CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

DEC 3 1 2013

In Reply Refer to:
EKH:A012919A

Mr. Grant Davis
General Manager
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403-9019

Dear Mr. Davis:

ORDER APPROVING SONOMA COUNTY WATER AGENCY'S PETITION FOR TEMPORARY URGENCY CHANGE OF PERMIT 12947A (APPLICATION 12919A)

The enclosed Order approves the petition for temporary urgency change in Permit 12947A. Please review the conditions of the Order and retain the Order with your permit.

If you have any questions, please contact Emily Hyland at (916) 341-5803 or by email at Emily.Hyland@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Emily Hyland, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

Katherine Mrowka

for Amanda Montgomery, Manager
Permitting and Licensing Section
Division of Water Rights

Enclosure

cc: See next page.

DEC 3 1 2013

cc: North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

National Marine Fisheries Service
Southwest Region
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

California Department of Fish and Wildlife
Region 3: Bay Delta Region
P.O. Box 47
Yountville, CA 94599

United States Geological Survey
California Water Science Center
6000 J Street, Placer Hall
Sacramento, CA 95819

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 12947A
(Application 12919A)

Sonoma County Water Agency

ORDER APPROVING TEMPORARY URGENCY CHANGE

SOURCE: East Fork Russian River

COUNTIES: Sonoma and Mendocino Counties

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 SUBSTANCE OF TEMPORARY URGENCY CHANGE PETITION

On December 20, 2013, Sonoma County Water Agency (SCWA) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting approval of a change pursuant to California Water Code section 1435. The TUCP requests implementation of a hydrologic index based on Lake Mendocino storage values starting January 1, 2014 (proposed hydrologic index). The proposed hydrologic index is requested in lieu of the hydrologic index based on cumulative Lake Pillsbury inflow (current hydrologic index) to define the water supply conditions that determine which minimum instream flow requirements in Term 20 of Permit 12947A will apply to the upper Russian River (from its confluence with the East Fork of the Russian River to its confluence with Dry Creek). The proposed hydrologic index is as follows:

a. Dry water supply conditions will exist when storage in Lake Mendocino is less than:

40,000 acre-feet as of January 1
59,000 acre-feet as of February 1
68,000 acre-feet as of March 1
69,500 acre-feet as of March 16
71,000 acre-feet as of April 1
70,000 acre-feet as of April 16
69,000 acre-feet as of May 1
67,500 acre-feet as of May 16
65,000 acre-feet as of June 1

b. Critical water supply conditions exist when storage in Lake Mendocino is less than:

31,000 acre-feet as of January 1
36,000 acre-feet as of February 1
52,000 acre-feet as of March 1
53,000 acre-feet as of March 16
54,000 acre-feet as of April 1
53,000 acre-feet as of April 16

52,000 acre-feet as of May 1
51,000 acre-feet as of May 16
50,000 acre-feet as of June 1

c. Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.

No changes to the current hydrologic index definitions as they apply to the lower Russian River (Russian River between its confluence with Dry Creek and the Pacific Ocean) or Dry Creek are requested.

The request is made to prevent significant depletions of storage in Lake Mendocino and potential elimination of water supplies for spring, summer, and fall of 2014. Such depletions in storage and reductions or eliminations of water supplies 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.

2.0 BACKGROUND

SCWA's TUCP involves Permit 12947A. Permit 12947A is for direct diversion of 92 cubic feet per second (cfs) from the East Fork Russian River and storage of 122,500 acre-feet per annum (afa) in Lake Mendocino from January 1 through December 31 of each year.

Following is the language contained in Term 20 of SCWA's Permit 12947A:

For the protection of fish and wildlife, and for the maintenance of recreation in the Russian River, permittee shall pass through or release from storage at Lake Mendocino sufficient water to maintain:

(A) A continuous streamflow in the East Fork Russian River from Coyote Dam to its confluence with the Russian River of 25 cfs at all times.

(B) The following minimum flows in the Russian River between the East Fork Russian River and Dry Creek:

(1) During normal water supply conditions when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year exceeds 150,000 af 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) During normal water supply conditions and when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year is between 150,000 af or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less, and 130,000 af 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) During normal water supply conditions and when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year is less than 130,000 af 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

(4) During dry water supply conditions 75 cfs

(5) During critical water supply conditions 25 cfs

(C) The following minimum flows in the Russian River between its confluence with Dry Creek and the Pacific Ocean to the extent that such flows cannot be met by releases from storage at Lake Sonoma under Permit 16596 issued on Application 19351:

(1) During normal water supply conditions	125 cfs
(2) During dry water supply conditions	85 cfs
(3) During critical water supply conditions	35 cfs

For the purposes of the requirements in this term, the following definitions shall apply:

(1) Dry water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year 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
160,000 acre-feet as of June 1

(2) Critical water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year 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
75,000 acre-feet as of June 1

(3) Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.

(4) The water supply condition designation for the months of July through December shall be the same as the designation for the previous June. Water supply conditions for January through June shall be predetermined monthly.

(5) Cumulative inflow to Lake Pillsbury is the calculated algebraic sum of releases from Lake Pillsbury, increases in storage in Lake Pillsbury, and evaporation from Lake Pillsbury.

(6) Estimated water supply storage space is the calculated reservoir volume below elevation 1,828.3 feet in Lake Pillsbury and below elevation 749.0 feet in Lake Mendocino. Both elevations refer to the National Geodetic Vertical Datum of 1929. The calculation shall use the most recent two reservoir volume surveys made by the U. S. Geological Survey, U. S. Army Corps of Engineers, or other responsible agency to determine the rate of sedimentation to be assumed from the date of the most recent reservoir volume survey.

SCWA submitted with the TUCP a document prepared by its staff titled, "Supplement to the December 2013 Temporary Urgency Change Petition," (Supplement) dated December 2013. The Supplement indicates that on December 18, 2013 the water supply storage level in Lake Mendocino was 28,457 af. This storage level was 42 percent of the available winter water supply pool and 26 percent of the summer water supply pool. The low storage level is the result of severely low rainfall in the region since January 1 of this year.

According to the Supplement, without significant storm events between December 19 and December 31, 2013, Lake Mendocino storage will decline to approximately 26,000 af by December 31, 2013 due to releases required to meet downstream water demands and minimum instream flow requirements on the Russian River. This estimated amount is significantly lower than the December 31 levels that occurred in 1977 and 2009.

SCWA is concerned that the current hydrologic index, identified in Decision 1610 and included in Permit 12947A, does not accurately reflect water supply conditions in the Russian River System and, if current weather patterns persist, could cause storage levels in Lake Mendocino to rapidly decline to unsafe levels. The cumulative inflow to Lake Pillsbury, as of December 18 was 4,010 af, which exceeds the January 1 threshold for *Dry* conditions in the current hydrologic index (identified in Decision 1610 and Term 20 of Permit 12947A). Accordingly, the current hydrologic index will require SCWA to maintain minimum instream flows in the upper Russian River beyond levels which Lake Mendocino storage could reliably and safely sustain.

Furthermore, on December 9, 2013, Pacific Gas & Electric (PG&E) filed an application for a flow variance for the Potter Valley Project (PVP) with the Federal Energy Regulatory Commission (FERC). PG&E requested the variance due to extremely low storage levels in Lake Pillsbury and concern that they could no longer meet minimum flow requirements while also ensuring the safe operation of PVP. On December 12, 2013, FERC approved PG&E's flow variance request. This variance diminishes the reliability of the Lake Pillsbury cumulative inflow index as an accurate metric under current conditions and additionally, has resulted in a substantial reduction in required minimum flows in the East Fork of the Russian River and correspondingly reduced inflow into Lake Mendocino. Consequently, Lake Mendocino storage levels have begun to drop at a higher rate.

As described above, in lieu of the current hydrologic index, SCWA proposes Lake Mendocino monthly storage thresholds be used to define the water supply conditions that determine which minimum instream flow requirements in Term 20 of Permit 12947A will apply to the upper Russian River. As described in the Supplement submitted by SCWA, the Lake Mendocino storage thresholds were developed using SCWA's Russian River System Model to approximately replicate the statistical occurrence of the water supply conditions under Decision 1610 from January through June, with an 86% occurrence of Normal conditions, an 11% occurrence of Dry conditions, and a 4% occurrence of Critical conditions.

As of December 18, 2013 the water supply storage level in Lake Sonoma was 170,091 af. This storage level is 69 percent of the available water conservation pool. This storage level is not significantly below 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 hydrologic index definitions as they apply to the lower Russian River (Russian River between its confluence with Dry Creek and the Pacific Ocean) or Dry Creek are requested at this time.

3.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

SCWA has determined that the requested temporary urgency change is statutorily and categorically exempt under the California Environmental Quality Act (CEQA). SCWA found that the change is consistent with the statutory exemption criteria for an emergency project as well as the Class 1, 7, and 8 categorical exemption criteria. The State Water Board has reviewed the information submitted by SCWA and has made its own independent finding that the temporary urgency change is statutorily and categorically exempt under CEQA for the following reasons:

- As of December 18, 2013, the storage level in Lake Mendocino was 42 percent of the available winter water supply pool and 26 percent of the summer water supply pool. Information provided by SCWA demonstrates that, without significant storm events before December 31, continued releases of water pursuant to the current hydrologic index in term 20 of Permit 12947A as it applies to the upper Russian River could cause storage levels in Lake Mendocino to rapidly decline to unsafe levels. If storage in Lake Mendocino is depleted, there will be serious impacts to human health and welfare and water will not be available to protect aquatic life, including threatened and endangered species, in the upper Russian River. Approval of the TUCP is therefore necessary to prevent and mitigate loss of, or damage to, the environment, fishery resources, property, public health, and essential public services. Accordingly the project is statutorily exempt from CEQA because it is necessary to prevent or mitigate an emergency (Pub. Resources Code, § 21080, subd. (b)(4), Cal. Code Regs., tit. 14, § 15269, subd. (c).)

- The proposed action consists of the operation of existing facilities involving negligible or no expansion of use beyond that existing, and accordingly is categorically exempt from CEQA under a Class 1 exemption. (Cal. Code Regs., tit. 14, § 15301.) The proposed action will be within the existing minimum instream flows established by Decision 1610. The proposed action does not request and will not expand the water supply available to SCWA for consumptive purposes.

- The proposed action will assure the maintenance of a natural resource, i.e., the instream resources of the Russian River, by reserving water in Lake Mendocino to prevent harm to, and protect, habitat for listed Russian River salmonid fisheries, and accordingly is categorically exempt from CEQA pursuant to a Class 7 exemption. A Class 7 exemption "consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment." (Cal. Code Regs, tit. 14, § 15307.)

- A Class 8 exemption "consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." (Cal. Code Regs., tit. 14, § 15308.) The proposed action will assure the maintenance of the environment, i.e., the instream environment of the Russian River, in the same way as stated for the Class 7 exemption.

4.0 PUBLIC NOTICE OF THE TEMPORARY URGENCY CHANGE PETITION

The State Water Board will issue and deliver to SCWA as soon as practicable, a notice of the temporary urgency change order pursuant to Water Code section 1438(a). Pursuant to Water Code section 1438(b)(1), SCWA is required to publish the notice in a newspaper having a general circulation, and that is published within the counties where the points of diversion lie. The State Water Board will post the notice of the temporary urgency change and the TUCP (and accompanying materials) on its website. The State Water Board also will distribute the notice through an electronic notification system. Pursuant to Water Code section 1438, the State Water Board may issue a temporary urgency change order in advance of the required notice.

5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE

Water Code section 1435 provides that a permittee or licensee who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. The State Water Board's regulations set forth the filing and other procedural requirements applicable to TUCPs. (Cal. Code Regs., tit. 23, §§ 805, 806.) The State Water Board's regulations also clarify that requests for changes to permits or licenses other than changes in point of diversion, place of use, or purpose of use may be filed, subject to the same filing and procedural requirements that apply to changes in point of diversion, place of use, or purpose of use. (*Id.*, § 791, subd. (e).)

Before approving a temporary urgency change, the State Water Board must make the following findings:

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.

(Wat. Code, § 1435, subd. (b)(1-4).)

5.1 Urgency of the Proposed Change

Under Water Code section 1435, subdivision (c), an "urgent need" means "the existence of circumstances from which the board may in its judgment conclude 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 . . . ." However, the State Water Board shall not find the need urgent if it concludes that the petitioner has failed to exercise due diligence in petitioning for a change pursuant to other appropriate provisions of the Water Code.

In this case, an urgent need exists for the proposed change in the hydrologic index for determining minimum instream flow requirements on the upper Russian River because, as described in the Supplement, cumulative inflow into Lake Pillsbury is no longer a good metric to determine water supply conditions in the Russian River system due to the extremely low storage levels in Lake Mendocino, the changes in PVP operations since 2004, and the recent FERC order authorizing reduced imports into the East Branch of the Russian River. Without the proposed changes, the current hydrologic index may require releases of water from Lake Mendocino at levels that would risk significant depletions of storage and potential elimination of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek) during the spring, summer and fall of 2014. Such depletions in storage and reductions or eliminations of water supplies would cause serious impacts to human health and welfare, and reduce water supplies needed for fishery protections and stable flows in the upper Russian River.

5.2 No Injury to Any Other Lawful User of Water

Under this Order, SCWA will be required to maintain specific flows in the Russian River from its most upstream point of diversion to the river's confluence with the ocean. Therefore, because these minimum flows will be present, it is anticipated that all other lawful users of water will still be able to divert and use the amounts of water to which they are legally entitled during the period specified in this Order. Moreover, failure to implement the proposed hydrologic index 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 TUCP will not result in any injury to any other lawful user of water. Pursuant to Water Code section 1439, the State Water Board shall supervise diversion and use of water under this temporary change order for the protection of all other lawful users of water and instream beneficial uses.

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

Using Lake Mendocino storage thresholds to determine the water supply conditions that will be used to determine upper Russian River minimum instream flow requirements is likely to result in lower instream flows in the upper Russian River after January 1, 2014 than might otherwise occur under the current hydrologic index. It is possible that such reduced flows may impair some instream beneficial uses in the upper Russian River. However, any effects associated with such flow reductions would not be unreasonable, considering the potential catastrophic impacts to fish, wildlife and other instream beneficial uses that could occur with the current hydrologic index, if the current hydrologic index led to the draining of Lake Mendocino and the dewatering of the upper Russian River. SCWA has consulted with the California Department of Fish and Wildlife (CDFW), the National Marine Fisheries Services (NMFS), and the Regional Water Quality Control Board (Regional Board) regarding filing the TUCP and the effects of the proposed change. All three agencies support the petition and concur that storage thresholds in Lake Mendocino would most accurately reflect the water supply condition in the upper Russian River system. CDFW and NMFS also concurred that the flow reductions that might occur as a result of the proposed index are prudent measures to protect aquatic resources (in particular threatened Chinook salmon egg incubation) as they will support conservation of Lake Mendocino's water supply and avoid dewatering of the upper Russian River.

To inform the review and approval of the TUCP and the State Water Board's continuing supervision of the diversion and use of water under this temporary change order pursuant to Water Code section 1439, this order requires SCWA to report on consultations with CDFW, NMFS, and the Regional Board during periods of reduced flow (should they occur). In addition, to ensure beneficial use of water resources to the fullest extent possible and to prevent waste of water, SCWA is required to provide a weekly update to the Deputy Director regarding the current hydrologic conditions of the Russian River watershed. This information will assist the State Water Board in determining whether additional actions are necessary.

5.4 The Proposed Change is in the Public Interest

Approval of this TUCP will help conserve stored water in Lake Mendocino so that it can be released throughout 2014 to maintain instream flows for the benefit and protection of all uses of Russian River water, including the salmonid fisheries in the Russian River. It is in the public interest to preserve these water supplies for these beneficial uses under present hydrological conditions.

To further ensure preservation of Lake Mendocino water supplies in the public interest, SCWA was required, pursuant to a State Water Board order dated May 1, 2013, to prepare a long-term reliability evaluation of the Lake Mendocino water supply (Term 17). The evaluation requires coordination with the water users and land use planners in the upper Russian River from Lake Mendocino to the confluence of the Russian River with Dry Creek. The final evaluation report will include an analysis of potential impacts to reservoir storage from future potential changes in land use as well as climate change. The report is due to the State Water Board by December 31, 2014. Currently, SCWA is preparing the interim status report that is due on December 31, 2013. In addition and notwithstanding the fact that the TUCP does not request changes to the requirements for instream flows on the lower Russian River or Dry Creek, SCWA 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 SBx7-7. Imposing additional conservation requirements on SCWA and its water contractors is unnecessary at this time because SCWA's diversions during the effective period of the change will be supported primarily by water released from storage in Lake Sonoma. As described above, SCWA has requested no changes to the hydrologic index definitions as they apply to the lower Russian River or Dry Creek. Therefore, reducing SCWA's demand will not alleviate low storage conditions in Lake Mendocino.

6.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1435.

I conclude that, based on the available evidence:

1. The permittee has an urgent need to make the proposed change;
2. The petitioned change will not operate to the injury of any other lawful user of water;
3. The petitioned change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and,
4. The petitioned change, with the modifications described above, is in the public interest.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the Petition filed by Sonoma County Water Agency (SCWA) for a temporary urgency change in Permit 12947A is approved.

All existing terms and conditions of the subject permit remain in effect, except as temporarily amended by the following provision:

1. From the date of this Order until June 29, 2014, the minimum instream flow requirements for the upper Russian River (from its confluence with the East Fork of the Russian River to its confluence with Dry Creek) will be established using a hydrologic index based on water storage in Lake Mendocino. The definitions included in term 20 of Permit 12947A shall be modified as follows as the definitions apply to the upper river:

    a. Dry water supply conditions will exist when storage in Lake Mendocino is less than:

        40,000 acre-feet as of January 1
        59,000 acre-feet as of February 1
        68,000 acre-feet as of March 1
        69,500 acre-feet as of March 16
        71,000 acre-feet as of April 1
        70,000 acre-feet as of April 16
        69,000 acre-feet as of May 1
        67,500 acre-feet as of May 16
        65,000 acre-feet as of June 1

    b. Critical water supply conditions exist when storage in Lake Mendocino is less than:

        31,000 acre-feet as of January 1
        36,000 acre-feet as of February 1
        52,000 acre-feet as of March 1
        53,000 acre-feet as of March 16
        54,000 acre-feet as of April 1
        53,000 acre-feet as of April 16
        52,000 acre-feet as of May 1
        51,000 acre-feet as of May 16
        50,000 acre-feet as of June 1

c. Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.

2. During time periods when the water supply conditions pursuant to the Lake Mendocino storage level index (term 1 of this order) result in lower minimum instream flows than would have been required pursuant to the Lake Pillsbury cumulative inflow index (term 20 of Permit 12947A) SCWA shall consult with NMFS and CDFW every two weeks regarding the need for applicable fisheries monitoring activities on the Upper Russian River or changes to this temporary urgency change order. Upon approval by the Deputy Director, any necessary revisions to the terms and conditions of this order based on consultations with NMFS and CDFW shall be made. SCWA shall submit a summary report of consultation details to the Deputy Director within one week of each consultation meeting.

3. SCWA shall continue ongoing monitoring in coordination with the United States Geological Survey (USGS) at five multi-parameter water quality sonde sites on the Russian River located at Hopland, Diggers Bend in Healdsburg, SCWA river diversion facility at Mirabel, Hacienda Bridge, and Johnson's Beach. Additionally, during time periods when the water supply conditions pursuant to the Lake Mendocino storage level index (term 1 of this order) result in lower minimum instream flows than would have been required pursuant to the Lake Pillsbury cumulative inflow index (term 20 of Permit 12947A) SCWA shall consult with the Regional Board. Upon approval by the Deputy Director, any necessary revisions to the terms and conditions of this order based on Regional Board consultation shall be made. SCWA shall submit a summary report of consultation details to the Deputy Director within one week of each consultation meeting.

4. SCWA shall report to the Deputy Director and the Regional Board on a weekly basis during Dry and Critical water supply periods and a monthly basis during Normal water supply periods regarding the current hydrologic condition of the Russian River system, including current Lake Mendocino reservoir level, the rate of decline for Lake Mendocino, a 16-day cumulative rainfall forecast, current inflow from Potter Valley, and a summary of the water quality data from the five water quality sonde sites.

5. This Order does not authorize any act that results in the taking of a candidate, threatened or endangered species, or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this Order, the permittee shall obtain authorization for an incidental take permit prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency change authorized under this Order.

6. The State Water Board reserves jurisdiction to supervise the temporary urgency change under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

7. SCWA shall immediately notify the State Water Board if any significant change in storage conditions in Lake Mendocino occurs that warrants reconsideration of this Order.

STATE WATER RESOURCES CONTROL BOARD

James W. Kassel

for Barbara Evoy, Deputy Director
Division of Water Rights

Dated: DEC 3 1 2013