

CF/42-0-9.1 SWRCB Modifying the Minimum
Instream Flow Requirements (Applications
12919A, 15736, 15737 and 19351) (ID 2441)

July 22, 2016

Dear WAC and TAC Members:

During the late 1990's, the Sonoma County Water Agency (Water Agency) was pursuing the Water Supply and Transmission System Project (WSTSP). If the WSTSP had been approved and the necessary WSTSP facilities had been constructed, then the Water Agency could have increased its diversions of water from the Russian River at its Wohler and Mirabel Intake Facilities from the currently authorized instantaneous limit of 180 cubic-feet per second (cfs) and annual limit of 75,000 acre-feet per year (af/yr) up to new limits of 252 cfs and 101,000 af/yr.

In 1999, the Water Agency filed with the State Water Resources Control Board (SWRCB) petitions to change its water right permits and an application for a new water right permit for the additional diversions that would have occurred with the WSTSP. These petitions also asked the SWRCB to extend the 1999 deadline in the Water Agency's permits for applying water to beneficial use to 2020.

Since 2000, the Water Agency and its contractors have taken numerous water conservation actions and developed additional recycled water and groundwater supplies. As a result, they have not had to incur the very substantial expenses that would have been necessary to construct the proposed WSTSP facilities. Demands on the water transmission system currently are well below the 180 cfs and 75,000 af/yr limits, and demands are not projected to reach these limits until about 2035.

In September 2008, the National Marine Fisheries Service (NMFS) issued the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the 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* (Biological Opinion). Among other things, the Biological Opinion directs the Water Agency to seek permanent changes to the Water Agency's water right permits such that minimum stream flows will be reduced in the mainstem Russian River and Dry Creek to promote goals of enhancing salmonid rearing habitat. In 2009, the Water Agency filed petitions to modify the minimum instream flow requirements in its water right permits, as required by the Biological Opinion.

Because the Water Agency and its contractors have decided not to pursue construction of the WSTSP facilities at this time or in the foreseeable future, and because the Water Agency's projected Russian River diversions will remain below the 180 cfs and 75,000 af/yr limits until about 2035, it no longer is appropriate for the Water Agency to pursue the 1999 water right change petitions and application. Also, discussions among representatives of the Water Agency, NMFS and the California Department of Fish

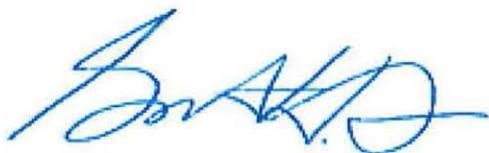
and Wildlife, as well as analyses conducted by the Water Agency, have resulted in new proposed minimum instream flow requirements and a new hydrologic index.

For these reasons, the Water Agency has prepared new water right change petitions that will request the SWRCB to change the beneficial-use deadline in the Water Agency's permits to 2040, the minimum instream flow requirements in the permits to the new proposed requirements, and the method by which the water supply conditions in the watershed are characterized with a new hydrologic index. When the Water Agency files these petitions, it will ask the SWRCB to cancel the 1999 petitions and application and the 2009 petition.

On February 2, 2010, the Water Agency adopted Resolution No. 10-0085 , which, among other things, directed Sonoma County Counsel and the Water Agency's General Manager to give at least 15 days' advance notice to members of the Water Advisory Committee and the Technical Advisory Committee before the Water Agency withdraws or modifies the 1999 water right application and petitions. This letter provides that notice. As required by the resolution, County Counsel and the Water Agency will designate appropriate staff to meet with you or your staff to discuss this plan, if you so request.

The Water Agency will continue to meet its obligations under the Restructured Agreement for Water Supply. Specifically, the Water Agency will continue to work with all of you and the Water Agency's other customers to develop updated water demand estimates every five years, as required when the Water Agency prepares its Urban Water Management Plans, and the Water Agency will continue to use its best efforts to obtain, perfect and maintain the appropriate rights that are necessary so that the Water Agency can meet its delivery obligations provided for in the agreement.

Sincerely,



Grant Davis
General Manager

c: Sonoma County Water Agency Board of Directors
P. Jeane, J. Jasperse – Sonoma County Water Agency
C. O'Donnell, A. Brand - Sonoma County Counsel
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