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

DIVISION OF WATER RIGHTS

ORDER WR 2009-0027-DWR

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

Sonoma County Water Agency

SOURCES: Dry Creek and Russian River

COUNTIES: Sonoma and Mendocino Counties

ORDER APPROVING TEMPORARY URGENCY CHANGE IN PERMITS 12947A, 12949, 12950, AND 16596

1.0 SUBSTANCE OF PETITION

On April 6, 2009, Sonoma County Water Agency (SCWA) filed a petition with the State Water Resources Control Board (State Water Board) requesting approval of a Temporary Urgency Change to the subject permits pursuant to California Water Code section 1435. The petition requests the following temporary reductions to the Russian River instream flow requirements:

(1) From April 6 through June 30, 2009, 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) be reduced from 185 cubic feet per second (cfs) to 75 cfs, and the requirements for the lower Russian River (downstream of its confluence with Dry Creek) be reduced from 125 cfs to 85 cfs; and

(2) From July 1 through October 2, 2009, instream flow requirements for the upper Russian River be reduced from 185 cfs to 75 cfs, and the requirements for the lower Russian River be reduced from 125 cfs to 85 cfs, if during the period from April 1 through June 30 total inflow to Lake Mendocino is greater than 25,000 acre feet; or

(3) From July 1 through October 2, 2009, instream flow requirements be further reduced to 25 cfs for upper Russian River and 35 cfs for the lower Russian River, if during the period from April 1 through June 30 total inflow to Lake Mendocino is less than or equal to 25,000 acre feet.

The petition, in effect, requests that minimum flows for the Russian River be established based on dry-year criteria for the period from April 6 to October 2, 2009 and critical year criteria for the period from July 1 to October 2, 2009 in the event that cumulative inflow to Lake Mendocino is less than or equal to 25,000 acre feet from April 1 through June 30. No changes to the instream flow requirements for Dry Creek are requested. The request is made to prevent depletion of storage in Lake Mendocino which would severely impact threatened or endangered Russian River fish species, create serious water supply impacts in Mendocino County and in Sonoma County's Alexander Valley, and harm Lake Mendocino and Russian River recreation.

2.0 BACKGROUND

SCWA's petition involves the following permits:

- 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.

- Permit 12949 is for direct diversion of 20 cfs year-round from the Russian River at the Wohler and Mirabel Park Intakes near Forestville.

- Permit 12950 is for direct diversion of 60 cfs from the Russian River at the Wohler and Mirabel Park Intakes from April 1 through September 30 of each year.

- Permit 16596 is for year-round direct diversion of 180 cfs from the Russian River and storage of 245,000 afa in Lake Sonoma from October 1 of each year to May 1 of the succeeding year.

SCWA submitted with the petition a document prepared by its staff titled, "Hydrologic Analysis of Lake Mendocino Storage Under Dry 2009 Conditions" (Hydrologic Analysis) dated April 2009. The Hydrologic Analysis indicates that projections for Lake Mendocino water levels in 2009 are far more severe than they were in water year 2007, the last time the State Water Board approved a temporary urgency change reducing the Russian River instream flow requirements. As of April 1, 2009, storage level in Lake Mendocino was approximately 53,000 acre-feet. This is roughly 20,000 acre-feet less than Lake Mendocino storage was in 2007 at this time. During water years 2002, 2004, and 2007 hydrologic conditions in the Eel River and Russian River watersheds caused Lake Mendocino storage levels to decline to dangerously low levels by the end of the dry season. Recreation at Lake Mendocino was severely impaired, and serious risks existed for water supply and state and federally listed Russian River salmonid fishery resources, particularly adult Chinook salmon. The storage levels in Lake Mendocino dropped to a low of 24,400 acre-feet in December 2002. Water year 2004 and 2007 presented similar risks that were mitigated by SCWA filing for, and the State Water Board approving, a temporary urgency change petition that reduced the minimum instream flow requirements on the Russian River, thereby allowing more water to remain in Lake Mendocino for a longer period of time.

In June 2004, the Federal Energy Regulatory Commission directed Pacific Gas and Electric Company to reduce the amount of water diverted through the Potter Valley Project (PVP) tunnel into the Russian River, further reducing inflow to Lake Mendocino. Since October 2008, approximately 27,000 acre-feet less water has flowed through the PVP tunnel and into Lake Mendocino than during the same period during water year 2007, the last time the State Water Board approved a Temporary Urgency Change to reduce the Russian River instream flow requirements.

Without the requested reductions in the instream flow requirements, Lake Mendocino storage is predicted to drop to 10,000 acre-feet by mid August 2009 and go dry by the end of September according to SCWA's Hydrologic Analysis. Lake Mendocino has never dropped below 12,000 af since it was first filled in 1959, and it is uncertain whether water could continue to be released from Lake Mendocino into the East Fork Russian River if lake storage were to drop to 10,000 af. If water cannot be released from Lake Mendocino during October and November 2009, there most likely will be severe impacts on the fishery and recreation resources that depend on the upper Russian River, and on water users that rely on the upper Russian River for their water supplies. On March 23, 2009 the Mendocino County Board of Supervisors declared a local emergency and imminent threat of disaster due to drought conditions.

Following is the language contained in SCWA's permits regarding minimum instream flow requirements:

Term 18 of SCWA's Permit 12947A states:

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.

Term 15 of both Permit 12949 and Permit 12950 require SCWA to allow sufficient water to bypass the points of diversion at the Wohler and Mirabel Park Intakes on the Russian River to maintain the following minimum flows to the Pacific Ocean:

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

Term 13 of Permit 16596 sets forth the following minimum flows for Dry Creek and the Russian River:

(A) The following minimum flows in Dry Creek between Warm Springs Dam and its confluence with the Russian River:

(1) During normal water supply conditions:

75 cfs from January 1 through April 30
80 cfs from May 1 through October 31
105 cfs from November 1 through December 30

(2) During dry or critical water supply conditions:

25 cfs from April 1 through October 31
75 cfs from November 1 through March 31

(B) The following minimum flows in the Russian River between its confluence with Dry Creek and the Pacific Ocean, 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 prohibited by the United States Government:

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

Note: Permits 12949, 12950, and 16596 use the same water-year classification definitions as those listed in Permit 12947A. The water year classifications (Normal, Dry or Critically Dry) were established in State Water Board Decision 1610 (D1610) and are based on cumulative inflow into Lake Pillsbury beginning October 1. Although Lake Mendocino storage is unusually low, cumulative inflow into Lake Pillsbury during this water year has been sufficiently high that, under D1610, 2009 is currently classified as a *Normal* year and will likely retain this classification for the remainder 2009.

3.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The State Water Board, Division of Water Rights has determined that the petition qualifies for an exemption under CEQA. 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.) The proposed action will assure the maintenance of a natural resource, i.e., the instream resources of the Russian River. 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." (*Id.*, § 15308.) The proposed action will assure the maintenance of the environment, i.e., the instream environment of the Russian River.

On February 27, 2009, Governor Schwarzenegger declared a drought related state of emergency. Additionally, On March 23, 2009 the Mendocino County Board of Supervisors declared a local emergency and imminent threat of disaster due to drought conditions. Storage in Lake Mendocino is extremely low. Information provided by SCWA demonstrates that continued releases of water under normal year operating rules would prematurely drain remaining storage. If storage in Lake Mendocino is depleted, water will not be available to support threatened and endangered species, agriculture, and domestic/municipal water service. Approval of the Temporary Urgency Change Petition is therefore

necessary to prevent and mitigate 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), 21172.)

4.0 PUBLIC NOTICE OF THE 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 also mail the notice to the interested parties who have requested notice of proposed temporary urgency changes and to other known interested parties. The State Water Board will post the notice of the temporary urgency change and a copy of the petition for temporary urgency change (and accompanying materials) on its website.

5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE

Chapter 6.6 of part 2, division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a 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 regulation, at California Code of Regulations, title 23, section 791(e), provides that the State Water Board shall follow as nearly as possible the procedures for changes in point of diversion, place of use, or purpose of use when processing petitions for other types of changes in water right permits and licenses. Accordingly, the procedures under Water Code section 1435 are applicable to changes to terms and conditions of water right permits and licenses.

The State Water Board must make the findings specified in section 1435(b) when issuing a temporary change order pursuant to chapter 6.6. The required findings are:

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, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

5.1 Urgency of the Proposed Change

Under Water Code section 1435 (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. 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 because SCWA predicts full depletion of storage in Lake Mendocino in September 2009 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 threatened. Without the proposed change, SCWA would need to release additional stored water from Lake Mendocino, resulting in a reduction in water

resources needed for fishery protection and more stable flows in the upper Russian River during the fall, when state and federally listed fish species are most sensitive to flows and temperatures. Further, if Water Year 2010 is a dry or critically dry year, extra storage in Lake Mendocino will be crucial for the continued survival of the Russian River fishery and for water supply reliability during 2010.

Water Code Section 106 establishes that the use of water for domestic purposes is the highest use of water. SCWA predicts that without the proposed change Lake Mendocino would be drawn down to levels that jeopardize SCWA'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, SCWA permits include terms requiring a 50 percent reduction in deliveries to the Redwood Valley County Water District when Lake Mendocino storage drops below 30,000 acre feet in order to preserve Lake Mendocino Water Supply reliability. SCWA forecasts indicate that Lake Mendocino Storage would drop below 30,000 acre-feet during June of 2009 unless the Temporary Urgency Change Petition is approved and conservation measures are implemented.

To ensure that the water resources of the State are put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented, this order adds terms requiring SCWA to (1) temporarily reduce diversions from the Russian River by 25 percent; (2) temporarily prohibit irrigation of commercial turf grass within the SCWA service area; (3) submit a plan detailing the actions that will be taken to work with Russian River water users to reach an overall water conservation goal of 25 percent in Sonoma County and 50 percent in Mendocino County during the term of the Order, and (4) submit a report within one year identifying actions SCWA will take to maximize water conservation in its service area. Including these terms as conditions of approval supports the determination that the proposed change will maximize the beneficial use of water resources and prevent the waste of water, and therefore an urgent need for the change exists, as defined by Water Code section 1435 (c).

5.2 No Injury to Any Other Lawful User of Water

The SCWA is 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, it is anticipated that all of the SCWA water contractors and other legal users of water will receive the water to which they are entitled during the reduced flows specified in this Order. Moreover, failure to implement the reduced instream flows could result in depletion of Lake Mendocino, which in turn could give rise to serious impacts to legal users of water downstream of Lake Mendocino later in the year.

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

Although flows downstream from Coyote Dam will be decreased upon approval of SCWA's petition, conservation water in Lake Mendocino will allow enhanced management of the flows in early fall for the benefit of fish migration. Reduced flows in the Russian River may impair instream beneficial uses, including recreation. The potential for impairment to instream beneficial uses, however, is not unreasonable considering the potential impacts to fisheries, water supply, and recreation in Lake Mendocino that could occur if the petition were not approved.

5.4 The Proposed Change is in the Public Interest

The proposed change will help conserve 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. It is in the public interest to preserve water supplies for these beneficial uses when hydrologic circumstances cause dangerous reductions to water supplies.

Approval of SCWA's petition will help SCWA maintain the level in Lake Mendocino for a longer period of time. According to SCWA estimates in its Hydrologic Analysis, if the "normal-year" water releases remain in effect, Lake Mendocino will reach minimum pool by late August 2009 and be completely drained by September. However, SCWA forecasts that Lake Mendocino storage will not drop below 22,000 af

during the remainder of Water Year 2009 if the Temporary Urgency Change Petition is approved and 20% cumulative conservation is achieved.

On September 27, 2006, Governor Schwarzenegger signed Assembly Bill 32, the Global Warming Solutions Act of 2006 (Núñez, Chapter 488, Statutes of 2006). Pursuant to AB 32, the California Air Resources Board adopted a scoping plan December 12, 2008, outlining the State's strategy to achieve greenhouse gas (GHG) emissions limits. The scoping plan recommended implementation of six greenhouse gas reduction measures targeted at the water sector, largely to develop additional supply reliability to meet water demand. These measures include increased water use efficiency, water recycling and urban runoff re-use. In addition to reducing GHG emissions, these measures can have many co-benefits, including enhancing water supply reliability.

On February 27, 2009, Governor Schwarzenegger proclaimed a state of emergency and ordered immediate action to manage the drought crisis. The Governor's proclamation requested that all urban water users immediately increase their water conservation activities in an effort to reduce their individual water use by 20 percent.

Given the severity of water supply conditions in the Russian River Watershed and the Governor's directives to implement water conservation measures, this order adds terms requiring immediate mandatory water conservation and longer-term water conservation planning and reporting, including a plan to reduce residential water waste in the SCWA service area.

Approval of the petition, as conditioned, will be in the public interest and consistent with the overall goals of AB 32 and the Governor's drought emergency proclamation.

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 is in the public interest.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the petition filed by Sonoma County Water Agency for temporary change in Permits 12947A, 12949, 12950, AND 16596 is approved, in part.

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

1. From the date of this Order until October 2, 2009, minimum flows 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:

Minimum instream flow in the **Russian River from its confluence with the East Fork of the Russian River to its confluence with Dry Creek** shall be as follows:

a. From April 6, 2009 through June 30, 2009, minimum instream flow shall remain at or above 75 cubic feet per second (cfs).

b. From July 1 through October 2, 2009, minimum instream flow shall remain at or above 75 cfs, if during the period from April 1 through June 30 total inflow to Lake Mendocino is greater than 25,000 acre feet;

c. From July 1 through October 2, 2009, minimum instream flow shall remain at or above 25 cfs, if during the period from April 1 through June 30 total inflow to Lake Mendocino is less than or equal to 25,000 acre feet;

d. Instream flow at the USGS gages at both Hopland (No.11462500) and Healdsburg (No. 11464000) on the Russian River shall be not less than 125 cfs, after a cumulative seasonal total of 200 adult Chinook salmon move upstream past the SCWA Mirabel inflatable dam, unless otherwise directed by National Marine Fisheries Service (NMFS) and the Department of Fish and Game (DFG). A lag time of three to seven days for the higher flows to reach Healdsburg is appropriate.

Minimum instream flow in the **Russian River from its confluence with Dry Creek to the Pacific Ocean** shall be as follows unless the water level in Lake Sonoma is below 292.0 feet with reference to the National Geodetic Vertical Datum of 1929, or unless prohibited by the United States Government:

a. From April 6, 2009 through June 30, 2009, minimum instream flow shall remain at or above 85 cubic feet per second (cfs).

b. From July 1 through October 2, 2009, minimum instream flow shall remain at or above 85 cfs, if during the period from April 1 through June 30 total inflow to Lake Mendocino is greater than 25,000 acre feet;

c. From July 1 through October 2, 2009, minimum instream flow shall remain at or above 35 cfs, if during the period from April 1 through June 30 total inflow to Lake Mendocino is less than or equal to 25,000 acre feet;

For purposes of compliance with this term, minimum instream flow requirements shall be met on an instantaneous flow basis.

2. To protect against stranding of fish when releases from Lake Mendocino are converted from normal-year to dry-year criteria, or from dry-year to critical-year criteria, flow in the East Fork Russian River immediately below Coyote Dam shall not be reduced by more than 25 cfs per hour. Ramping rates specified in this term may be revised at the direction of the NMFS and the DFG.

3. SCWA shall not release water from Lake Sonoma in excess of the flows required to satisfy existing water rights and the interim instream flow requirement established in this Order for the Russian River downstream of its confluence with Dry Creek.

4. SCWA shall monitor and record daily numbers of adult Chinook salmon moving upstream past the Mirabel inflatable dam beginning no later than August 15, 2009, and ending upon expiration of this Order. SCWA shall consult with NMFS and the DFG on a weekly basis regarding the status and findings of the monitoring effort. Chinook salmon monitoring requirements specified in this term may be revised at the direction of the NMFS and the DFG.

5. SCWA shall monitor numbers of adult Chinook salmon in representative deep pools in the lower Russian River downstream of the Mirabel inflatable dam on a weekly basis beginning September 8, 2009 and ending when sustained flows in the Russian River at Healdsburg are greater than 125 cfs or upon expiration of this Order. SCWA shall consult with NMFS and DFG on a weekly basis regarding the status and findings of the monitoring effort. Chinook salmon monitoring requirements specified in this term may be revised at the direction of the NMFS and the DFG.

6. If operations pursuant to this Order result in sustained closure of the lagoon at the terminus of the Russian River at the Pacific Ocean, or numbers of adult salmon in the Russian River are determined by NMFS to be very low through September 30, 2009, then SCWA shall immediately consult with NMFS and DFG regarding possible measures to facilitate upstream movement of salmon. SCWA shall immediately implement measures required by NMFS and DFG to facilitate the movement of salmon.

7. SCWA shall monitor numbers of adult Chinook salmon in representative deep pools in the upper Russian River (Lake Mendocino to Healdsburg) on a weekly basis on the same schedule as salmon monitoring operations required under Term 5. SCWA shall consult with NMFS and DFG on a weekly basis regarding the status and findings of the monitoring effort.

8. SCWA shall submit a Temperature Monitoring Plan for Lake Mendocino and the Russian River within two weeks after the adoption of this Order. The Plan shall provide a detailed description of temperature monitoring efforts necessary for determining the temperature impacts resulting from changes approved by this Order. SCWA shall implement the Plan immediately upon its approval by the Division.

9. SCWA shall prepare a Water Quality Monitoring Plan for the Russian River in consultation with: (1) the North Coast Regional Water Quality Control Board, (2) the United States Geological Survey, and (3) the Division of Water Rights. The purpose of the Plan shall be to determine the water quality effects of the temporary urgency change approved herein. The Plan shall be submitted to the State Water Board Deputy Director for Water Rights (Deputy Director) for approval within two weeks of the date of this Order. SCWA shall implement the Plan immediately upon approval of the Plan by the Deputy Director.

10. This Order does not authorize any act that results in the taking of a 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. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency change authorized under this Order.

11. 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.

12. The 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.

13. SCWA shall make a 25 percent reduction in diversions from the Russian River to its service area from April 6, 2009 until expiration of this order (October 2, 2009). This reduction shall be calculated based on permittee's actual diversion from the Russian River from April 6, 2009 through October 2, 2009.

14. As a condition of water delivery to its customers, SCWA shall prohibit irrigation of commercial turf grass within the SCWA service area for the period of May 1, 2009 until the expiration of this order (October 2, 2009).

15. Within 30 days of the date of this Order, the SCWA shall submit a plan to the State Water Resources Control Board to obtain the cooperation and participation of agricultural and municipal Russian River water users to reach a water conservation goal of 25 percent in Sonoma County and 50 percent in Mendocino County for the period of April 6, 2009 until the expiration of this order (October 2, 2009). In addition, the plan shall include measures to identify and prevent any waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. The plan shall include a detailed schedule with planned completion dates for key events. The plan, including the schedule, is subject to approval by the State Water Board Deputy Director for Water Rights (Deputy Director) in regard to its completeness and inclusion of significant project milestones. SCWA shall submit any additional information or revisions to the schedule requested within the period specified by the Deputy Director. SCWA shall implement the schedule as approved by the Deputy Director. SCWA shall include the following information in the plan:

    a. An explanation of SCWA's authority or other ability to impose mandatory water conservation measures and identification of the persons and entities subject to that authority.

    b. Identification of Russian River water users who are not subject to SCWA's authority to impose mandatory water conservation measures.

    c. Steps that SCWA will take to investigate the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water from the Russian River. SCWA shall submit monthly reports to the State Water Board on its progress.

    d. Steps that SCWA will take to gain the cooperation and participation of water users in conserving water and preventing the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water from the Russian River. SCWA shall submit monthly reports to the State Water Board on its progress.

16. SCWA shall prepare a Water Conservation Status Report for SCWA's service area and other areas served by Lake Mendocino. The report shall specify the water conservation measures being implemented in the areas served by Lake Mendocino, and shall specify the water savings resulting from the measures during the term of this temporary urgency change. The report shall be submitted to the Deputy Director for Water Rights by December 31, 2009. The scope and content of the report shall be similar to the report submitted to comply with WR Order 2007-0022.

17. SCWA shall prepare a Water Conservation Plan for SCWA's service area and other areas served by Lake Mendocino. The Water Conservation Plan shall describe and quantify current water conservation efforts and the water conservation measures that can be implemented in the future, including measures to eliminate the use of residential water wasting devices. The Water Conservation Plan shall include a description of the authority or mechanisms that will be used to implement the identified conservation measures and a schedule for implementation. The plan shall be submitted to the Deputy Director for Water Rights within one year of the Date of this Order.

STATE WATER RESOURCES CONTROL BOARD

Victoria A. Whitney

Victoria A. Whitney
Deputy Director for Water Rights

Dated: April 6, 2009