

CF/42-0.19-9 SWRCB ORDER APPROVING
TEMPORARY URGENCY CHANGE IN PERMITS
12947A, 12949, 12950 & 16596 FOR 2013
(ID 4707)

April 24, 2013

Barbara Evoy, Deputy Director of Water Rights
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

**RE: Petition for Temporary Urgency Change—Permits 12947A, 12949,
12950, and 16596**

Dear Ms. Evoy:

Enclosed is a Petition for Temporary Urgency Change to modify the minimum instream flow requirements for the Russian River as established by Decision 1610 for Permits 12947A, 12949, 12950 and 16596. Accompanying the petition are the following:

- 1) Attachment 1, *Description of Temporary Urgency Change Petition Request*
- 2) Attachment 2, *Instream Flow Analysis for 2013 Temporary Urgency Change Petition* (basis and supporting analysis)
- 3) *Environmental Information for Petitions*
- 4) Notice of Exemptions
- 5) California Department of Fish and Wildlife Review Fee Payment
- 6) State Water Resources Control Board Petition Fee Payment

The petition is being submitted due to severely low storage levels in Lake Mendocino. The Sonoma County Water Agency requests that the Division of Water Rights act expeditiously to approve the requested changes to minimum instream flows to conserve critical storage in Lake Mendocino.

Barbara Evoy, Deputy Director of Water Rights
State Water Resources Control Board
Division of Water Rights
April 24, 2013
Page 2

I look forward to working with the State Water Resources Control Board and Division of Water Rights staff on this important conservation effort.

Sincerely,



Grant Davis
General Manager

- c Katy Lee – State Water Resources Control Board
- D. Butler, W. Hearn – National Marine Fisheries Service
- E. Larson - CA Department of Fish & Game
- P. Jeane, D. Seymour, T. Schram, J. Martini Lamb, J. Jasperse – Sonoma County Water Agency
- S. Shupe, C. O'Donnell – Sonoma County Counsel
- A. Lilly – Bartkiewicz, Kronick & Shanahan

Please indicate County where your project is located here:

Sonoma

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other
Application 12919A Permit 12947A License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present:
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for Split information]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Waste Water
If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

All Water Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at


Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) applicable fees, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/

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- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other
Application 15736 Permit 12949 License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present:
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

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Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:
Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

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Application 15737 Permit 12950 License Statement

I (we) hereby petition for change(s) noted above and described as follows:

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Present:
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

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[Empty box for listing water right holders]

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Downstream Location:

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Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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Application 19351 Permit 16596 License Statement

I (we) hereby petition for change(s) noted above and described as follows:

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Present:
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

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Water Right Holder or Authorized Agent Signature

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ATTACHMENT 1

DESCRIPTION OF TEMPORARY URGENCY CHANGE PETITION REQUEST

The Sonoma County Water Agency requests that the State Water Resources Control Board make the following temporary changes to the Decision 1610 (D-1610) instream flow requirements for the period of 180 days from May 1 through October 28: (a) for May 1 through June 30, the Decision 1610 requirements for *Dry* conditions will apply in the main stem Russian River (75 cfs in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 85 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean); (b) if, after July 1 storage in Lake Mendocino is above the Water Agency's calculated critical storage curve (presented in Attachment 2, *Instream Flow Analysis for 2013 Temporary Urgency Change Petition*), then, the Decision 1610 requirements for *Dry* water supply conditions will continue to apply; (c) if, after July 1 storage in Lake Mendocino drops below the critical storage curve for more than three consecutive days, then, from that date through October 28 the Decision 1610 requirements for *Critical* water supply conditions will apply in the Russian River (25 cfs in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 35 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean).

To improve its efforts in optimally managing flows in the Russian River, the Water Agency requests that the minimum instream flow requirements be implemented on a 5-day running average of average daily stream flow measurements with the condition that instantaneous flows on the Upper Russian River under *Dry* water supply conditions be no less than 65 cfs and on the Lower Russian River be no less than 70 cfs and that instantaneous flows under *Critical* water supply conditions on the Upper Russian River be no less than 15 cfs and on the Lower Russian River be no less than 25 cfs.

April 2013

Sonoma County Water Agency

**Instream Flow Analysis for 2013 Temporary Urgency Change
Petition**

1.0 BACKGROUND

The Sonoma County Water Agency (Water Agency) controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the provisions of Decision 1610, which the State Water Resources Control Board (State Water Board) adopted on April 17, 1986. Decision 1610 specifies the minimum flow requirements for the Upper Russian River, Dry Creek and the Lower Russian River. These minimum flow requirements vary based on water supply conditions, which are also specified by Decision 1610. The Water Agency's operations are also subject to the Russian River Biological Opinion issued by the National Marine Fisheries Service on September 24, 2008.

1.1 Minimum Flow Requirements

Decision 1610 requires a minimum flow of 25 cubic feet per second (cfs) in the East Fork of the Russian River from Coyote Valley Dam to the confluence with the West Fork of the Russian River under all water supply conditions. From this point to Dry Creek, the Decision 1610 required minimum Russian River flows are 185 cfs from April through August and 150 cfs from September through March during *Normal* water supply conditions, 75 cfs during *Dry* conditions and 25 cfs during *Critical* conditions. Decision 1610 further specifies two variations of the *Normal* water supply condition, commonly known as *Dry Spring 1* and *Dry Spring 2*. These conditions provide for lower required minimum flows in the Upper Russian River during times when the combined storage in Lake Pillsbury (owned and operated by the Pacific Gas and Electric Company) and Lake Mendocino on May 31 is unusually low. *Dry Spring 1* conditions exist if the combined storage in Lake Pillsbury and Lake Mendocino is less than 150,000 acre-feet on May 31. Under *Dry Spring 1* conditions, the required minimum flow in the Upper Russian River between the confluence of the East Fork and West Fork and Healdsburg is 150 cfs from June through March, with a reduction to 75 cfs during October through December if Lake Mendocino storage is less than 30,000 acre-feet during those months. *Dry Spring 2* conditions exist if the combined storage in Lake Pillsbury and Lake Mendocino is less

than 130,000 acre-feet on May 31. Under *Dry Spring 2* conditions, the required minimum flows in the Upper Russian River are 75 cfs from June through December and 150 cfs from January through March.

From Dry Creek to the Pacific Ocean, the required minimum flows in the Lower Russian River are 125 cfs during *Normal* water supply conditions, 85 cfs during *Dry* conditions and 35 cfs during *Critical* conditions.

In Dry Creek below Warm Springs Dam, the required minimum flows are 75 cfs from January through April, 80 cfs from May through October and 105 cfs in November and December during *Normal* water supply conditions. During *Dry* and *Critical* conditions, these required minimum flows are 25 cfs from April through October and 75 cfs from November through March.

Figure 1 shows all of the required minimum instream flows specified in Decision 1610 by river reach, the gauging stations used to monitor compliance, and the definitions of the various water supply conditions.

1.2 Water Supply Conditions

There are three main water supply conditions that are defined in Decision 1610, which set the minimum instream flow requirements based on the hydrologic conditions for the Russian River system. These water supply conditions are determined based on criteria for the calculated cumulative inflow into Lake Pillsbury from October 1 to the first day of each month from January to June. Decision 1610 defines cumulative inflow for Lake Pillsbury as the algebraic sum of releases from Lake Pillsbury, change in storage and lake evaporation.

Dry water supply conditions exist when cumulative inflow to Lake Pillsbury from October 1 to the date specified below is less than:

- 8,000 acre-feet as of January 1;
- 39,200 acre-feet as of February 1;
- 65,700 acre-feet as of March 1;
- 114,500 acre-feet as of April 1;
- 145,600 acre-feet as of May 1; and
- 160,000 acre-feet as of June 1.

Critical water supply conditions exist when cumulative inflow to Lake Pillsbury from October 1 to the date specified below is less than:

- 4,000 acre-feet as of January 1;
- 20,000 acre-feet as of February 1;
- 45,000 acre-feet as of March 1;
- 50,000 acre-feet as of April 1;
- 70,000 acre-feet as of May 1; and
- 75,000 acre-feet as of June 1.

Normal water supply conditions exist whenever a *Dry* or *Critical* water supply condition is not present. As indicated above, Decision 1610 further specifies three variations of the *Normal* water supply condition based on the combined storage in Lake Pillsbury and Lake Mendocino on May 31. These three variations of the *Normal* water supply condition determine the required minimum instream flows for the Upper Russian River from the confluence of the East Fork and the West Fork to the Russian River’s confluence with Dry Creek. This provision of Decision 1610 does not provide for any changes in the required minimum instream flows in Dry Creek or the Lower Russian River (the Russian River between its confluence with Dry Creek and the Pacific Ocean). A summary of the required minimum flows in the Russian River for *Normal*, *Normal — Dry Spring 1* and *Normal — Dry Spring 2* water supply conditions is provided here:

1. *Normal*: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year exceeds 150,000 acre-feet or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through August 31	185 cfs
From September 1 through March 31	150 cfs
From April 1 through May 31	185 cfs

2. *Normal-Dry Spring 1*: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year is between 150,000 acre-feet or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less, and 130,000 acre-feet or 80 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through March 31	150 cfs
From April 1 through May 31	185 cfs

If from October 1 through
 December 31, storage in Lake
 Mendocino is less than
 30,000 acre-feet 75 cfs

3. Normal-Dry Spring 2: When the combined water in storage in Lake Pillsbury and Lake Mendocino on May 31 of any year is less than 130,000 acre-feet or 80 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

From June 1 through December 31	75 cfs
From January 1 through March 31	150 cfs
From April 1 through May 31	185 cfs

2.0 PROJECTED WATER SUPPLY CONDITION

From October 1, 2012 to April 16, 2013, the cumulative inflow into Lake Pillsbury was 254,029 acre-feet. Consequently, the water supply condition is categorized as *Normal* for the remainder of the year. Based on these criteria, the Decision 1610 required minimum instream flows in the Upper Russian River (from the East Branch Russian River to the Russian River’s confluence of Dry Creek) will be 185 cfs between April 1 and May 31. The required minimum in-stream flows starting June 1 will be determined based on the combined storage of Lake Pillsbury and Lake Mendocino on May 31. At this time, the projected combined storage amount is difficult to predict because it is heavily dependent on late spring precipitation. However, based on the current hydrologic trends, the Water Agency anticipates *Normal-Dry Spring 2* water supply conditions starting June 1. Consequently, the Decision 1610 required minimum instream flows in the Upper Russian River will likely be 75 cfs and on the Lower Russian River 125 cfs.

Lake Mendocino Storage

As of April 16, 2013 the water supply storage level in Lake Mendocino was 62,463 acre-feet (AF). This storage level is 62 percent of the available water conservation pool. This is roughly 9,500 AF higher than Lake Mendocino storage was in 2009 at this time. 2009 is the most recent year during which the Water Agency filed a temporary urgency change petition to change the minimum Russian River instream flow requirements in the Water Agency’s water-right permits due to low storage levels in the reservoir. However, unlike 2009, the storage levels in the reservoir are rapidly declining this year. Since mid-February, reservoir storage levels have declined by approximately 10,000 acre-feet.

Figure 2 shows Lake Mendocino storage levels for the years 2009 to current. As shown in the figure, the rate of decline in 2013 from mid February to date is similar to higher rates of decline that normally occur in the late summer. The rate of decline and low storage levels are the result of the unusually low rainfall in the region this winter. Precipitation records for Ukiah indicate 4.75 inches of rainfall in the area since January 1st, which is just 22.8% of the average for this period based on records going back to 1952.

Analyses recently prepared by Water Agency engineering staff indicate that without significant storm events between now and June 1, the storage levels in Lake Mendocino will decline to below 20,000 AF by October 1 from releases to meet downstream water demands and the anticipated minimum instream flow requirements on the Russian River. Under the projected water supply condition of *Normal- Dry Spring 2*, Decision 1610 requirements specify minimum in-stream flows in the Upper Russian River of 185 cfs from April 1 through May 31 and 75 cfs from June 1 through December 31. The analysis used to calculate the projected storage was completed using the Water Agency's Russian River simulation model with the following assumptions: (1) Decision 1610 minimum instream flow requirements; (2) 1988 hydrology; (3) current Russian River system losses; and (4) Potter Valley Project operations based on the 2004 amended license issued by the Federal Energy Regulatory Commission. The 1988 hydrology was selected based on very similar distribution and quantity of precipitation compared to 2013. Figure 3 shows the cumulative precipitation near the City of Ukiah for 1988 and 2013. Figure 4 shows the Lake Mendocino storage levels that have occurred so far during 2013 and the storage levels that are projected to occur during the rest of 2013 if the Decision 1610 minimum instream flow requirements are not changed.

The extremely low projected storage level in Lake Mendocino could severely impact listed and threatened Russian River fish species, create serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and harm Lake Mendocino and Russian River recreation.

Lake Sonoma Storage

As of April 16, 2013 the water supply storage level in Lake Sonoma was 234,256 acre-feet (AF). This storage level is 96 percent of the available water conservation pool. This storage level is near normal for this time of year. In addition, the much larger water supply pool of Lake Sonoma provides multiple years of carry over storage. Consequently, no changes to the minimum instream flow requirements in Dry Creek are being requested in this petition.

As discussed in Section 4.0 below, the Water Agency is requesting changes to the minimum instream flow requirements on the Lower Russian River, downstream of its confluence with Dry Creek to the Pacific Ocean. These changes are required because

the reduced minimum instream flows being requested on the Upper Russian River, necessary to preserve Lake Mendocino storage, will provide significantly less contribution to meet minimum instream flow requirements in the lower river. Consequently, increased releases from Lake Sonoma into Dry Creek would be necessary to maintain Decision 1610 minimum instream flow requirements (125 cfs) on the lower river. However, such increased releases into Dry Creek would result in the Water Agency violating the Incidental Take Statement contained in the Russian River Biological Opinion (See NMFS Biological Opinion for Water Supply, Flood Control Operations and Channel Maintenance conducted by U.S. Army Corps of Engineers, the Sonoma County Water Agency and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed, pp. 297-299 (Sept. 24, 2008)). The Incidental Take Statement restricts releases from Lake Sonoma into Dry Creek because they can result in flows that are too high for optimal habitat for juvenile salmonids.

Furthermore, NMFS concluded in the Biological Opinion that minimum instream flows lower than those required by Decision 1610 may result in flows into the estuary that improve opportunities to maintain a freshwater lagoon while preventing flooding of adjacent properties and requires the Water Agency to annually request lower minimum instream flows to avoid jeopardizing listed salmonids and their critical habitat. Consequently, lowering minimum instream flows on the Lower Russian River will be consistent with the objectives of the Biological Opinion.

3.0 CRITERIA FOR APPROVING TEMPORARY UNGENCY CHANGE TO PERMITS 12947A, 12949, 12950, 16596

As required by Water Code section 1435, subdivision (b), the Board must make the following findings before issuing a temporary change order:

1. The permittee or licensee has an urgent need to make the proposed change;
2. The proposed change may be made without injury to any other lawful user of water;
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed change is in the public interest.

3.1 Urgency of the Proposed Change

Under Water Code section 1435, subdivision (c), an urgent need to make a proposed change exists when the State Water Board concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented.

In this case, an urgent need exists for the proposed flow changes on the Upper Russian River because the Water Agency predicts near depletion of water supply storage in Lake Mendocino by October 1, 2013 unless the requested temporary urgency change is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are at risk. Without the proposed changes, the Water Agency would need to release additional stored water from Lake Mendocino, which would result in the significant depletion of storage during the summer and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek) during the fall, which would cause serious impacts to human health and welfare, and reduce water supplies needed for fishery protection and stable flows in the upper Russian River during the fall when spawning state and federally listed fish species are most sensitive to flow and water temperatures. Furthermore, if the upcoming Water Year 2014 is a dry year, carryover storage in Lake Mendocino from 2013 will be crucial for the continued recovery of the Russian River salmonid fishery and water supply reliability during 2014.

An urgent need exists for the proposed changes on the Lower Russian River because the Water Agency will violate the Incidental Take Statement contained in the Biological Opinion unless the requested temporary urgency change is approved. Furthermore, NMFS concluded in the Biological Opinion that minimum instream flows lower than those required by Decision 1610 may result in flows into the estuary that improve opportunities to maintain a freshwater lagoon while preventing flooding of adjacent properties.

The Water Agency predicts that without the proposed change, Lake Mendocino will be drawn down to storage levels that jeopardize the Water Agency's ability to release water to the Russian River. In this event, water supplies for domestic and municipal uses of Russian River water would be severely impaired. Moreover, the Water Agency's permits include terms requiring a 50 percent reduction in deliveries to Redwood Valley County Water District when Lake Mendocino storage drops below 30,000 acre-feet in order to preserve Lake Mendocino water supply reliability. The purpose of this order is, in part, to prevent Lake Mendocino storage from dropping below 30,000 acre-feet. The Water Agency's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre-feet during August 2013 unless the Temporary Urgency Change Petition is approved. For the reasons stated above, an urgent need for the proposed change exists.

3.2 No Injury to Any Other Lawful User of Water

If this petition is granted, the Water Agency still will be required to maintain specific minimum flows in the Russian River. Because these minimum flows will be present, all other legal users of water still will be able to divert and use the amounts of water that they may legally divert and use. Moreover, failure to implement the reduced instream flow could result in severe depletion of Lake Mendocino, which in turn could result in serious impacts to entitled users of water downstream of Lake Mendocino later in the year. Accordingly, granting this petition will not result in any injury to any other lawful user of water.

3.3 No Unreasonable Effect upon Fish, Wildlife, or Other Instream Beneficial Uses

Although flows in the main stem Russian River will be reduced upon approval of this petition, conservation of water in Lake Mendocino will allow enhanced management of flows in early fall for the benefit of salmon migration and spawning. It is possible that reduced flows in the Russian River may impair some instream beneficial uses, principally recreation uses. Although some recreation uses may be affected by these reduced flows, it is not unreasonable considering the potential grave impacts to fisheries, water supply and recreation in Lake Mendocino and loss of juvenile salmonid habitat in Dry Creek that could occur if the petition were not approved.

3.4 The Proposed Change is in the Public Interest

Approval of this petition will help conserve stored water in Lake Mendocino so that it can be released for listed Russian River salmonid fisheries present in the Russian River during the fall Chinook salmon migration season. In addition, approval of this petition will help preserve storage in Lake Mendocino as a precaution in case 2014 also is a dry water year. It is in the public interest to preserve water supplies for these beneficial uses when hydrologic circumstances cause severe reductions to water supplies.

4.0 REQUESTED TEMPORARY URGENCY CHANGE TO PERMITS 12947A, 12949, 12950, 16596

To address the water supply condition in Lake Mendocino and not violate the Incidental Take Statement contained in the Biological Opinion by making excessive releases into Dry Creek, the Water Agency is filing this TUCP, which requests that the State Board make the following temporary changes to the Decision 1610 instream flow requirements: (a) for May 1 through June 30, the Decision 1610 requirements for *Dry* conditions will apply in the main stem Russian River (75 cfs in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 85 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean); (b) if,

after July 1, storage in Lake Mendocino is above the Water Agency's calculated critical storage curve, then, the Decision 1610 requirements for *Dry* water supply conditions will continue to apply; (c) if, after July 1, storage in Lake Mendocino drops below the critical storage curve for more than three consecutive days, then, from that date through October 28 the Decision 1610 requirements for *Critical* water supply conditions will apply in the Russian River (25 cfs in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 35 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean). Table 1 summarizes the calculated daily values for the Water Agency's critical storage curve.

The critical storage curve used to determine whether to remain in *Dry* water supply conditions or adjust to *Critical* water supply conditions after July 1 was calculated using the Water Agency's Russian River simulation model with the following assumptions: (1) *Dry* water supply conditions from May 1 through June 30; (2) *Critical* water supply conditions from July 1 through October 28; (3) 1988 hydrology; (4) current Russian River system losses; and (5) Potter Valley Project operations based on the 2004 amended license issued by the Federal Energy Regulatory Commission. Figure 5 shows the calculated critical storage curve.

To improve its efforts in optimally managing flows in the Russian River, the Water Agency is also requesting in this year's TUCP that under *Dry* water supply conditions the minimum instream flow requirement be implemented on a 5-day running average of average daily stream flow measurements with the condition that instantaneous flows on the Upper Russian River be no less than 65 cfs and on the Lower Russian River be no less than 70 cfs. This implementation of minimum instream flow requirements will allow the Water Agency to manage stream flows with smaller operational buffers, thereby conserving water supply in Lake Mendocino. This will result in higher storage levels in the fall, which will be used for releases of stored water for the benefit of outgoing migration of Chinook salmon, and improved carry over storage for use in 2014. If after July 1 the water supply condition changes to *Critical*, minimum instream flow requirements will be implemented on an instantaneous flow basis.

The proposed changes in the Decision 1610 Russian River minimum instream flows that are requested by this petition will not result in unusual circumstances. The proposed changes to minimum instream flows are within the range of those that already occur during the *Dry* and *Critical* water supply conditions specified by Decision 1610. Due to low rainfall and other hydrologic factors, minimum instream flow requirements in the Russian River from June through October for the three-year period from 2007 through 2009 have been similar to the minimum flows in the requested changes.

Because the requested changes are not driven by low storage levels in Lake Sonoma, reductions in summertime diversions by the Water Agency at its Wohler/Mirabel facilities on the Lower Russian River are not necessary. Furthermore, in past years reductions in

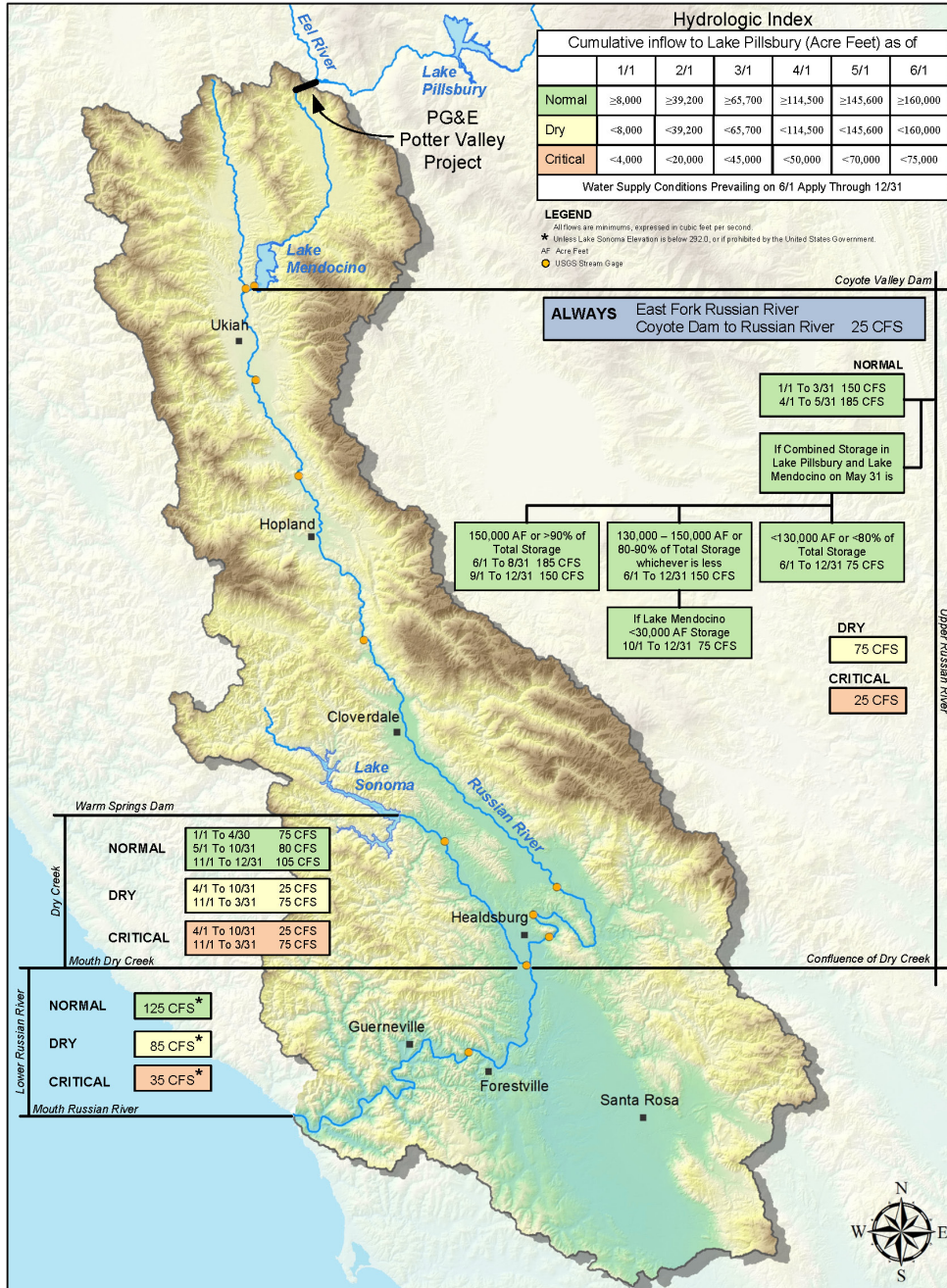
diversions by the Water Agency resulted in increased groundwater pumping by the cities and special districts that purchase wholesale water from the Water Agency. This response has the unintended consequence of stressing local groundwater resources even though adequate surface water is available from Lake Sonoma.

Also, the Water Agency and its water contractors continue to implement water use efficiency programs that align with the California Urban Water Conservation Council's Best Management Practices (BMPs) and comply with SB 7x-7. While these BMPs remain the baseline for the region, the adoption of the Sonoma Marin Saving Water Partnership in December 2010 memorialized the region's commitment to long term, year-round water use efficiency. This partnership removes one of the most significant barriers to implementing conservation programs, funding. Each of the Partners has committed to a sustained level of funding that is allocated specifically to conservation program implementation.

ATTACHMENT 2

Figures

State Water Resources Control Board Decision 1610



Russian River Basin
Streamflow Requirements

Figure 1 - Decision 1610 Minimum In-Stream Flow Requirements by Reach

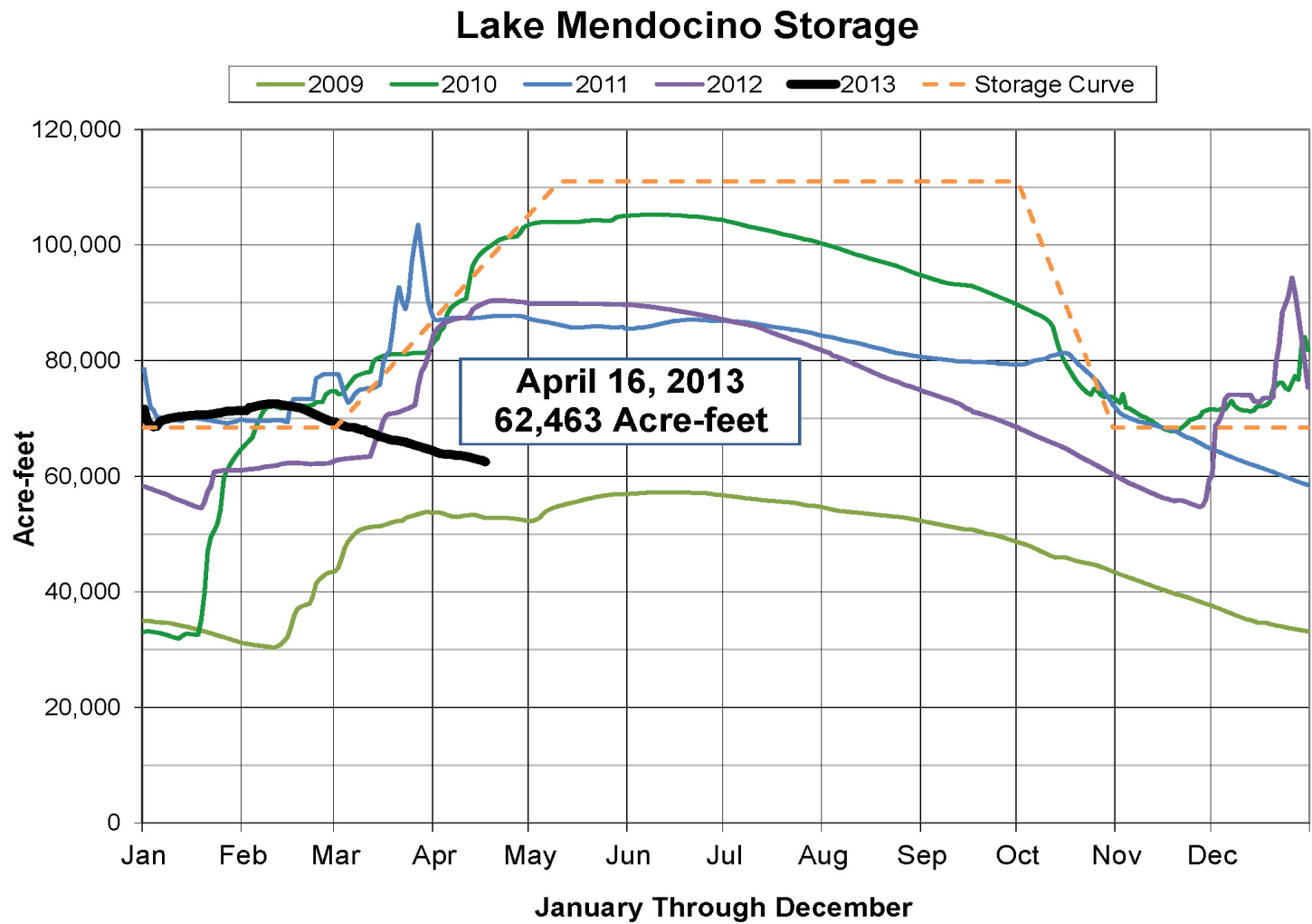


Figure 2 - Lake Mendocino Storage Levels for Years 2009 Through 2013

Ukiah Cumulative Precipitation

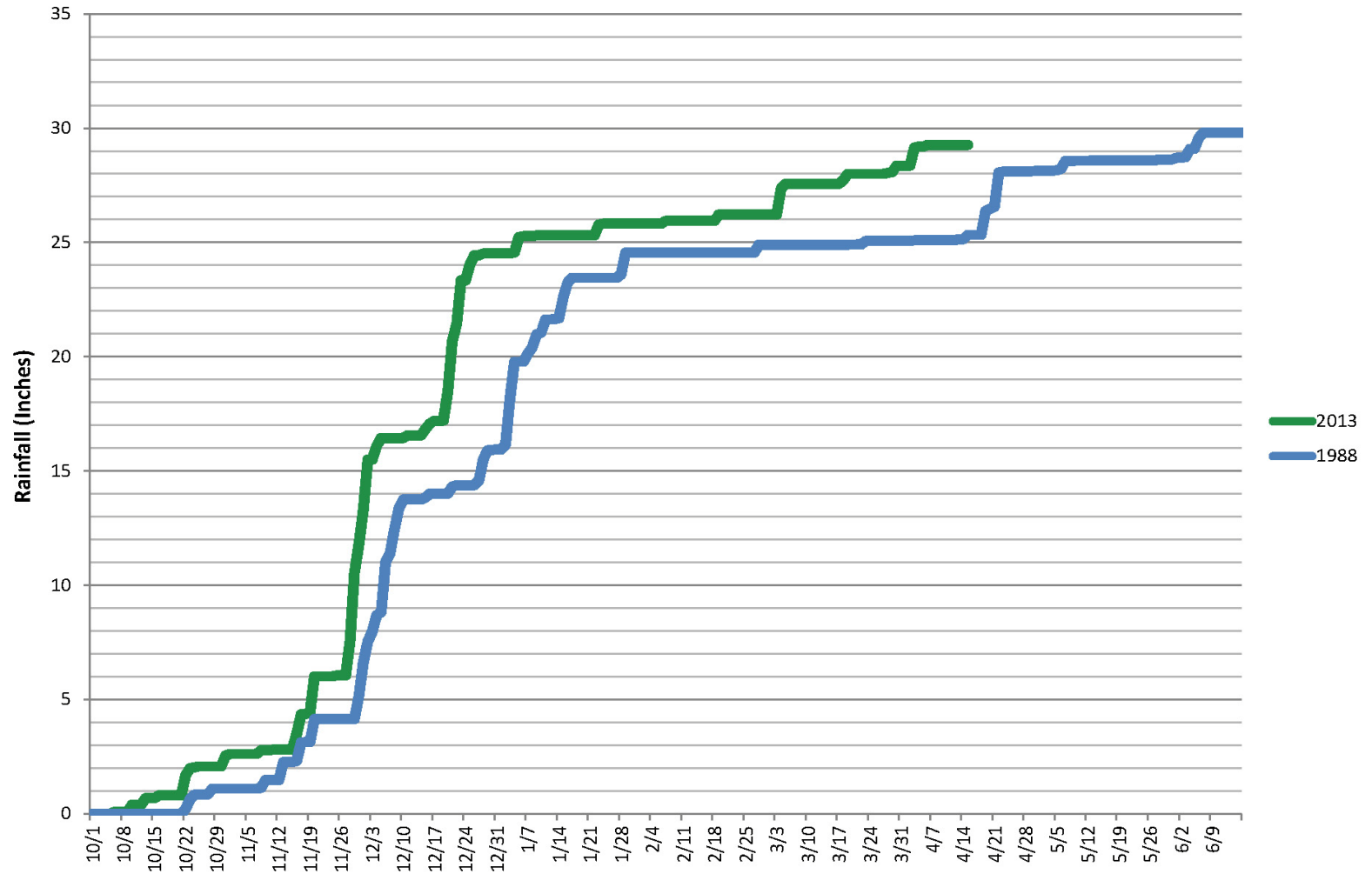


Figure 3 - Cumulative Precipitation Near the City of Ukiah for 1988 and 2013

Lake Mendocino 2013 Storage Projection 4/15/2013

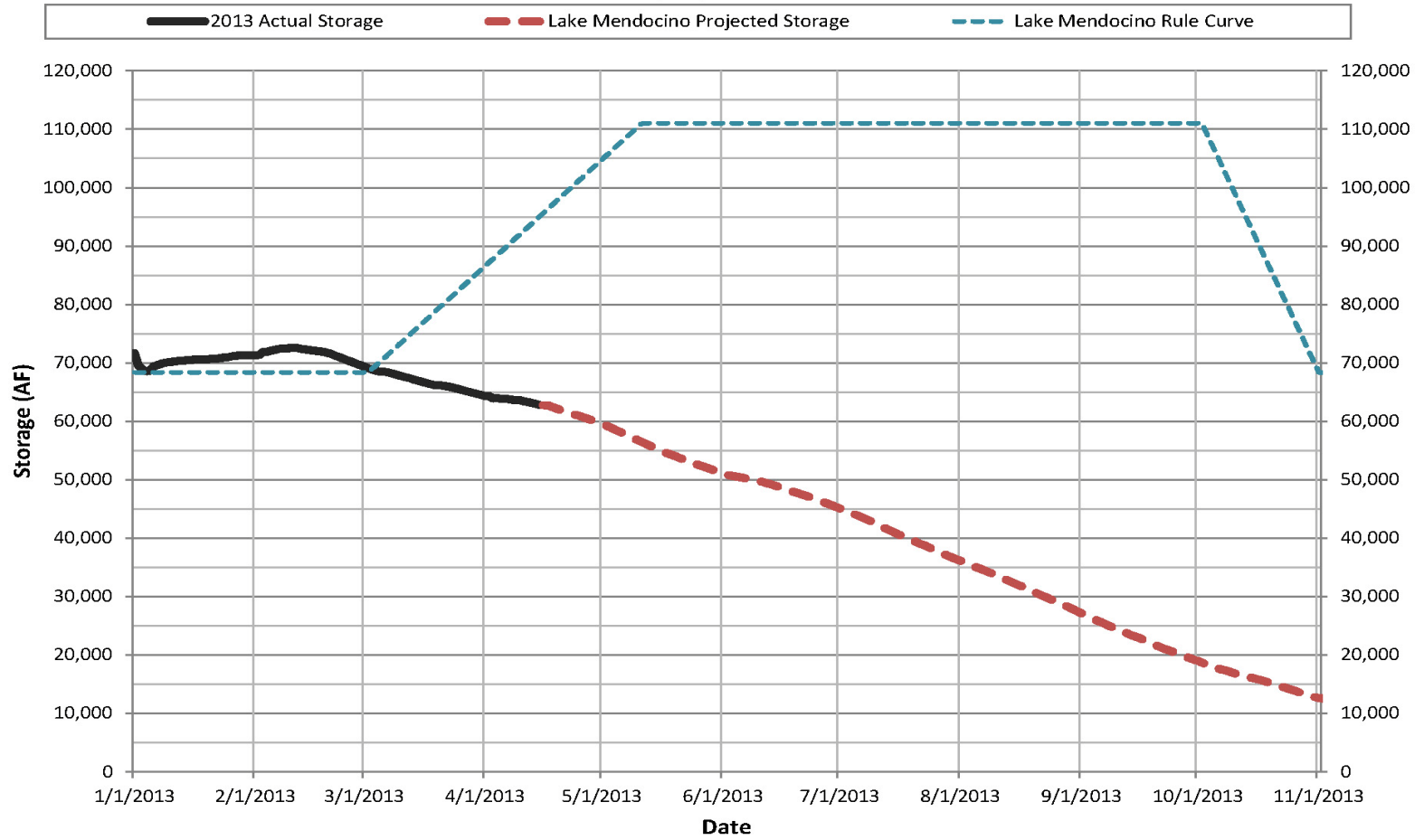


Figure 4 - Projected 2013 Storage Level for Lake Mendocino

Lake Mendocino 2013 Critical Storage Curve
4/15/2013

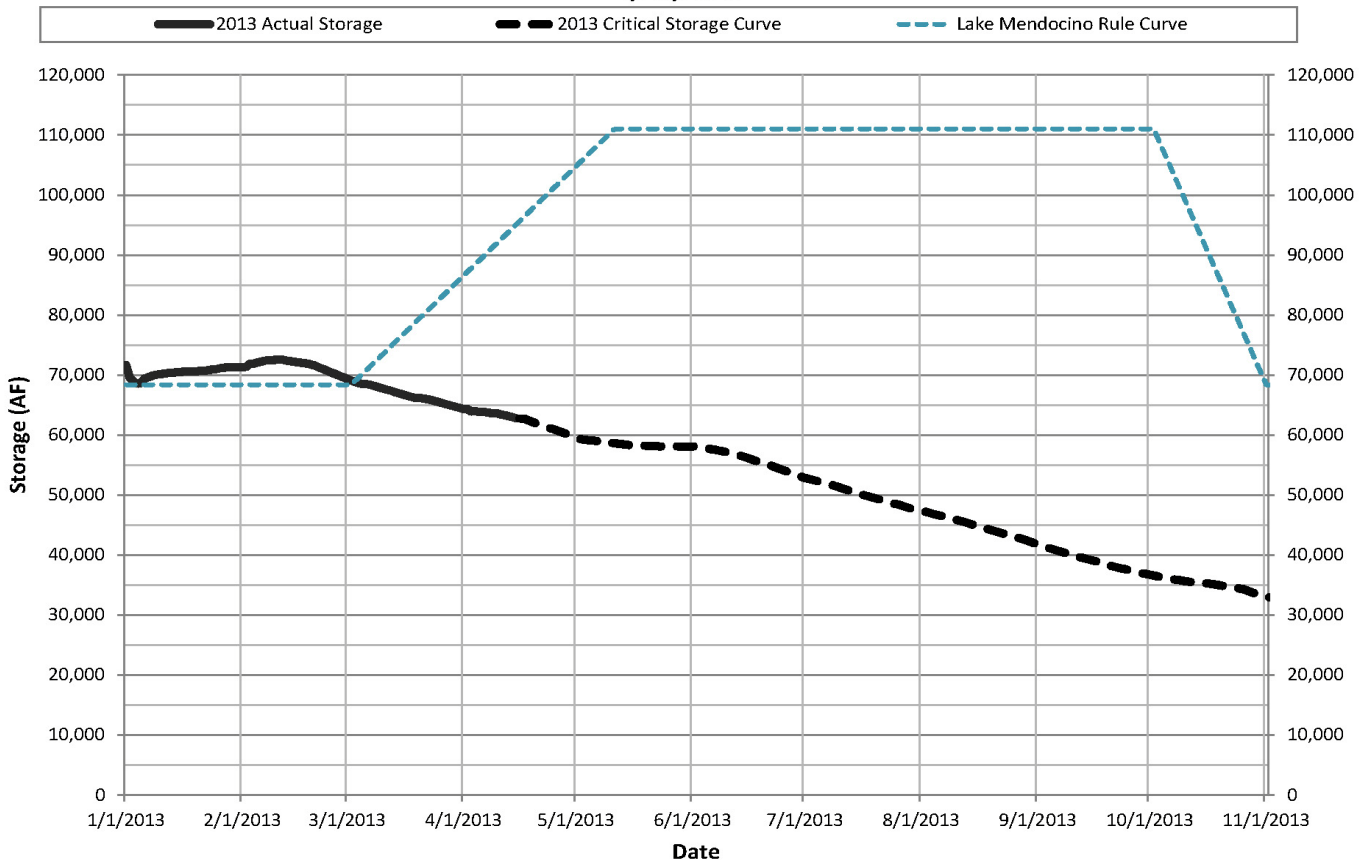


Figure 5 - Water Agency Calculated Critical Storage Curve for Lake Mendocino

Tables

Table 1 - Water Agency Critical Daily Storage Values

Day	July	Aug	Sept	Oct
1	52,682	47,239	41,595	36,572
2	52,542	47,055	41,395	36,445
3	52,390	46,877	41,177	36,312
4	52,226	46,715	40,975	36,187
5	52,069	46,568	40,796	36,097
6	51,906	46,413	40,609	35,964
7	51,714	46,257	40,416	35,891
8	51,522	46,095	40,225	35,816
9	51,314	45,934	40,022	35,699
10	51,111	45,764	39,849	35,591
11	50,888	45,583	39,673	35,494
12	50,683	45,390	39,511	35,392
13	50,493	45,197	39,358	35,365
14	50,285	45,021	39,214	35,315
15	50,085	44,844	39,070	35,270
16	49,936	44,669	38,887	35,230
17	49,765	44,476	38,725	35,146
18	49,585	44,288	38,506	35,026
19	49,424	44,104	38,324	34,909
20	49,254	43,914	38,129	34,821
21	49,079	43,725	37,970	34,719
22	48,901	43,533	37,813	34,605
23	48,715	43,366	37,683	34,501
24	48,539	43,201	37,549	34,407
25	48,373	43,019	37,408	34,275
26	48,182	42,830	37,269	34,039
27	47,997	42,646	37,109	33,806
28	47,792	42,445	36,973	33,573
29	47,642	42,213	36,830	
30	47,503	42,006	36,707	
31	47,380	41,802		

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

Insert the attachment number here, if applicable:

1

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Consultations with RWQCB were held by Water Agency staff and Rebecca Fitzgerald (707-576-2650) on April 17, 2013.

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Date of Contact:

Department: Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. Yes No

- Grading Permit Use Permit Watercourse Obstruction Permit
- Change of Zoning General Plan Change Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
 Dept of Water Resources, Division of Safety of Dams California Coastal Commission
 State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
 Bureau of Land Management Federal Energy Regulatory Commission
 Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

Consultations with NOAA National Marine Fisheries Service and CA Department of Fish & Wildlife were held with Water Agency staff on several occasions between April 2, 2013 and April 22, 2013. Contacts for the agencies are as follows:
 1) NOAA NMFS -- Dr. William Hearn (707-575-6062)
 2) CA DFW -- Eric Larson (707-944-5528)

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

- Has an archeological report been prepared for this project? If yes, provide a copy. Yes No
- Will another public agency be preparing an archeological report? Yes No
- Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

n/a

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

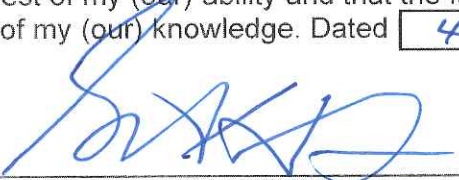
Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 4-24-13 at Santa Rosa, CA.



Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

NOTICE OF EXEMPTION

To: X Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

X County Clerk
County of Sonoma
Santa Rosa, CA 95401

X County Clerk
County of Mendocino
Ukiah, CA 95482

CONFORMED COPY

Copy of Document Recorded on
04/23/2013 11:29:00 AM
as 2013-E0016
Mendocino County Clerk-Recorder

Project Title: Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties

Project Location-Specific: The proposed action would occur in Mendocino and Sonoma counties at Lake Mendocino, in the Upper Russian River from Coyote Valley Dam/Lake Mendocino to the confluence with Dry Creek, and in the Lower Russian River from its confluence with Dry Creek to the Pacific Ocean. Figure 1 shows the streamflow requirements for the Russian River system. Communities and cities along the Russian River include Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Forestville, Mirabel Park, Rio Nido, Guerneville, Monte Rio, Duncans Mills, and Jenner.

Project Location – City: N/A **Project Location – County:** Mendocino and Sonoma

Description of Nature, Purpose and Beneficiaries of Project: Sonoma County Water Agency (Water Agency) is filing a temporary urgency change petition requesting that the State Water Resources Control Board (SWRCB) make the following changes in the minimum instream flow requirements for the Russian River mainstem that are specified in SWRCB Decision 1610 and the Water Agency's water right permits: (a) for May 1 through June 30, the Decision 1610 requirements for *Dry* conditions will apply in the main stem Russian River. These requirements are 75 cubic feet per second (cfs) in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 85 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean; (b) if, after July 1 storage in Lake Mendocino is above the Water Agency's calculated critical storage curve, then, the Decision 1610 requirements for *Dry* water supply conditions will continue to apply; (c) if, after July 1 storage in Lake Mendocino drops below the critical storage curve for more than three consecutive days, then, from that date through October 28 the Decision 1610 requirements for *Critical* water supply conditions will apply in the Russian River. These requirements are 25 cfs in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 35 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean.

To improve its efforts in optimally managing flows in the Russian River, the Water Agency is also requesting that the minimum instream flow requirements be implemented on a 5-day running averages of average daily stream flow measurements with the condition that instantaneous flows on the Upper Russian River under *Dry* water supply conditions be no less than 65 cfs and on the Lower Russian River be no less than 70 cfs and that instantaneous flows under *Critical* water supply conditions on the Upper Russian River be no less than 15 cfs and on the Lower Russian River be no less than 25 cfs. This implementation of minimum instream flow requirements will allow the Water Agency to manage stream flows with a smaller operational buffer, thereby conserving water supply in Lake Mendocino. This will result in higher storage levels in the fall for increased releases for the migration and spawning of Chinook salmon and improving carry over storage for the following year.

An urgent need exists for the proposed flow changes on the Upper Russian River because the Water Agency's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2013 unless the Temporary Urgency Change Petition is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are threatened. Without the proposed

changes, the Water Agency would need to release additional stored water from Lake Mendocino to meet Decision 1610 minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce the water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall when spawning state and federally listed fish species are sensitive to flow levels and water temperatures. Furthermore, if the upcoming Water Year 2014 is a dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2014.

An urgent need exists for the proposed changes on the Lower Russian River because the Water Agency will violate the Incidental Take Statement contained in the National Marine Fisheries Service's Biological Opinion for Water Supply, Flood Control Operations and Channel Maintenance conducted by U.S. Army Corps of Engineers, the Sonoma County Water Agency and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed, at pages 297-299 (September 24, 2008) due to higher releases being required on Dry Creek to meet Decision 1610 minimum flow requirements in the Lower Russian River unless the requested temporary urgency change is approved. Furthermore, NMFS concluded in the Biological Opinion that minimum instream flows lower than those required by Decision 1610 may result in flows into the estuary that improve opportunities to maintain a freshwater lagoon while preventing flooding of adjacent properties and requires the Water Agency to annual request lower minimum instream flows to avoid jeopardizing listed salmonids and their critical habitat.

The Water Agency predicts that without the proposed change, Lake Mendocino will be drawn down to storage levels that would jeopardize the Water Agency's ability to release water to the Russian River. In this event, water supplies for domestic and municipal uses of Russian River water would be severely impaired. Moreover, the Water Agency's permits include terms requiring a 50 percent reduction in deliveries to Redwood Valley County Water District when Lake Mendocino storage drops below 30,000 acre feet in order to preserve Lake Mendocino water supply reliability. The purpose of this order is, in part, to prevent Lake Mendocino storage from dropping below 30,000 acre feet. The Water Agency's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2013 unless the Temporary Urgency Change Petition is approved. For the reasons stated above, an urgent need for the proposed change exists.

Name of Public Agency Approving Project: State Water Resources Control Board - Division of Water Rights

Name of Person or Agency Carrying Out Project: Sonoma County Water Agency

Exempt Status: (check one)

	Ministerial (Sec. 21080(b)(1); 15268)	
	Declared Emergency (Sec. 21080(b)(3); 15269(a))	
X	Emergency Project (Sec.21080 (b)(4); 15269(b)(c)):	Section 21080(b)(4): Specific actions necessary to prevent or mitigate an emergency
X	Categorical Exemption. State type and section number:	State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment State CEQA Guidelines 15301(i): Existing Facilities
	Statutory Exemptions. State code number:	

Reasons why project is exempt: The proposed action is statutorily exempt under CEQA Statute 21080(b)(4) and categorically exempt from the California Environmental Quality Act (CEQA) under the State CEQA Guidelines Sections 15307, 15308, and 15301(i).

A. Actions to Prevent or Mitigate an Emergency

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. The Water Agency's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2013 unless the Temporary Urgency Change Petition is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are threatened. Without the proposed change, the Water Agency would need to release additional stored water from Lake Mendocino to meet Decision 1610 minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce water supplies needed for fishery protection and stable flows in the Upper Russian River for the fall migration and spawning of listed salmon species. Water supplies for domestic and municipal uses of Russian River water would be severely impaired. Moreover, the Water Agency's permits include terms requiring a 50 percent reduction in deliveries to Redwood Valley County Water District when Lake Mendocino storage drops below 30,000 acre feet in order to preserve Lake Mendocino water supply reliability. The purpose of this order is, in part, to prevent Lake Mendocino storage from dropping below 30,000 acre feet, which will otherwise occur in the absence of the SWRCB approving the requested changes. Furthermore, if the upcoming Water Year 2014 is a dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2014.



B. Actions by Regulatory Agencies for Protection of Natural Resources and the Environment

CEQA Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource and the environment are categorically exempt. The proposed change in Russian River instream flow requirements would conserve water in Lake Mendocino to benefit the migration and spawning of adult Chinook salmon in the fall.

C. Existing Facilities

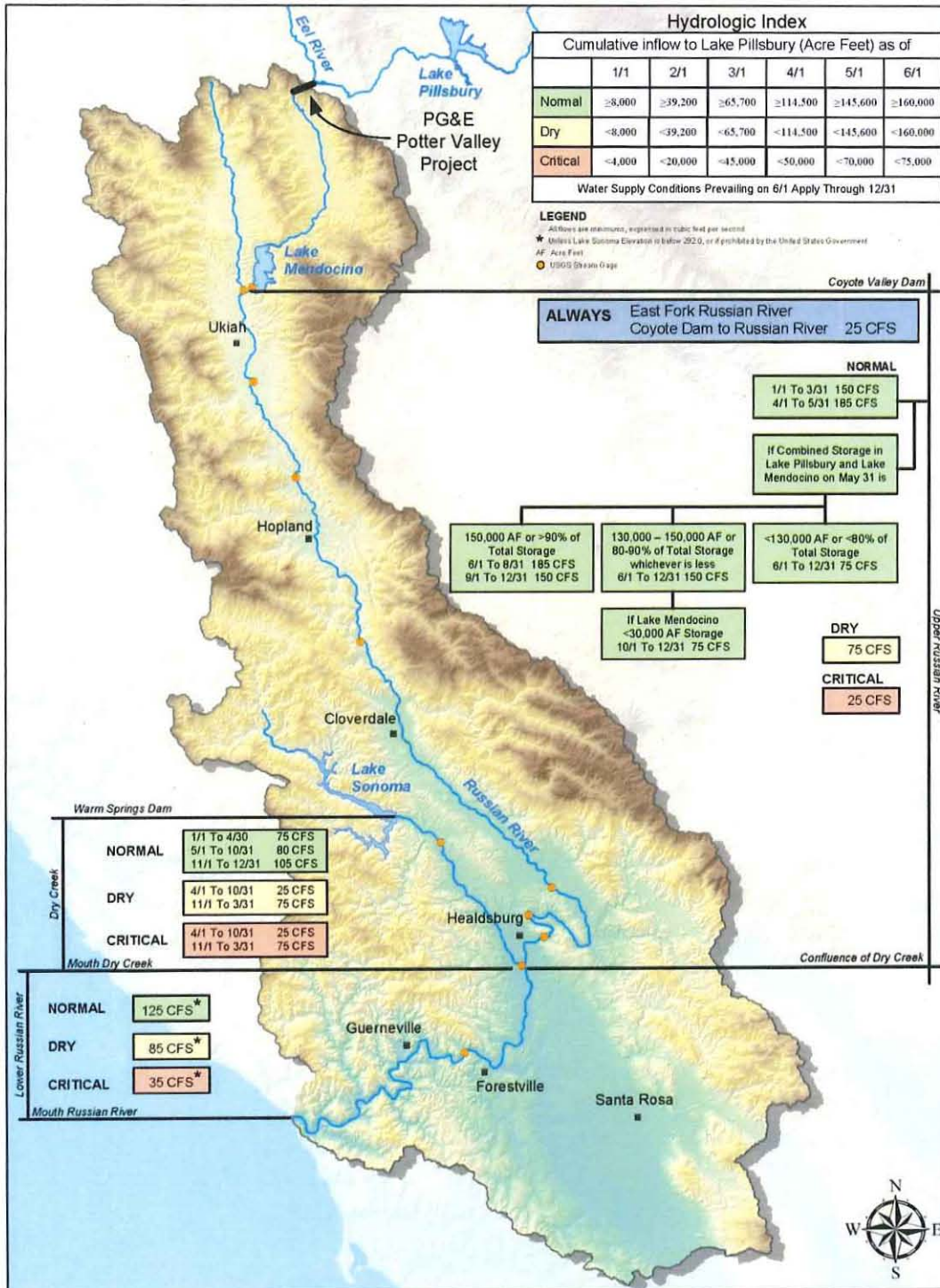
CEQA Guidelines Section 15301(i) provides, generally, that the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt from CEQA. The examples in subdivision (i) of Section 15301(i) specifically provide that the maintenance of streamflows to protect fish and wildlife resources is exempt. The Water Agency's request to change minimum instream flow requirements and make releases from Lake Mendocino from May to October 2013 under the same minimum instream flow requirements that normally apply during Dry or Critical hydrologic conditions for the purpose of conserving water storage in Lake Mendocino would not expand the Water Agency's use or increase the water diversions available to the Water Agency for consumptive purposes. The proposed change in Russian River minimum instream flow requirements would still be within the existing operational parameters for Lake Mendocino established by SWRCB Decision 1610. In addition, the proposal would maintain streamflows specifically to protect listed salmonid species.

Lead Agency Contact Person: Jessica Martini-Lamb Area Code/Telephone: 707-547-1903

Signature:  Date: 04/23/2013 Title:  General Manager

Lead Agency Applicant Date Received for filing at OPR: _____

State Water Resources Control Board Decision 1610



Russian River Basin
Streamflow Requirements

Figure 1. Project location for Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties.

This notice was posted on APR 23 2013
and will remain posted for a period of thirty days
through MAY 23 2013

NOTICE OF EXEMPTION

To: X Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

X County Clerk
County of Sonoma
Santa Rosa, CA 95401

X County Clerk
County of Mendocino
Ukiah, CA 95482

From: Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403

WILLIAM F. ROUSSEAU, Co. Clerk
Julie Garfia

BY: _____
DEPUTY CLERK

13-0423-2

Project Title: Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties

Project Location-Specific: The proposed action would occur in Mendocino and Sonoma counties at Lake Mendocino, in the Upper Russian River from Coyote Valley Dam/Lake Mendocino to the confluence with Dry Creek, and in the Lower Russian River from its confluence with Dry Creek to the Pacific Ocean. Figure 1 shows the streamflow requirements for the Russian River system. Communities and cities along the Russian River include Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Forestville, Mirabel Park, Rio Nido, Guerneville, Monte Rio, Duncans Mills, and Jenner.

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Project Location – City: N/A **Project Location – County:** Mendocino and Sonoma

Description of Nature, Purpose and Beneficiaries of Project: Sonoma County Water Agency (Water Agency) is filing a temporary urgency change petition requesting that the State Water Resources Control Board (SWRCB) make the following changes in the minimum instream flow requirements for the Russian River mainstem that are specified in SWRCB Decision 1610 and the Water Agency's water right permits: (a) for May 1 through June 30, the Decision 1610 requirements for *Dry* conditions will apply in the main stem Russian River. These requirements are 75 cubic feet per second (cfs) in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 85 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean; (b) if, after July 1 storage in Lake Mendocino is above the Water Agency's calculated critical storage curve, then, the Decision 1610 requirements for *Dry* water supply conditions will continue to apply; (c) if, after July 1 storage in Lake Mendocino drops below the critical storage curve for more than three consecutive days, then, from that date through October 28 the Decision 1610 requirements for *Critical* water supply conditions will apply in the Russian River. These requirements are 25 cfs in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek and 35 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean.

To improve its efforts in optimally managing flows in the Russian River, the Water Agency is also requesting that the minimum instream flow requirements be implemented on a 5-day running averages of average daily stream flow measurements with the condition that instantaneous flows on the Upper Russian River under Dry water supply conditions be no less than 65 cfs and on the Lower Russian River be no less than 70 cfs and that instantaneous flows under Critical water supply conditions on the Upper Russian River be no less than 15 cfs and on the Lower Russian River be no less than 25 cfs. This implementation of minimum instream flow requirements will allow the Water Agency to manage stream flows with a smaller operational buffer, thereby conserving water supply in Lake Mendocino. This will result in higher storage levels in the fall for increased releases for the migration and spawning of Chinook salmon and improving carry over storage for the following year.

An urgent need exists for the proposed flow changes on the Upper Russian River because the Water Agency's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2013 unless the Temporary Urgency Change Petition is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are threatened. Without the proposed

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changes, the Water Agency would need to release additional stored water from Lake Mendocino to meet Decision 1610 minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce the water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall when spawning state and federally listed fish species are sensitive to flow levels and water temperatures. Furthermore, if the upcoming Water Year 2014 is a dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2014.

An urgent need exists for the proposed changes on the Lower Russian River because the Water Agency will violate the Incidental Take Statement contained in the National Marine Fisheries Service's Biological Opinion for Water Supply, Flood Control Operations and Channel Maintenance conducted by U.S. Army Corps of Engineers, the Sonoma County Water Agency and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed, at pages 297-299 (September 24, 2008) due to higher releases being required on Dry Creek to meet Decision 1610 minimum flow requirements in the Lower Russian River unless the requested temporary urgency change is approved. Furthermore, NMFS concluded in the Biological Opinion that minimum instream flows lower than those required by Decision 1610 may result in flows into the estuary that improve opportunities to maintain a freshwater lagoon while preventing flooding of adjacent properties and requires the Water Agency to annual request lower minimum instream flows to avoid jeopardizing listed salmonids and their critical habitat.

The Water Agency predicts that without the proposed change, Lake Mendocino will be drawn down to storage levels that would jeopardize the Water Agency's ability to release water to the Russian River. In this event, water supplies for domestic and municipal uses of Russian River water would be severely impaired. Moreover, the Water Agency's permits include terms requiring a 50 percent reduction in deliveries to Redwood Valley County Water District when Lake Mendocino storage drops below 30,000 acre feet in order to preserve Lake Mendocino water supply reliability. The purpose of this order is, in part, to prevent Lake Mendocino storage from dropping below 30,000 acre feet. The Water Agency's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2013 unless the Temporary Urgency Change Petition is approved. For the reasons stated above, an urgent need for the proposed change exists.

Name of Public Agency Approving Project: State Water Resources Control Board - Division of Water Rights

Name of Person or Agency Carrying Out Project: Sonoma County Water Agency

Exempt Status: (check one)

	Ministerial (Sec. 21080(b)(1); 15268)	
	Declared Emergency (Sec. 21080(b)(3); 15269(a))	
X	Emergency Project (Sec.21080 (b)(4); 15269(b)(c)):	Section 21080(b)(4): Specific actions necessary to prevent or mitigate an emergency
X	Categorical Exemption. State type and section number:	State CEQA Guidelines 15307: Actions by Regulatory Agencies for Protection of Natural Resources State CEQA Guidelines 15308: Actions by Regulatory Agencies for Protection of the Environment State CEQA Guidelines 15301(i): Existing Facilities
	Statutory Exemptions. State code number:	

Reasons why project is exempt: The proposed action is statutorily exempt under CEQA Statute 21080(b)(4) and categorically exempt from the California Environmental Quality Act (CEQA) under the State CEQA Guidelines Sections 15307, 15308, and 15301(i).

A. Actions to Prevent or Mitigate an Emergency

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. The Water Agency's forecasts indicate that Lake Mendocino storage will drop below 30,000 acre feet during August 2013 unless the Temporary Urgency Change Petition is approved. Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are threatened. Without the proposed change, the Water Agency would need to release additional stored water from Lake Mendocino to meet Decision 1610 minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce water supplies needed for fishery protection and stable flows in the Upper Russian River for the fall migration and spawning of listed salmon species. Water supplies for domestic and municipal uses of Russian River water would be severely impaired. Moreover, the Water Agency's permits include terms requiring a 50 percent reduction in deliveries to Redwood Valley County Water District when Lake Mendocino storage drops below 30,000 acre feet in order to preserve Lake Mendocino water supply reliability. The purpose of this order is, in part, to prevent Lake Mendocino storage from dropping below 30,000 acre feet, which will otherwise occur in the absence of the SWRCB approving the requested changes. Furthermore, if the upcoming Water Year 2014 is a dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2014.

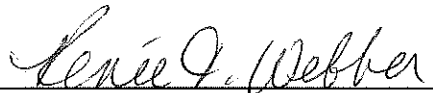

B. Actions by Regulatory Agencies for Protection of Natural Resources and the Environment

CEQA Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource and the environment are categorically exempt. The proposed change in Russian River instream flow requirements would conserve water in Lake Mendocino to benefit the migration and spawning of adult Chinook salmon in the fall.

C. Existing Facilities

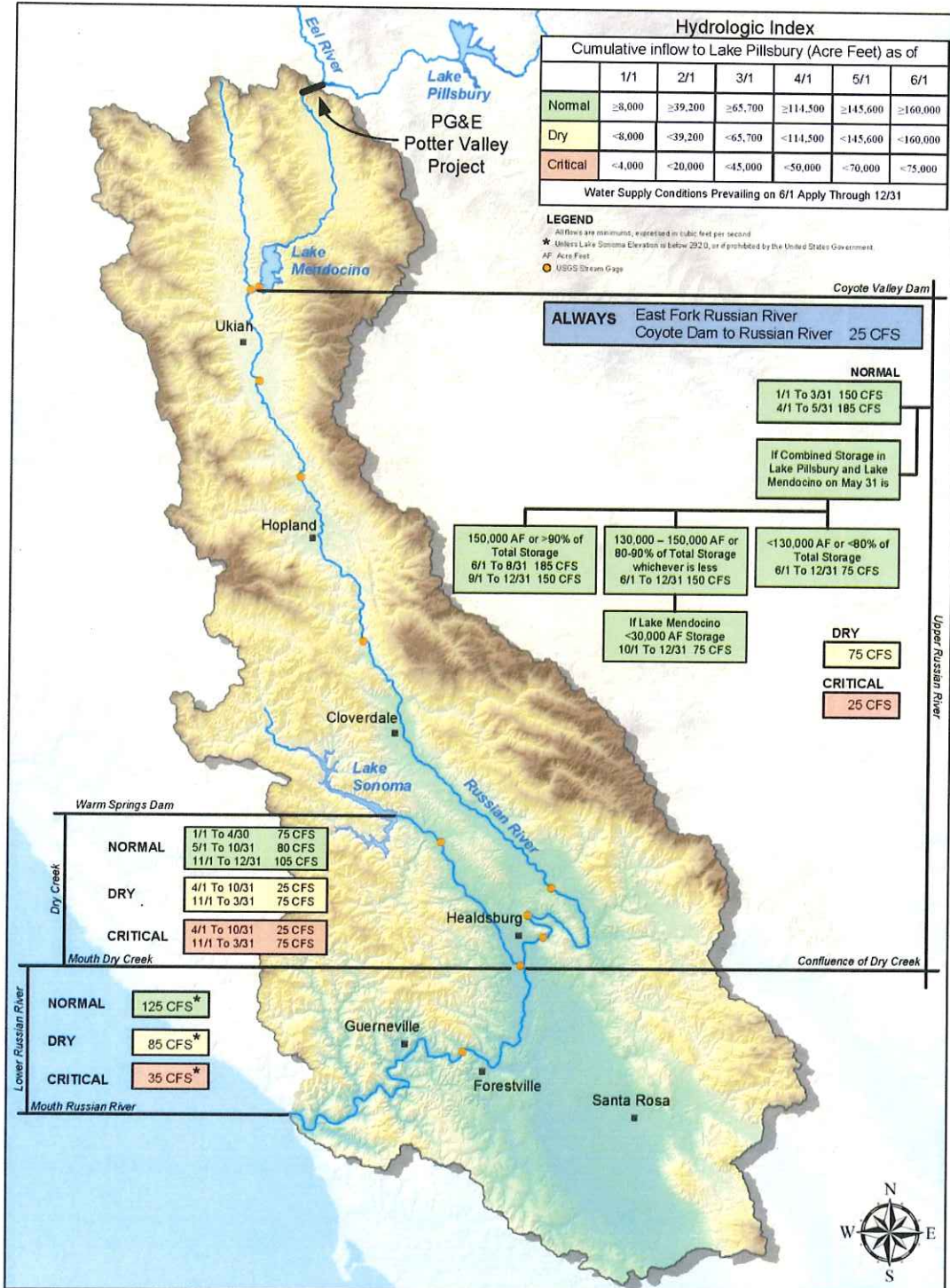
CEQA Guidelines Section 15301(i) provides, generally, that the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt from CEQA. The examples in subdivision (i) of Section 15301(i) specifically provide that the maintenance of streamflows to protect fish and wildlife resources is exempt. The Water Agency's request to change minimum instream flow requirements and make releases from Lake Mendocino from May to October 2013 under the same minimum instream flow requirements that normally apply during Dry or Critical hydrologic conditions for the purpose of conserving water storage in Lake Mendocino would not expand the Water Agency's use or increase the water diversions available to the Water Agency for consumptive purposes. The proposed change in Russian River minimum instream flow requirements would still be within the existing operational parameters for Lake Mendocino established by SWRCB Decision 1610. In addition, the proposal would maintain streamflows specifically to protect listed salmonid species.

Lead Agency Contact Person: Jessica Martini-Lamb Area Code/Telephone: 707-547-1903

Signature:  Date: 04/23/2013 Title:  General Manager

Lead Agency Applicant Date Received for filing at OPR: _____

State Water Resources Control Board Decision 1610



Russian River Basin Streamflow Requirements

Figure 1. Project location for Petition Requesting Approval of a Temporary Urgency Change in Water Right Permits 12947A, 12949, 12950, and 16596 in Mendocino and Sonoma counties.

State of California—Natural Resources Agency
 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

PRINT CLEAR

RECEIPT# 49130055
STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY SONOMA COUNTY WATER AGENCY	DATE 04/23/2013
COUNTY/STATE AGENCY OF FILING SONOMA	DOCUMENT NUMBER 13-0423-2

PROJECT TITLE
 PETITION REQUESTING APPROVAL OF A TEMPORARY URGENCY CHANGE IN WATER RIGHT PERMITS 12947A, 12949, 12950 & 18596 IN MENDOCINO & SONOMA COUNTIES

PROJECT APPLICANT NAME SONOMA COUNTY WATER AGENCY	PHONE NUMBER (707) 547-1903
PROJECT APPLICANT ADDRESS 404 AVIATION BLVD	CITY SANTA ROSA
	STATE CA
	ZIP CODE 95403

PROJECT APPLICANT (Check appropriate box):

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$2,995.25	\$ _____	0.00
<input type="checkbox"/> Negative Declaration (ND)(MND)	\$2,156.25	\$ _____	0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$ _____	0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,018.50	\$ _____	0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$ <u>Exempt</u>	0.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> CDFW No Effect Determination (Form Attached)			
<input type="checkbox"/> Other _____		\$ _____	

PAYMENT METHOD:

Cash
 Credit
 Check
 Other _____

TOTAL RECEIVED \$ _____ 0.00

SIGNATURE 	TITLE Deputy Clerk
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THIS CHECK IS VOID WITHOUT A GREEN & BLUE BORDER AND BACKGROUND PLUS A DIAMOND & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW



TO THE TREASURER OF THE
COUNTY OF SONOMA
SANTA ROSA, CALIFORNIA

VOID

CLAIMS WARRANT
REVOLVING FUND 10-052-000

WARRANT NO.
1334487

11-35
1210

DATE 03/22/2013
VOID AFTER SIX MONTHS

PAY THIS AMOUNT
*****\$23,136.80

PAY *Twenty three thousand one hundred thirty six and 80/100 Dollars*

To The Order Of
ST WATER RESOURCES CONTROL BOARD
ATTN: SWRCB ACCTG OFFICE
PO BOX 1888
SACRAMENTO CA 95812-1888


DAVID SUNDSTROM
AUDITOR-CONTROLLER

⑈0001334487⑈ ⑆121000358⑆ 00439⑈80050⑈

THIS CHECK IS VOID WITHOUT A GREEN & BLUE BORDER AND BACKGROUND PLUS A DIAMOND & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW



TO THE TREASURER OF THE
COUNTY OF SONOMA
SANTA ROSA, CALIFORNIA

VOID

CLAIMS WARRANT
REVOLVING FUND 10-052-000

WARRANT NO.
1334488

11-35
1210

DATE 03/22/2013
VOID AFTER SIX MONTHS

PAY THIS AMOUNT
*****\$850.00

PAY *Eight hundred fifty and 00/100 Dollars*

To The Order Of
CA ST DEPT-FISH & GAME
P O BOX 944209
SACRAMENTO CA 94244-2090


DAVID SUNDSTROM
AUDITOR-CONTROLLER

⑈0001334488⑈ ⑆121000358⑆ 00439⑈80050⑈