

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

**DIVISION OF WATER RIGHTS**

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**In the Matter of Permits 12947A, 12949, 12950, and 16596  
(Applications 12919A, 15736, 15737, and 19351)**

**Sonoma County Water Agency**

**ORDER APPROVING TEMPORARY URGENCY CHANGE**

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SOURCE: Dry Creek, Russian River, and East Fork Russian River

COUNTIES: Sonoma and Mendocino Counties

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BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

**1.0 SUBSTANCE OF TEMPORARY URGENCY CHANGE PETITION**

On April 27, 2023, Sonoma County Water Agency (Sonoma Water) filed Temporary Urgency Change Petitions (TUCPs) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting approval of changes to the subject permits pursuant to Water Code section 1435. The TUCPs request modification to State Water Board Decision 1610 (Decision 1610). Specifically, Sonoma Water requests modifications to Russian River minimum instream flow requirements due to operational constraints placed on Sonoma Water pursuant to the September 24, 2008, National Marine Fisheries Service (NMFS) Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance (2008 Biological Opinion) conducted by the U.S. Army Corps of Engineers (USACE), Sonoma Water, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed. The requested changes to Decision 1610 minimum instream flows are as follows:<sup>1</sup>

- From May 1 through October 15, 2023, reduce instream flow requirements for the upper Russian River<sup>2</sup> from 185 cubic feet per second (cfs) to 125 cfs.

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<sup>1</sup> No changes to the instream flow requirements for Dry Creek are requested pursuant to the TUCPs.

<sup>2</sup> The upper Russian River refers to the Russian River from its confluence with the East Fork of the Russian River to its confluence with Dry Creek.

- From May 1 through October 15, 2023, reduce instream flow requirements for the lower Russian River<sup>3</sup> from 125 cfs to 70 cfs.

Sonoma Water also requested that the minimum instream flow requirement for the Russian River be implemented as a 5 -day running average of average daily stream flow measurements, with the stipulation that instantaneous stream flows will be no less than 110 cfs on the upper Russian River and no less than 60 cfs on the lower Russian River.

The requested modifications will allow Sonoma Water to manage stream flows with a smaller operational buffer, thereby facilitating the attainment of the flow conditions that the 2008 Biological Opinion has concluded are conducive to the enhancement of salmonid habitat. The TUCPs also request changes to specific terms in Sonoma Water's permits, which are described in the next section.

## **2.0 BACKGROUND**

### **2.1 Sonoma Water's Water Right Permits**

The TUCPs involve the following water right permits held by Sonoma Water:

- Permit 12947A (Application 12919A), which authorizes direct diversion of 92 cfs from the East Fork Russian River and storage of 122,500 acre-feet (af) per year in Lake Mendocino from January 1 through December 31 of each year;
- Permit 12949 (Application 15736), which authorizes direct diversion of 20 cfs from the Russian River from January 1 through December 31 of each year;
- Permit 12950 (Application 15737), which authorizes direct diversion of 60 cfs from the Russian River from April 1 through September 30 of each year; and
- Permit 16596 (Application 19351), which authorizes direct diversion of 180 cfs from the Russian River from January 1 to December 31 of each year and storage of 245,000 af per year in Lake Sonoma from Dry Creek from October 1 of each year to May 1 of the succeeding year.

### **2.2 Requirements of State Water Board Decision 1610**

Sonoma Water controls and coordinates water supply releases from Lake Mendocino (Coyote Valley Dam) and Lake Sonoma (Warm Springs Dam) to implement the minimum instream flow requirements in Decision 1610. Decision 1610 set minimum instream flows in the Russian River to "preserve the fishery and recreation in the river and in Lake Mendocino to the greatest extent possible while serving the needs of the agricultural, municipal, domestic, and industrial uses which are dependent upon the water." (Decision 1610, p. 21.)

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<sup>3</sup> The lower Russian River refers to the Russian River downstream of its confluence with Dry Creek to the Pacific Ocean.

Decision 1610 established water year classifications of *Normal*, *Dry*, and *Critical*, which are based on cumulative inflow into Lake Pillsbury (in the adjacent Eel River Watershed) beginning October 1 of each year.<sup>4</sup> Decision 1610 further identifies two variations of the *Normal* water supply condition, *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 and Lake Mendocino on May 31 is unusually low.

From October 1, 2022 to April 13, 2023, the cumulative inflow into Lake Pillsbury was 526,105 af. Pursuant to Decision 1610, the water supply condition would be categorized as *Normal* for the remainder of the year. As such, the following conditions are required pursuant to Decision 1610:

- Term 20 of Permit 12947A requires Sonoma Water to pass through or release from storage at Lake Mendocino sufficient water to maintain instream flows of 185 cfs for the upper Russian River and 125 cfs for the lower Russian River.
- Term 17 of both Permits 12949 and 12950 requires Sonoma Water to allow sufficient water to bypass the points of diversion on the Russian River to maintain 125 cfs to the Pacific Ocean.
- Term 13 of Permit 16596 requires Sonoma Water to maintain 125 cfs in the lower Russian River unless the water level in Lake Sonoma is below elevation 292.0 feet with reference to the National Geodetic Vertical Datum of 1929, or unless federally prohibited by the United States Government.

### **2.3 2008 Biological Opinion**

Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*), CCC coho salmon (*O. kisutch*), and Central Coast (CC) Chinook salmon (*O. tshawytscha*) in the Russian River Watershed are listed as threatened or endangered species under the federal Endangered Species Act (16 U.S.C § 1531 et seq.). In accordance with the requirements of section 7 of the federal Endangered Species Act (16 U.S.C. § 1536), NMFS, Sonoma Water, and the USACE participated in a consultation process involving studies to determine whether the water supply, flood control, and channel maintenance operations of the Russian River, including the operations authorized under the subject permits, are likely to harm the survival and recovery of these listed fish species. The 2008 Biological Opinion includes summaries of the studies, analyses of the project impacts, and a determination that summer flows in the Upper Russian River and Dry Creek, as required by Decision 1610, are too high for optimal juvenile salmonid habitat within the Russian River system. According to the 2008 Biological Opinion, two types of issues are associated with the summer flows required by Decision 1610<sup>5</sup>: (1) the flows create current velocities that limit

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<sup>4</sup> Permits 12947A, 12949, 12950, and 16596 use the same water-year classification definitions. (Decision 1610, pp. 47-48, 53, 57-58, 60.)

<sup>5</sup> The 2008 Biological Opinion focused on the flows required by Decision 1610 under *Normal* water year types. No changes to the flows for *Critical* water year types under

the amount of freshwater rearing habitat available to salmonids; and (2) the flow release requirements deplete the cold water pool in Lake Mendocino, contributing to relatively high water temperatures, which reduce the quality of available rearing habitat.

The 2008 Biological Opinion sets limits on releases from Lake Mendocino and Lake Sonoma during the summer months to maintain suitable habitat for CCC steelhead, CCC coho salmon, and CC Chinook salmon and avoid take under the Endangered Species Act. These limitations are relevant to the TUCPs because the limitations on higher releases from Lake Sonoma restrict Sonoma Water's ability to release additional water from Lake Sonoma to offset reduced releases from Lake Mendocino and maintain instream flows in the Lower Russian River. The Incidental Take Statement from the 2008 Biological Opinion set limits on how many months from June through October Sonoma Water may operate a monthly median daily release above 105 cfs from Lake Sonoma. These criteria are set to avoid jeopardizing listed salmonids and their habitat in Dry Creek. The 2008 Biological Opinion establishes four tiers of Incidental Take Allowance for reservoir releases from Lake Sonoma based on monthly median daily release in June through October in the first 12 years in which the 2008 Biological Opinion is effective.<sup>6</sup>

### **3.0 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The State Water Board must comply with any applicable requirements of the California Environmental Quality Act (CEQA) prior to issuance of any order approving a TUCP. (Cal. Code Regs., tit. 23, § 805.) Sonoma Water determined that the requested change is categorically exempt under CEQA as the change meets the Class 1, 7, and 8 exemption criteria. Sonoma Water filed a Notice of Exemption on April 25, 2023. The State Water Board has reviewed the information submitted by Sonoma Water and has made its own independent finding that the requested changes are categorically exempt from CEQA.

The changes sought by the TUCPs are consistent with the following Categorical CEQA exemptions for the following reasons:

- 1) A Class 1 categorical exemption "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." (Cal. Code Regs., tit. 14,

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Decision 1610 were recommended. By letters dated May 27, 2021 and June 2, 2021, respectively, NMFS and CDFW reiterated their support for the need to maintain the flows required in *Critical* water year types.

<sup>6</sup> Sonoma County continues to operate within these Incidental Take Statement "Allowance Tiers" despite the first 12 years of the 2008 Biological Opinion having passed. The Dry Creek Habitat Enhancement projects have not yet been completed as assumed in the 2008 Biological Opinion to support increasing releases and flows in year 13, and Sonoma Water has not yet expended its exceedance allowances.

- § 15301.) 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. The proposed action will be within the range of minimum instream flows established by Decision 1610.
- 2) A Class 7 categorical 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.) The proposed action will ensure the maintenance of a natural resource (i.e., the instream resources of the Russian River) by increasing availability and improving the quality of salmonid rearing habitat in the Russian River and more closely mimicking natural inflow to the estuary, thereby enhancing the potential for maintaining a seasonal freshwater lagoon that could support increased production of juvenile steelhead. Accordingly, these changes are categorically exempt from CEQA pursuant to a Class 7 exemption.
  - 3) A Class 8 categorical 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 ensure the maintenance of the environment (i.e., the instream environment of the Russian River) in the same way as stated for the Class 7 categorical exemption, and the proposed temporary changes are also therefore categorically exempt under Class 8.

#### **4.0 PROCEDURAL REQUIREMENTS CONCERNING THE TEMPORARY URGENCY CHANGE PETITION**

On April 28, 2023, the State Water Board issued and delivered to Sonoma Water a notice of the temporary urgency change order pursuant to Water Code section 1438, subdivision (a). Objections to Sonoma Water’s TUCPs were due by May 15, 2023. Pursuant to Water Code section 1438, subdivision (b)(1), Sonoma Water 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 within 20 days from the date of issuance of the notice by the State Water Board. Sonoma Water published the notice in *Ukiah Daily Journal* and *The Press Democrat* on May 4, 2023. In addition, the State Water Board posted the notice of the temporary urgency change order on its website and distributed the notice through its electronic notification system.

Any interested person may file an objection to a temporary urgency change. (*Id.*, subd. (d).) The State Water Board must promptly consider the objection and may hold a hearing on any objection. (*Id.*, subd. (e).) The State Water Board exercises continuing supervision over temporary urgency change orders and may modify or revoke temporary urgency change orders at any time. (Wat. Code, §§ 1439, 1440.) Temporary urgency changes automatically expire 180 days from the date the authorization takes effect, unless revoked

or an earlier expiration date is specified. (*Id.*, § 1440.) The State Water Board may renew temporary urgency change orders for a period not to exceed 180 days. (*Id.*, § 1441.)

The State Water Board received one letter in support of the TUCPs from NMFS, and one comment letter from Russian River Keeper (RRK).

NMFS encourages immediate implementation of the Sonoma Water TUCP to protect listed salmonids in the Russian River. The letter of support requests that the terms and conditions of the 2019 Sonoma Water TUCP Order be incorporated to minimize and monitor potential impacts to listed salmonids. In addition, NMFS supports Sonoma Water's recommendation that the flows at the United States Geological Survey (USGS) Hacienda gauge referenced in Term 2 of this Order be changed from 135 cfs to 110 cfs to be consistent with flows described in recent TUCP Orders.

RRK's comments expand on those previously submitted for the 2020, 2021 and 2022 Sonoma Water TUCPs. RRK recommends the State Water Board take all measures within its authority to preserve Russian River flows. RRK expresses concern over climate change-related impacts and ensuring effective management strategies are utilized to respond to changing conditions. RRK also asserts that PG&E is increasingly providing information on what decommissioning of the Potter Valley Project will look like, and that information should be used to aid in planning for the future. RRK also recommends proactive actions be taken to close data gaps by identifying accurate, real-time demands in the watershed.

## **5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE**

Water Code section 1435 provides that a right holder who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the water right 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 TUCP, the State Water Board must make the following findings: (1) the right holder 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).)

A temporary change order does not result in the creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation in the discretion of the State Water Board. (Wat. Code, § 1440.)

### **5.1 Urgency of the Proposed Change**

Under Water Code section 1435(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 . . . .” The changes requested by Sonoma Water for conformance with the 2008 Biological Opinion would improve habitat for listed salmonids by reducing flows and enabling increased storage for later fishery use, without unreasonable effects on other beneficial uses. Moreover, given the status of salmonids under the federal Endangered Species Act, there is a need for prompt action. In this case, there has been an extensive analysis of the needs of the fishery and experts have agreed that instream flows appear to be too high. The change will not affect the ability of Sonoma Water to deliver water for approved beneficial uses in its service area.

### **5.2 No Injury to Any Other Lawful User of Water**

Under Decision 1610 and the terms and conditions of its associated water rights permits, Sonoma Water is required to maintain specified flows in the Russian River from its most upstream point of diversion to the Russian River’s confluence with the Pacific Ocean. Therefore, because 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 that they are legally entitled to during the period specified in this temporary urgency change order. Other legal users of water will not be injured by reduction in releases of previously stored water because water released from storage is not available for diversion by downstream users with an independent basis of right. (See, e.g., *North Kern Water Storage Dist. v. Kern Delta Water Dist.* (2007) 147 Cal.App.4th 555, 570 [when the stored water is released for use, it is not part of the river’s natural flow and redirection of this water does not count toward the appropriator’s current allocation of river water]; *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th 674, 737-745 [a riparian or appropriator has no legally protected interest in other appropriators’ stored water or in the continuation of releases of stored water].)

Based on the information available, granting the TUCPs will not result in injury to any other lawful user of water. Pursuant to Water Code section 1439, the State Water Board will supervise diversion and use of water under this temporary urgency 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**

Prior to approval of a TUCP, the State Water Board must find that the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses. In addition, the State Water Board has an independent obligation to consider the effect of approval of Sonoma Water’s petitions on public trust resources and to protect those resources to the extent feasible and in the public interest. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.) Public trust resources may include, but are not limited to, wildlife, fish, aquatic habitat, and recreation in navigable waterways, as well as fisheries located in non-navigable waterways. It is also the policy of this state that

all state agencies, boards, and commissions shall seek to conserve endangered species and threatened species and shall use their authority in furtherance of the purposes of the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). State agencies should not approve projects that would jeopardize the continued existence of any endangered species or threatened species if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat that would prevent jeopardy. (Fish & G. Code, §§ 2053 & 2055.

The TUCPs are based upon the analysis contained in the 2008 Biological Opinion, which was issued primarily for improving conditions for fishery resources in the Russian River. Improved conditions that result from the temporary urgency changes are threefold. First, the reduction in minimum instream flows will result in improved salmonid rearing habitat in the Russian River. Secondly, reducing instream flows will result in conservation of a cold water pool in Lake Mendocino which would allow for cooler water temperatures in the upper Russian River, improved freshwater rearing habitat quality, and enhanced management of the flows in early fall for the benefit of fish migration. Thirdly, the reduction in minimum flow requirements may encourage formation of a closed or perched lagoon at the mouth of the Russian River and therefore enhance estuarine rearing habitat for salmonids.

With the conditions imposed by this Order, including regular monitoring and reporting of conditions by Sonoma Water, the State Water Board finds that granting the proposed temporary changes will not have an unreasonable effect on fish, wildlife, or other instream beneficial uses and public trust resources will be protected to the extent feasible and in the public interest. The State Water Board will continue to evaluate conditions in the watershed throughout the duration of this Order and consider other actions that may further the protection of fish, wildlife, and other instream beneficial uses.

It is possible that reduced flows in the Russian River could impair some instream beneficial uses, principally recreational uses. However, since 2004, Russian River flows have frequently been managed at decreased levels, both under Decision 1610 and under other temporary urgency change orders. Although recreational uses may be minimally affected by flow reductions, given the analysis in the 2008 Biological Opinion and the potential impacts to fisheries that could occur if the temporary changes are not approved, any impact on recreation for this summer would be reasonable under the circumstances and with the operational buffer flows made by Sonoma Water.



#### **5.4 The Proposed Change is in the Public Interest**

As discussed above, the sole purpose of the TUCPs is to improve conditions for listed salmonids in the Russian River. Approval of the request to temporarily reduce minimum instream flows to benefit the fishery will also maintain storage levels in Lake Mendocino for a longer period of time so that water is available in the fall for fisheries purposes.

#### **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 right holder, Sonoma Water, has an urgent need to make the proposed changes;
2. The proposed changes will not operate to the injury of any other lawful user of water;
3. The proposed changes will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed changes are in the public interest.

## ORDER

**NOW, THEREFORE, IT IS ORDERED THAT:** the petitions filed by Sonoma County Water Agency (Sonoma Water) for temporary urgency changes in Permits 12947A, 12949, 12950, and 16596 are approved and effective from the date of this Order until October 15, 2023.

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

1. The minimum instream flow requirements in the Russian River, as specified in Term 20 of Permit 12947A, Term 17 of Permits 12949 and 12950, and Term 13 of Permit 16596, shall be modified as follows:
  - a. Minimum instream flow in the upper Russian River shall remain at or above 125 cubic feet per second (cfs);
  - b. Minimum instream flow in the lower Russian River shall remain at or above 70 cfs.

For purposes of compliance with this term, the minimum instream flow requirements shall be measured based on a 5-day running average of average daily stream flow measurements, provided that instantaneous flows shall be no less than 110 cfs in the upper Russian River and no less than 60 cfs in the lower Russian River.

2. Sonoma Water shall conduct the following fisheries monitoring tasks and associated recording and reporting requirements. A summary report of the fisheries monitoring tasks described below shall be submitted to the Deputy Director for Water Rights by April 1, 2024, in accordance with the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) annual reporting requirements as more fully described in the Biological Opinion.
  - a. Beginning no later than September 1, 2023, and continuing through the duration of this Order, Sonoma Water shall monitor and record daily numbers of adult salmon and steelhead moving upstream past the Mirabel fish ladder. Mirabel fish ladder numbers shall be provided every two weeks in accordance with Term 6.
  - b. Beginning October 1, 2023, if adult salmon and steelhead can enter the Russian River estuary and suitable water clarity allows snorkel surveys, Sonoma Water shall monitor numbers of adult salmon and steelhead in representative deep pools in the lower Russian River downstream of the Mirabel inflatable dam. Monitoring shall occur on a weekly basis continuing through the duration of this Order or until sustained flows at the United States Geological Survey (USGS) gage at Hacienda (No.11467000) are above 110 cfs.

- c. Prior to October 15, 2023, or after a cumulative seasonal total of 100 adult salmon and steelhead move upstream past the counting station at the Mirabel fish ladder, whichever is earlier, Sonoma Water shall consult with NMFS and CDFW regarding the possibility of increasing the instream flow at the gage at Hacienda to a level not to exceed 110 cfs. Consultations shall occur every two weeks and a summary report of consultation details and any increases to the minimum flows shall be submitted to the Deputy Director for Water Rights within one week of each consultation meeting.

Sonoma Water shall consult with NMFS and CDFW regarding any necessary revisions to this term. A summary report of consultation details shall be submitted to the Deputy Director for Water Rights within one week of any consultation meeting. Upon consultation with NMFS and CDFW, any necessary revisions to this term shall be made upon approval by the Deputy Director for Water Rights.

3. Monitoring shall be conducted to determine the effects on water quality and availability of aquatic habitat for salmonids. Monitoring in the Russian River shall include continuous monitoring at multiple stations from Ukiah to Jenner as described below for the duration of this Order.
  - a. Monitoring on the East Fork Russian River shall occur at a seasonal water quality data sonde located approximately 1/3 mile (0.33 mi) downstream from Lake Mendocino, and Sonoma Water shall record hourly measurements of water temperature, dissolved oxygen, specific conductivity, pH, and turbidity.
  - b. Monitoring on the Russian River shall occur at three, multi-parameter “permanent” water quality data sondes at USGS stream gages located at Hopland, Diggers Bend near Healdsburg, and Hacienda Bridge. These three data sondes are referred to as “permanent” as they are maintained as part of Sonoma Water’s early warning detection system in coordination with USGS. All three stations shall record measurements of water temperature, dissolved oxygen, specific conductivity, pH, and turbidity every fifteen (15) minutes. These data are available on the USGS “Current Water Data for California” website.
  - c. Monitoring on the Russian River shall occur at four seasonal data sondes in cooperation with USGS at USGS gages at East Fork near Calpella (upstream of Lake Mendocino), Cloverdale station (north of Cloverdale at Commisky Station Road) and Jimtown (at the Alexander Valley Road bridge); and at a Sonoma Water maintained station at Johnson’s Beach (Guerneville). The data sonde at the Cloverdale gage collects dissolved oxygen and temperature, and the data sonde at the Calpella, Hopland, and Jimtown gages and at Johnson’s Beach collect pH, water temperature, dissolved oxygen, specific conductivity, and turbidity. All seasonal data sonde stations record measurements every fifteen (15) minutes. With the exception of the Johnson’s Beach station, these data are available on the USGS “Current Water Data for California” website.

Sonoma Water shall consult with the North Coast Regional Water Quality Control Board (North Coast Water Board) regarding any necessary revisions to this term. A summary report of consultation details shall be submitted to the Deputy Director for Water Rights and the Executive Officer of the North Coast Water Board within one week of any consultation. Any necessary revisions to the terms and conditions shall be made upon approval by the Deputy Director for Water Rights.

4. Monitoring in the Russian River and its estuary shall include monitoring to contribute to the assessment of water quality indicators and water column conditions for the purpose of assisting in the evaluation of cyanoHAB conditions and the risk co-factors contributing to nuisance blooms (e.g., flow, temperature, nutrients, etc.). The monitoring shall be conducted in accordance with the "Water Quality Monitoring Plan for the Russian River Estuary Management Project" to be developed by July 12, 2023, in consultation with the North Coast Water Board. Right holder shall submit a copy of the final plan to the Deputy Director for Water Rights and the Executive Officer of the North Coast Water Board within two weeks of its completion.

Sonoma Water shall consult with the North Coast Water Board regarding any necessary revisions to this term by July 12, 2023. A summary report of consultation details shall be submitted to the Deputy Director for Water Rights within one week of any consultation. Any necessary revisions to this term shall be made upon approval by the Deputy Director for Water Rights.

5. Sonoma Water shall provide reports of the water quality monitoring tasks as described below:
  - a. Summary data from the permanent water quality data sondes required in Term 3 and the nutrient/bacterial/algal sampling data obtained in accordance with Term 4 (as data becomes available) shall be submitted to the Deputy Director for Water Rights and the Executive Officer of the North Coast Water Board in the weekly hydrologic status report required in Term 6.
  - b. All water quality data collected pursuant to Terms 3 and 4 during the term of this Order shall be summarized. The summary report shall include an evaluation of whether, and to what extent, the reduced flows authorized by the Order caused any impacts to water quality, including any water quality impacts affecting recreation or the availability of aquatic habitat for salmonids. The report shall be submitted to the Deputy Director for Water Rights and the Executive Officer of the North Coast Water Board by April 1, 2024.
  - c. If any water quality issues of concern are observed from the continuous monitoring or water sampling after June 15, 2023, Sonoma Water or the North Coast Water Board may initiate additional consultation. Sonoma Water shall submit a summary report of consultation details to the Deputy Director for Water Rights within one week of each consultation meeting. If no additional consultation is necessary, Sonoma Water shall submit an

explanation to the Deputy Director for Water Rights within one week after the conclusion of the effective period of this Order. Upon consultation with the North Coast Water Board, any necessary revisions to Terms 3 or 4 shall be made upon approval by the Deputy Director for Water Rights.

6. Sonoma Water shall report to the Deputy Director for Water Rights, the Executive Officer of the North Coast Water Board, the Environmental Program Manager of CDFW, and the Supervisory Fish Biologist of NMFS on a biweekly basis regarding the current hydrologic condition of the Russian River system, including current reservoir levels and the rate of decline for Lake Mendocino, Lake Pillsbury, and Lake Sonoma; a 16 -day cumulative rainfall forecast; current inflow from the Potter Valley Project; and a summary of the available water quality data, including bacteria indicators. Fish counts shall be reported every two weeks. Sonoma Water shall also make each report available on a publicly accessible website.
7. 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 et seq.) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 et seq.). If a “take” will result from any act authorized under this Order, Sonoma Water shall obtain authorization for an incidental take permit prior to operation of the project. Sonoma Water shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency changes authorized under this Order.
8. The State Water Resources Control Board reserves jurisdiction to supervise the temporary urgency changes 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.
9. Sonoma Water shall immediately notify the Deputy Director for Water Rights if any significant change in storage conditions in Lake Mendocino occurs that warrants reconsideration of this Order.
10. Sonoma Water shall continue to conduct the activities described in Planning and Management Terms of the March 21, 2022 Memorandum of Understanding Concerning Lake Mendocino Storage Planning and Russian River Management (MOU). Projections of Lake Mendocino storage and the amounts of stored water be available for the uses described in items (A) through (D) of Section 1.3 shall be provided to the Deputy Director for Water Rights by March 1, 2024.
11. Based upon the methodology for characterizing Lake Mendocino and Lake Sonoma water inflows, releases, and rediversions developed pursuant to Condition 11 of the State Water Board’s TUCP order dated February 4, 2021, and Condition 12 of the State Water Board’s TUCP order dated June 14, 2021, Sonoma Water shall maintain a spreadsheet of daily average release rates and characterization of those releases. Sonoma Water shall make the spreadsheet available to State Water

Board staff within five days of being requested and shall include the spreadsheet as an attachment to Sonoma Water's annual Progress Report by Permittee for Permits 12947A, 12949, 12950 and 16596. Sonoma Water shall implement any amendments to either methodology requested by the Deputy Director within 15 days of the request.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Erik Ekdahl, Deputy Director*  
*Division of Water Rights*

Dated: MAY 19 2023