plan: <http://www.waterplan.water.ca.gov>

Read the Pacific Institute's report: [http://www.pacinst.org/reports/california\\_water\\_2030](http://www.pacinst.org/reports/california_water_2030)

Read the Association of California Water Agencies' report: <http://www.acwa.com/issues/blueprint/index1.asp>



Principals:  
John J. Devine, P.E., President  
John C. Tarbell, P.E.  
James M. Lynch  
Edwin C. Luttrell, P.E.

September 20, 2005

**TO:** Mike Glaze  
General Manager

**FROM:** James Lynch  
Project Manager

**SUBJECT:** South Feather Water and Power Agency  
South Feather Power Project Relicensing  
Status Report for Period from August 1 to August 28, 2005

This memorandum provides a status of work performed since my last report on August 16, 2005, under the January 2002 Consulting Services Agreement (Agreement) between the South Feather Water and Power Agency (SFWPA) and Devine Tarbell & Associates, Inc. (DTA). This cover memo provides an overall summary. The attachment to this memo provides a detailed summary by task and subtask.

Overall, the work is on schedule. A third version of the Revised Draft Exhibit E is scheduled for distribution in early 2006. The Draft License Application (DLA) is scheduled for distribution in July 2006, and the License Application (LA) is scheduled to be filed with FERC in March 2007. All fieldwork, including that specifically requested by resource agencies (coliform and mercury bioaccumulation sampling in Little Grass Valley and Sly Creek reservoirs, continuous water temperature monitoring in the lower Project area, and whitewater boating flow studies), is scheduled to be completed on time by the end of October 2005. No fieldwork is planned for 2006, with the exception of possibly a whitewater boating flow study in Slate Creek and Lost Creek diversion dam reaches and monitoring some water temperature recorders. We expect the Revised Draft Exhibit E to be complete with a few exceptions, most notably the instream flow report that is delayed due to collecting data in the Forbestown Reach. We also anticipate that discussion regarding resource management measures will begin this winter.

The work is within budget. As of DTA's September 7, 2005 invoice, a total of \$3,275,074.26 of the total budget (74%) had been expended. The most recent invoice is for \$50,234.50. All tasks and subtasks are within budget. While some out-of-scope work has been requested by agencies and approved by SFWPA as described above, we have not requested a budget change order since the work may be absorbed within the existing budget. If not, we will submit a change order request.