

CF/42-0.19-9 SWRCB ORDER APPROVING TEMPORARY
URGENCY CHANGE IN PERMITS 12947A, 12949, 12950 &
16596 FOR 2014 (ID 5110)

August 13, 2014

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

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

Dear Ms. Evoy:

Enclosed is a Petition for Temporary Urgency Change to modify the methodology for determination of water supply conditions for the Russian River as established by Decision 1610 for Permits 12947A, 12949, 12950 and 16596. Accompanying the petition are the following:

- 1) Attachment 1, *Sonoma County Water Agency Temporary Urgency Change Petition*
- 2) Attachment 2, *Supplement to the August 2014 Temporary Urgency Change Petition*
- 3) *Environmental Information for Petitions*
- 4) Notice of Exemption
- 5) California Department of Fish and Wildlife Review Fee Payment
- 6) State Water Resources Control Board Petition Fee Payment

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

Barbara Evoy, Deputy Director of Water Rights
State Water Resources Control Board
Division of Water Rights
August 13, 2014
Page 2 of 2

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

Sincerely,



Grant Davis
General Manager

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

Please indicate County where your project is located here:

Sonoma / Mendo.

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

PETITION FOR CHANGE

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

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

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

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

Present:
Proposed:

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

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

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

[Empty box for Split information]

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

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to

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

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

Upstream Location:

Downstream Location:

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

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

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

Waste Water

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

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

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

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

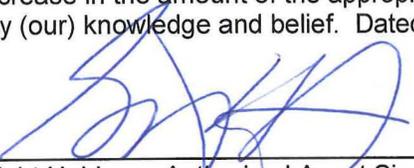
Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

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

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

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

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


Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

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Present: [] Proposed: []

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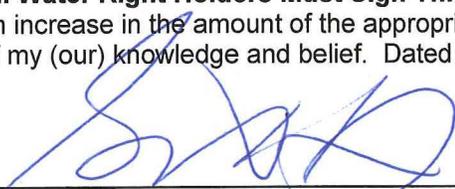
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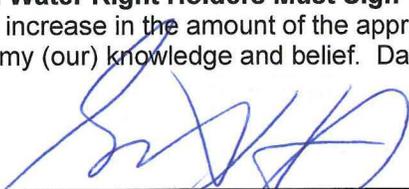
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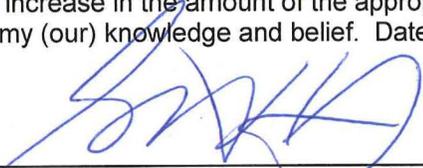
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August 2014

**Attachment 1 to Sonoma County Water Agency
Temporary Urgency Change Petition**

Background

As discussed in section 5.0 of the *Supplement to the August 2014 Temporary Urgency Change Petition*, under the normal operating protocols the Sonoma County Water Agency (Water Agency) releases water from storage in Lake Mendocino to support demands and to maintain minimum instream flows for the Upper Russian River down to its confluence with Dry Creek. Because of these operating protocols, mandatory reductions in diversions of water from the Upper Russian River would be complementary to the changes in minimum instream flow requirements that are requested in the Water Agency's Temporary Urgency Change Petition (TUCP). As shown in Figure 5 to that Supplement, 20 percent reductions in diversions from the Upper Russian River during August through October, compared to 2013 diversions during those months, would result in December 1 Lake Mendocino storage being approximately 5,000 acre-feet higher than the level that would occur without such reductions in diversions.

Mendocino District TUCP

For this reason, the Water Agency is coordinating the filing of its TUCP with the filing of a separate TUCP by the Mendocino County Russian River Flood Control and Water Conservation Improvement District (Mendocino District) for its water right Permit 12947B (Application 12919B). The Water Agency has asked that the Mendocino District's TUCP ask the State Water Board to add the following terms to Permit 12947B during the term of the order on the Mendocino District's TUCP:

1. Provisions for Real Time Forecasts of Diversions.

District is currently implementing real time metering of customer diversions. Although the District currently does not have the ability to forecast all diversions by its customers in real time, the District shall work with its customers to develop a real-time forecasting plan that will assist SCWA in managing releases of water from Lake Mendocino storage to meet minimum instream flow requirements with as small of an operational buffer as possible while the SWRCB's orders on the District's and SCWA's TUCP's are in effect.

To develop this plan, the District shall hold a meeting of all of its customers within 7 days after the date of the SWRCB's approval of the District's TUCP, and using the input from its customers that the District receives during this meeting, the District shall prepare a plan for providing real time one-day and three-day forward forecasts of its customers' diversions to SCWA. The goal of this plan shall be to provide these forecasts of all diversions from the Russian River or its underflow by District customers with at least three-fourths of the total amount of water that is subject to District contracts.

The District shall file this plan with the SWRCB, and submit a copy of this plan to SCWA, within 14 days of the date of the SWRCB's approval of the District's TUCP. The District shall begin to

implement this plan immediately after the District files it with the SWRCB. The District shall continue to implement this plan while the SWRCB's order on the District's TUCP is in effect.

2. Plan for Reductions in Diversions.

District has currently imposed a mandatory 25% reduction in contract deliveries. While the majority of the District's customers have supplemental sources of supply, in 2014 the majority of those customers have had those supplies curtailed by the State Water Resources Control Board, so the 25% mandatory conservation has resulted in corresponding amounts of actual demand reduction. A chart depicting demand reductions achieved to date is attached as **Exhibit A**. **[Note: Exhibit A was included in the District's August 7, 2014 TUCP.]**

- District shall hold a meeting of its customers within 7 days after the date of the SWRCB's order approving the District's TUCP, and, during that meeting and through written correspondence, provide its customers with information about the drought emergency and the District's TUCP, and request sufficient reductions in its customers' diversions to achieve at least 20% reductions in their diversions (using the baseline defined in term U) while the SWRCB's order on the District's TUCP is in effect.
- District shall implement the requirements imposed by SWRCB Standard Permit Term U in accordance with a Water Demand Reduction Plan that the District will prepare and file with the Deputy Director for Water Rights within 14 days after the SWRCB's order approving the District's TUCP, for review and approval by the Deputy Director. The Plan shall be designed to ensure that all parties that beneficially use water diverted or stored under the District's water-right Permit 12947B will implement actions to meet reductions in all of their diversions of at least 20% of their baseline water demands (as defined in Term U)..

3. Long-Term Drought Contingency Plan.

- District shall develop a long-term drought contingency plan in cooperation with Sonoma County Water Agency. This plan will contain the following provisions: (a) protocols for real-time one-day and three-day advance forecasts of total diversions by all District customers under all bases of right, to facilitate SCWA's operations with releases of Lake Mendocino stored water with minimal operational buffers; (b) protocols for achieving reductions in the total diversions by each District contractor during future droughts; and (c) annual reporting to the SWRCB of the total monthly amounts water diverted by each District contractor, ***with allocations of each of these amounts to water diverted under the customer's contract with the District and water diverted under the contractor's own rights*** (with the report for each year to be filed by June 30 of the following year). The District shall file this plan with the SWRCB within six months after the date of the SWRCB's order approving the District's TUCP. **[Note: The District's August 7, 2014 TUCP does not contain the language that appears in bold italics above. SCWA requests that the SWRCB's order on the District's TUCP include this language.]**

4. Standard Permit Term U.

The temporary change(s) authorized by this Order are not effective unless right holder is operating in accordance with a Water Demand Reduction Plan (Plan) satisfactory to the Deputy Director for Water Rights. The Plan shall be designed to ensure that all parties that beneficially use water diverted and/or stored under this right implement actions to meet a water demand reduction of a minimum of 20% of the baseline water demand. The Plan shall define baseline water demand as appropriate for the right holder's situation based on considerations such as

Attachment 1

weather, economy, wholesale supplier allocations or other relevant information. For the purpose of compliance with this term, if the Plan does not define baseline water demand, it is assumed to be the average water demand for Use during 2013.

The Plan shall include, at a minimum, the following components:

1. All parties that beneficially use water diverted and/or stored under this right and/or parties otherwise subject to the temporary change(s) authorized by this Order;
2. Baseline water demand for all parties included in (1) above;
3. Existing actions and additional actions planned by each party included in (1) above to reduce water use in order to meet the water demand reduction required by this term, including a description of how such actions can be expected to meet the demand reduction. The Plan shall also identify additional actions to be implemented, in the event that the right holder does not attain the amount of water use demand reduction relative to baseline water demand.;

For right holders with municipal or domestic use: Additional actions to be considered include, at a minimum, those recommended in any applicable Governor's Drought Proclamation as applicable to the right holders operations, and determine if implementation of such action(s) may increase conservation of their water supply. If so, the right holder will either implement the recommendation(s) or provide documentation as to why such action is not reasonable for the right holders' situation. Actions to evaluate include, but are not limited to, 1) Avoid using water to clean sidewalks, driveways, parking lots and other hardscapes; 2) Turn off fountains and other decorative water features unless recycled or grey water is used for those water features, 3) Limit vehicle washing at home by patronizing local carwashes that use recycled water; 4) Limit outdoor watering of lawns and landscaping to no more than two times a week; 5) Recreational facilities, such as city parks and golf courses, and large institutional complexes, such as schools, business parks and campuses, should immediately implement water reduction plans to reduce the use of potable water for outdoor irrigation; 6) Commercial establishments such as hotel and restaurants should take steps to reduce water usage and increase public awareness of the drought through measures such as offering drinking water only upon request and providing customers with options to avoid daily washing of towels or sheets; 7) Professional sports facilities, such as basketball arenas, football, soccer, and baseball stadiums, and hockey rinks should reduce water usage and increase public awareness of the drought by reducing the use of potable water for outdoor irrigation and encouraging conservation by spectators.;

For right holders with irrigation use for commercial agriculture: Additional actions to be considered include, but are not limited to, those associated with on farm conservation, such as irrigation scheduling, tailwater recovery systems, and irrigation system improvements, and irrigation district system improvements, such as canal lining, canal structure improvements, and remote measurement, monitoring and control. Right holder shall determine if implementation of such action(s) may increase conservation of water supply. The right holder will either implement action(s) or provide documentation as to why such action is not reasonable for the right holders' situation.

4. For parties included in (1) above over which the right holder has the authority or other ability to impose the listed water demand reduction actions, a list of such parties and a description of such authority or other ability over each party;

5. For parties included in (1) above over which the right holder does not have the authority or other ability to impose the listed water demand reduction actions, a list of such parties, a description of the efforts of the right holder to coordinate with each of the listed parties to ensure that each party take appropriate action to reduce water demand, and a description of such actions for each party;

6. A detailed schedule with planned completion dates for key events. Right holder shall submit to the Deputy Director for Water Rights a written report within 15 days of the end of each month (monthly status update) that provides a summary of compliance with this term. The monthly status update shall, at a minimum, include a description of the right holder's actions to date to comply with the requirements of this term and the results of such actions, including but not limited to the amount of water demand reduction relative to baseline water demand. The data submitted for the amount of water demand reduction shall include both monthly and aggregate annual to date information and shall be compared to baseline water demand. When the monthly status update reflects that the right holder is not achieving the minimum water demand reduction of this term, the right holder shall also include additional actions the right holder has adopted and/or implemented to meet the demand reduction and identify the date when such additional actions will be fully implemented as part of the monthly status update.

Failure to achieve demand reduction may result in modification of this Order to limit the extent of the approved action, at the discretion of the Deputy Director for Water Rights.

State Water Board Order Directing Reductions in Diversions Under 10,000 af/yr Sonoma County Reservation

In its Order WR 74-30, the State Water Board added the following term to the Water Agency's water right Permit 12947A:

Permittee (Permit 12947A) shall release water from storage as required to meet the demands of junior appropriators not to exceed 10,000 acre-feet per annum, in Russian River Valley in Sonoma County, except to the extent that retention of stored water is necessary to insure satisfaction of the minimum streamflows required by this permit.

(Order WR 74-30, p. 13, ¶ 18.) This term now is Term 23 of Permit 12947A.

Order WR 74-30 stated that rights to the beneficial use of Coyote Valley Dam Project water under this 10,000 af/yr Sonoma County reservation could be obtained by the water users filing with the State Water Board applications to appropriate water. (Order WR 74-30, p. 4, ¶ 4.) Many such water users have filed such applications, and the State Water Board has issued permits and licenses on these applications. Rights to divert and use water under this reservation therefore now are administered by the State Water Board, and the Water Agency has no authority to direct these water users to reduce their diversions.

Because of the hydrological conditions described in the Supplement to the Water Agency's TUCP, reductions in diversions under this reservation, as provided for in Term 23, now are necessary so that water may be retained in storage in Lake Mendocino to insure satisfaction of the minimum streamflow requirements in Permit 12947A. The Water Agency therefore requests

Attachment 1

that the State Water Board consider taking actions to cause holders of water right permits and licenses that were issued under the 10,000 af/yr Sonoma County reservation to reduce their diversions by 20 percent (compared to 2013 diversions during the corresponding months) during the term of the State Water Board's order on the Water Agency's TUCP.

August 2014

Sonoma County Water Agency

Supplement to the August 2014 Temporary Urgency Change Petition

1.0 BACKGROUND

The Sonoma County Water Agency (Water Agency) controls and coordinates water supply releases from Lake Mendocino and Lake Sonoma to implement the minimum instream flow requirements in water rights Decision 1610, which the State Water Resources Control Board (State Water Board) adopted on April 17, 1986. Decision 1610 specifies minimum flow requirements for the Upper Russian River, Dry Creek and the Lower Russian River. These minimum flow requirements vary based on water supply conditions, which are also specified in Decision 1610. Term 20 of the Water Agency's water-right Permit 12947A (Application 12919A) contains the Decision 1610 requirements for the Upper Russian River and Lower Russian River. Term 17 of the Water Agency's water-right Permit 12949 (Application 15736) and term 17 of the Water Agency's water-right Permit 12950 (Application 15737) contain the Decision 1610 requirements for the Lower Russian River. Term 13 of the Water Agency's water-right Permit 16596 (Application 19351) contains the Decision 1610 requirements for Dry Creek and the Lower Russian River.

The Water Agency's operations are also subject to the Russian River Biological Opinion issued by the National Marine Fisheries Service on September 24, 2008.

1.1 Minimum Flow Requirements

Decision 1610 requires a minimum flow of 25 cubic feet per second (cfs) in the East Fork of the Russian River from Coyote Valley Dam to the confluence with the West Fork of the Russian River under all water supply conditions. From this point to Dry Creek, the Decision 1610 required minimum Russian River flows are 185 cfs from April through August and 150 cfs from September through March during *Normal* water supply conditions, 75 cfs during *Dry* conditions and 25 cfs during *Critical* conditions. Decision 1610 further specifies two variations of the *Normal* water supply condition, commonly known as *Dry Spring 1* and *Dry Spring 2*. These conditions provide for lower required minimum flows in the Upper Russian River during times when the combined storage in Lake Pillsbury (owned and operated by the Pacific Gas and

Electric Company) and Lake Mendocino on May 31 is unusually low. *Dry Spring 1* conditions exist if the combined storage in Lake Pillsbury and Lake Mendocino is less than 150,000 acre-feet on May 31. Under *Dry Spring 1* conditions, the required minimum flow in the Upper Russian River between the confluence of the East Fork and West Fork and Healdsburg is 150 cfs from June through March, with a reduction to 75 cfs during October through December if Lake Mendocino storage is less than 30,000 acre-feet during those months. *Dry Spring 2* conditions exist if the combined storage in Lake Pillsbury and Lake Mendocino is less than 130,000 acre-feet on May 31. Under *Dry Spring 2* conditions, the required minimum flows in the Upper Russian River are 75 cfs from June through December and 150 cfs from January through March.

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

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

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

1.2 Water Supply Conditions

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

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

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

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

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

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

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

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

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

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

2.0 CURRENT WATER SUPPLY CONDITIONS

On December 18, 2013, the Water Agency filed a Temporary Urgency Change Petition (December 2013 TUCP) with the State Water Board, requesting changes to the minimum instream flow requirements in Permit 12947A (Application 12919A). The State Water Board Division of Water Rights issued an order approving the December 2013 TUCP on December 31, 2013 (Order). The December 2013 TUCP requested that the minimum instream flow requirements for the Upper Russian River be established using an index based on water storage in Lake Mendocino rather than using cumulative inflow into Lake Pillsbury (per Decision 1610) for 180 days, starting on January 1, 2014. The request was a result of the very dry hydrologic conditions in the watershed that had led to unseasonably low Lake Mendocino water supply levels. The approved changes in the Order resulted in preserving approximately 5,000 acre-feet of storage in Lake Mendocino. This was in addition to the approximately 8,000 acre-feet of Lake Mendocino storage that was preserved with the modifications to minimum instream flow requirements that were approved by the State Water Board in its order granting the TUCP the Water Agency filed in April 2013 to address the rapidly declining Lake Mendocino storage levels that were occurring then.

The December 2013 TUCP Order expired on June 29. The current minimum instream flow requirements for the Upper and Lower Russian River, which have been unchanged since June 1, are those for *Dry* conditions. Under these conditions, the required minimum instream flows are 75 cfs for the Upper Russian and 85 cfs for the Lower Russian. Unless the SWRCB issues an order changing these requirements, they will continue to be in effect through December 31.

2.1 Lake Mendocino

On August 12, 2014, the storage level in Lake Mendocino was 36,052 acre-feet. This storage level is 32 percent of the available summer water supply pool. Since its completion in 1958, this is the lowest level in Lake Mendocino on this date, except for August 12, 1977, when reservoir storage was 21,982 acre-feet. The current low storage level is the result of a severe drought that began in the region in January 2013.

Analyses recently prepared by Water Agency engineering staff indicate that, unless there are

significant storm events before November 1, Lake Mendocino storage is expected to decline to approximately 20,000 acre-feet by November 1. This decline will result from the releases of stored water that will be necessary to meet both downstream water demands on, and the current minimum instream flow requirement for, the Upper Russian River. The projected storage analysis was completed using the Water Agency's Russian River Water System Model with the following assumptions: (1) the current Upper Russian River minimum instream flow requirement of 75 cfs; (2) 2013 hydrology; (3) 2013 Upper Russian River observed reach losses; and (4) Potter Valley Project operations based on the 2004 amended license issued by the Federal Energy Regulatory Commission. Figure 2 shows the Lake Mendocino storage levels that have occurred so far during 2014 and the projected storage levels for the remainder of 2014 if minimum instream flow requirements are unchanged.

The extremely low projected storage level in Lake Mendocino could: (a) severely impact Russian River salmonid species that are listed as threatened species under the Federal Endangered Species Act (ESA), (b) create more serious water-supply impacts in Mendocino County and the Alexander Valley in Sonoma County, and (c) further harm Lake Mendocino and Russian River recreation.

2.2 Lake Sonoma

On August 12, 2014 the water supply storage level in Lake Sonoma was 159,781 acre-feet, which is 65 percent of the available water conservation pool. Lake Sonoma storage levels have not dropped to this low of a level since March 1991. Based on the analysis with the Water Agency's Russian River Water System Model, storage levels in Lake Sonoma are projected to decline to approximately 145,000 acre-feet by November 1, with the assumption of a recurrence of 2013 hydrology, which had no significant storm events before that date. While the Lake Sonoma storage levels are reaching a 25-year low, there is still a substantial water supply volume in Lake Sonoma. Consequently, the Water Agency does not believe that storage levels in Lake Sonoma are a significant concern at this time.

2.3 River System Operational Constraints

As further discussed in Section 3.0 below, along with requesting changes to minimum instream flow requirements for the Upper Russian River, the Water Agency is also requesting changes to the minimum instream flow requirements for the Lower Russian River. These changes are necessary because implementation of the lower minimum instream flow requirements that are being requested for the Upper Russian River, which are necessary to preserve Lake Mendocino storage, will result in the Upper Russian River providing significantly lower contributions of flows to meet minimum instream flow requirements for the Lower Russian River. Consequently, increased releases from Lake Sonoma into Dry Creek would be necessary to maintain present Decision 1610 minimum instream flow requirement (85 cfs) for the Lower Russian River. However, such increased releases into Dry Creek could result in the Water Agency's violating the Incidental Take Statement in the Russian River Biological Opinion issued by the National

Marine Fisheries Service (NMFS)¹. The Incidental Take Statement restricts releases from Lake Sonoma into Dry Creek during June through October of each year because high Dry Creek flows during these months result in sub-optimal habitat conditions for juvenile salmonids.

Furthermore, NMFS concluded in the Biological Opinion that flows lower than those required by Decision 1610 for the Lower Russian River may improve opportunities in the Russian River estuary to maintain a freshwater lagoon, which is beneficial for the ESA-listed salmonids and their critical habitats. Consequently, lowering minimum instream flows on the Lower Russian River is consistent with the objectives of the Biological Opinion.

The window of opportunity for an SWRCB order on this petition to preserve stored water in Lake Mendocino through reductions in the minimum instream flow requirements is limited. Chinook salmon in-migration typically commences within a few weeks of November 1. When this salmon in-migration begins, SCWA will consult with NMFS and California Department of Fish and Wildlife to determine the increases in reservoir release rates that are appropriate to maintain a balance between trying to preserve prudent storage in Lake Mendocino and trying to optimize fish passage for fall Chinook migration and winter steelhead migration.

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

To preserve the drought-limited water supply in Lake Mendocino and to avoid excessively high releases from Lake Sonoma down Dry Creek that could result in violations to the Incidental Take Statement in the Biological Opinion, the Water Agency is filing this TUCP, which requests that the State Water Board make the following changes to the Water Agency's permits for a period of 180 days from August 15, 2014 until February 10, 2015: (1) reduce the required minimum instream flow in the Russian River from the confluence of the East and West Forks to the river's confluence with Dry Creek from 75 cfs to 50 cfs; and (2) reduce required minimum instream flow in the Russian River from its confluence with Dry Creek to the Pacific Ocean from 85 cfs to 60 cfs. Figure 3 shows an analysis of the approximate flows by river reach for the Lower Russian River and Dry Creek that are occurring under the present Decision 1610 minimum instream flow requirements. Figure 4 shows the approximate flows that would occur under the proposed minimum instream flow requirements that are requested in this TUCP.

To allow the Water Agency to optimally manage flows in the Upper Russian River and Lower Russian River, the Water Agency is requesting that the TUCP minimum instream flow requirements be specified as 5-day running averages of the specified minimum average daily stream flows, with the conditions that instantaneous flows in the Upper Russian River are never less than 40 cfs and instantaneous flows in the Lower Russian River are never less than 50 cfs. These 5-day running average provisions will allow the Water Agency to reduce the operational

¹ Refer to the *Biological Opinion for Water Supply, Flood Control Operations and Channel Maintenance conducted by U.S. Army Corps of Engineers, the Sonoma County Water Agency and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River Watershed*, pp. 297-299 (NMFS, Sept. 24, 2008) for details on the incidental take statement and criteria.

buffers needed to manage these stream flows, thereby allowing the Water Agency to conserve more water in Lake Mendocino. Higher Lake Mendocino storage levels in the fall will benefit migrating Chinook salmon and improve carryover storage volumes to meet Upper Russian River demands into 2015 if dry conditions persist.

The TUCP requests that the term of the State Water Board's order on the TUCP extend into the initial months of the normal rainy season. Because the reductions in minimum instream flow requirements that are requested in this TUCP no longer will be necessary if Russian River watershed hydrological conditions improve substantially, the Water Agency requests that the State Water Board's order specify that the order will terminate when Lake Mendocino storage reaches the top of the water supply pool (68,400 acre-feet).

4.0 CRITERIA FOR APPROVING TEMPORARY URGENCY CHANGES TO PERMITS 12947A, 12949, 12950 AND 16596

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

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

4.1 Urgency of the Proposed Change

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

For this petition, an urgent need for the requested temporary changes exists because Lake Mendocino storage levels are declining, with projected levels reaching extremely low conditions that may prevent the Water Agency from continuing to make the reservoir releases that will be necessary to support the beneficial uses that rely on these releases during dry periods.

The Water Agency projects that water storage in Lake Mendocino could decline to 20,000 acre-feet by November 1, 2014 unless the requested temporary urgency changes are approved. If upcoming dry conditions persist and significant storm events are delayed or do not occur in Water Year 2015, then carryover storage in Lake Mendocino will be crucial for the continued protection of the Russian River salmonid fishery and water supply reliability. At a storage levels below 20,000 acre-feet, there would be greater risks that there would be insufficient water supplies to support: (a) survival of ESA-listed Russian River salmonid species, (b) agricultural and municipal uses that depend on the Russian River, and (c) river-based recreation. Without the proposed changes, the Water Agency would need to release additional stored water from

Lake Mendocino, which would result in greater depletion of stored water during the summer and potentially would jeopardize water supplies for Russian River water users in Mendocino County and northern Sonoma County (upstream of the confluence with Dry Creek) during the fall. This could cause serious impacts to human health and welfare and would reduce water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall when the ESA-listed salmonid species are spawning and are most sensitive to flow and water temperatures.

An urgent need exists for the proposed changes on the Lower Russian River because the current instream flow requirements are above the target flows that are necessary to support the salmonid fisheries and, with the reductions in the Upper Russian River flows, would require increases in Lake Sonoma releases down Dry Creek that would be detrimental to its fisheries. These higher Dry Creek flows also could violate the Incidental Take Statement in the Biological Opinion. As discussed in Section 2.3, the Incidental Take Statement restricts releases from Lake Sonoma into Dry Creek during June through October of each year because high Dry Creek flows during these months result in sub-optimal habitat conditions for juvenile salmonids. Furthermore, NMFS concluded in the Biological Opinion that minimum instream flows lower than those required by Decision 1610 may result in lower flows into the estuary that will improve opportunities to maintain the freshwater lagoon there, which benefits the ESA-listed salmonids.

As discussed in Section 3.0, the Water Agency requests that the State Water Board's order on the TUCP specify that it will terminate when hydrological conditions improve substantially and, as a result, the urgency for the proposed changes no longer exists.

4.2 No Injury to Any Other Lawful User of Water

If this petition is granted, the Water Agency still will be required to maintain specific minimum flows in the Russian River. Because these minimum flows will be present in the Upper and Lower Russian River reaches, all other legal users of water still will be able to divert and use the amounts of water that they may legally divert and use. Accordingly, granting this petition will not result in any injury to any other lawful user of water.

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

Approval of this petition will reduce flows in the mainstem Russian River, which will result in additional water being conserved in Lake Mendocino. This will improve carryover storage in Lake Mendocino if dry conditions persist into Water Year 2015, which will have benefits that exceed any possible deleterious effects of the reduced flows during the late summer and early fall of 2014. Conserved storage will allow enhanced management of Russian River flows in the fall for the benefit of salmon migration and spawning. While reduced flows in the Russian River during the late summer and early fall may impair some instream beneficial uses, principally recreation, these effects will not be unreasonable, considering the potential grave impacts to fisheries and water supply that could occur if the petition were not approved. If the requested reductions in Lower Russian River minimum flow requirements are not approved, then the

higher Lake Sonoma releases and higher Dry Creek flows that would be necessary to meet the Lower Russian River minimum instream flow requirements would have severely negative impacts to juvenile salmonid habitat in Dry Creek.

As discussed in Section 2.3, when salmon in-migration from the Pacific Ocean into the Russian River begins, the Water Agency will consult with NMFS and CDFW regarding the appropriate flow increases to avoid unreasonable effects on these in-migrating fish.

4.4 The Proposed Changes are in the Public Interest

Approval of this petition will help preserve stored water in Lake Mendocino, which may reach critically low levels if dry weather conditions persist into 2015. Among other uses, the conserved stored water in Lake Mendocino will support releases for listed salmonids present in the Russian River during the fall-Chinook salmon migration season and winter-steelhead migration season. It is in the public interest to preserve water supplies for these beneficial uses now, when hydrologic circumstances have resulted in severely reduced water supplies. The proposed changes in the Lower Russian River minimum instream flow requirements will support ecological values in Dry Creek by preventing the higher Dry Creek flows that would be necessary if the State Water Board were to approve only the requested changes in the Upper Russian River requirements. As discussed above, such higher Dry Creek flows would impair habitat conditions for juvenile salmonids.

The proposed changes also are in the public interest because: (a) as discussed in Section 2.3, when salmon in-migration from the Pacific Ocean into the Russian River begins, the Water Agency will consult with NMFS and CDFW regarding the appropriate flow increases to avoid unreasonable effects on these in-migrating fish; and (b) as discussed in Section 3.0, the Water Agency requests that the State Water Board's order on the TUCP specify that it will terminate when hydrological conditions improve substantially and, as a result, the urgency for the proposed changes no longer exists.

5.0 RESERVOIR OPERATIONS AND DIVERSIONS FROM UPPER RUSSIAN RIVER

Under the Water Agency's normal operating protocols, the Water Agency releases water from storage in Lake Mendocino to support demands and to maintain minimum instream flows for the Upper Russian River down to its confluence with Dry Creek. The Water Agency does not normally make additional releases of water from storage in Lake Mendocino to meet instream flow requirements in or diversions from the Russian River downstream of its confluence with Dry Creek. Minimum instream flow requirements and diversions from the Lower Russian River downstream of its confluence with Dry Creek, which includes those made by the Water Agency, normally are maintained with releases of stored water from Lake Sonoma into Dry Creek. Because of these operating protocols, mandatory reductions in the Water Agency's diversions from the Lower Russian River would not provide any significant benefits to Lake Mendocino storage levels.

On the other hand, mandatory reductions in water diversions from the Upper Russian River would be complimentary to the requested changes in minimum instream flow requirements and would improve water supply conditions in Lake Mendocino. Figure 5 shows projected storage levels in Lake Mendocino under the following three scenarios: (1) no changes to the minimum instream flow requirements; (2) approval of the requested changes in instream flow requirements starting on August 15; and (3) approval of the requested changes in instream flow requirements and a 20 percent reduction in diversions from the Upper Russian River, compared to 2013 diversions.

As shown in Figure 5, a 20 percent reduction in Upper Russian River diversions would result in approximately an additional 5,000 acre-feet of Lake Mendocino storage on November 1, if 2014 hydrology is similar to 2013 hydrology. For these reasons, the Water Agency is coordinating its filing of this TUCP with the filing of a separate TUCP by the Mendocino County Russian River Flood Control and Water Conservation Improvement District, which will ask the State Water Board to direct the District to take various actions to reduce diversions of water from the Upper Russian River in Mendocino County and that will allow the Water Agency to manage Russian River flows more efficiently. The Water Agency also is requesting that the State Water Board order 20 percent reductions in diversions from the Russian River in Sonoma County under the 10,000 acre-foot per year reservation that was created by term 18 on page 13 of the State Water Board's Order WR 74-30. (This term now is term 23 of the Water Agency's water right Permit 12947A.) These actions are described in more detail in Attachment 1 to this TUCP.

6.0 WATER CONSERVATION ACTIVITIES BY THE WATER AGENCY AND ITS CONTRACTORS

As discussed above, the requested changes are not driven by the water storage levels in Lake Sonoma. Consequently, any reductions in diversions from the Lower Russian River by the Water Agency at its Wohler/Mirabel facilities would not result in any significant benefits to the water supply conditions in Lake Mendocino. Nevertheless, the Water Agency's water contractors are committed to eliminating unnecessary use of potable water for landscape irrigation and other waste during these drought conditions. The Water Agency and its water contractors continue to implement water use efficiency programs that align with the California Urban Water Conservation Council's Best Management Practices (BMPs) and comply with SB 7x-7. While these BMPs remain the baseline for the region, the establishment of the Sonoma-Marín Water Saving Partnership (Partnership) in December 2010 memorialized the region's commitment to long-term, year-round water use efficiencies. The Partnership removes one of the most significant barriers to implementing conservation programs, funding. Each Partner has committed to a sustained level of funding that is allocated specifically to implementing conservation programs.

The Partnership represents ten water utilities in the North Bay in Sonoma and Marin counties that have joined together to provide regional solutions for water use efficiency. The utilities (Partners) include: the Cities of Santa Rosa, Rohnert Park, Petaluma, Sonoma, Cotati; North Marin, Valley of the Moon and Marin Municipal Water Districts; the Town of Windsor and the

Sonoma County Water Agency. The Partnership was formed to identify and recommend water use efficiency projects and to maximize the cost-effectiveness of water use efficiency programs in our region.

Each Partner is continuously implementing water conservation programs to reduce overall regional water use. Over the last few years, in response to the drought, the Partnership has increased outreach, revised education programs and expanded the available conservation incentives.

At the onset of the drought in 2013, the Partnership doubled its annual public education campaign to encourage residents to voluntarily reduce water consumption. The Partnership launched the "20-Gallon Challenge" campaign to increase awareness of the water supply situation and as a call to action. The campaign featured a pledge to save 20 gallons per person per day. As an incentive to pledge, entries for monthly prize drawings for high-efficiency toilets and clothes washers, rainwater catchment and gray water systems, and custom water-wise landscape designs were provided. Pledges and contest entries were accepted from participants throughout the Russian River Watershed to encourage water users in both Upper Russian River and Lower Russian River areas to participate in the challenge.

In January 2014, in response to Governor Brown's emergency drought proclamation, the Partnership launched a regional multi-media effort throughout the North Bay region with a simple message: 'There's a drought on. Turn the water off.' The campaign has included: (1) outdoor water conservation tips that have been rotated in local and regional publications; and (2) advertisements on local radio stations and online media. Each advertisement spotlights a creative or humorous method for saving water. The campaign has been well received and is ongoing.

An additional effort by the Water Agency included sponsoring four drought town hall meetings in Sonoma County in April 2014 to educate the public about the drought and the need to conserve water. The meetings were held in Santa Rosa, Rohnert Park, Windsor and Petaluma. Water resource and conservation specialists attended these meetings to discuss the drought, water supply conditions and water conservation rebate programs. In addition, officials from the County's Permit and Resources Management Department and Office of Emergency Services attended each meeting to provide drought information relevant to rural residents and fire prevention.

The Water Agency also sponsored ten "Drought Drive-Up" locations on April 23 in coordination with the Partnership. Over 4,000 community members drove up to the ten locations to receive free drought tool kits, which included: (1) a water efficient faucet aerator; (2) toilet dye tab test; (3) shower timer; (4) shower bucket; (5) low-flow showerhead; and (6) conservation tip card. All participants in the "Drought Drive-Up" were also entered to win a free high-efficiency toilet or high-efficiency washing machine.

The Partnership's outreach efforts have improved water-use efficiencies in the region and the Water Agency remains committed to ensuring that our water supply is reliable. The Partners remain members in good standing with the California Urban Water Conservation Council (CUWCC) and implement the CUWCC's Best Management Practices (BMPs) for water conservation.

Furthermore, on July 15, 2014, the State Board adopted Resolution No. 2014-0038, which adopted emergency regulations for statewide urban water conservation. The new regulations require almost all of the Water Agency's primary water customers to implement their water shortage contingency plans to the level of mandatory restrictions on outdoor irrigation and submit monthly monitoring reports comparing monthly water production with the corresponding calendar month production from 2013. Table 1 below summarizes the dates that each of the Water Agency's Contractors (including Marin Municipal Water District) will be going to their City Councils or Board of Directors for approval to implement the State Board's emergency regulations for urban water conservation.

To promote water savings that extend beyond the Water Agency's service area, the Water Agency has spearheaded the Sonoma-Mendocino Immediate Drought Relief Project, a demand reduction program that includes many entities in the Upper Russian River, in areas that have lacked aggressive water conservation programs in the past, where opportunities exist to achieve significant water savings. The project offers immediate drought relief and long-term water savings to the following participating agencies: 12th District Agricultural Agency (Redwood Empire Fairgrounds), Airport-Larkfield-Wikiup Sanitation Zone, Belmont Terrace Mutual Water Company, City of Cloverdale, City of Healdsburg, City of Ukiah, County of Sonoma - Department of Transportation and Public Works, City of Fort Bragg, Geyserville Sanitation Zone, Mendocino County Russian River Flood Control and Water Conservation Improvement District, Occidental County Sanitation District, Redwood Valley County Water District, Russian River County Sanitation District, Sea Ranch Sanitation Zone, Sonoma County Water Agency, and Sweetwater Springs Water District. This project has the potential to increase regional water use efficiency and drought resilience in the region for years to come and is a response to the Governor's emergency drought declaration that set a 20 percent water demand reduction goal. This project will reduce demands for water from Lake Mendocino and local groundwater supplies.

The participating agencies have the option of offering one or both of the following water-saving programs to their customers:

- 1) High-Efficiency Fixture Direct-Install Program, which will retrofit up to two inefficient toilets per customer with new high-efficiency toilets. During the installation appointment, the Water Agency-hired plumber will also replace inefficient showerheads and aerators with free, water-efficient models and perform a leak check at the water meter. For commercial properties, in addition to toilets, inefficient urinals will be retrofitted with 0.125 gpf high-efficiency urinals; and
- 2) Cash for Grass Turf Rebate Program, which will offer a \$0.50/sq. ft. rebate for converting high-water-use turf to low-water-use plant material (up to max of 500 sq. ft or \$250 per customer).

The Water Agency has managed a Direct Install program in its service area for five years. The Water Agency has already established the needed program elements (agreements with local plumbers, billings procedures, etc.) that will be utilized for this new program.

Through this project, participating agencies will be set up to transition into self-managed ongoing conservation programs. The High-Efficiency Fixture Direct-Install Program reduces base demands addressing approximately 75% of the total indoor residential water use (showers: 20%, faucets: 18%, toilets: 20%, leaks: 18%) by improving fixture efficiency and identifying leaks. The Cash for Grass program addresses 50% of the total water use by homes and directly reduces peak water demands.

On June 2, 2014, the CA Department of Water Resources (DWR) released an expedited 2014 Integrated Regional Water Management Drought Grant Solicitation seeking projects that would provide immediate, measurable water savings. The Water Agency submitted a grant proposal for the Sonoma-Mendocino Immediate Drought Relief Project, which was selected as one of eleven projects by the North Coast Resource Partnership, which submitted the Water Agency's proposal on July 21, 2014 to DWR with a recommended funding of \$1.05 million. The participating agencies and Water Agency have committed to provide \$630,000 in local matching funds, raising the possible total funding to \$1.68 million. The DWR anticipates approving grant awards for this program in October 2014.

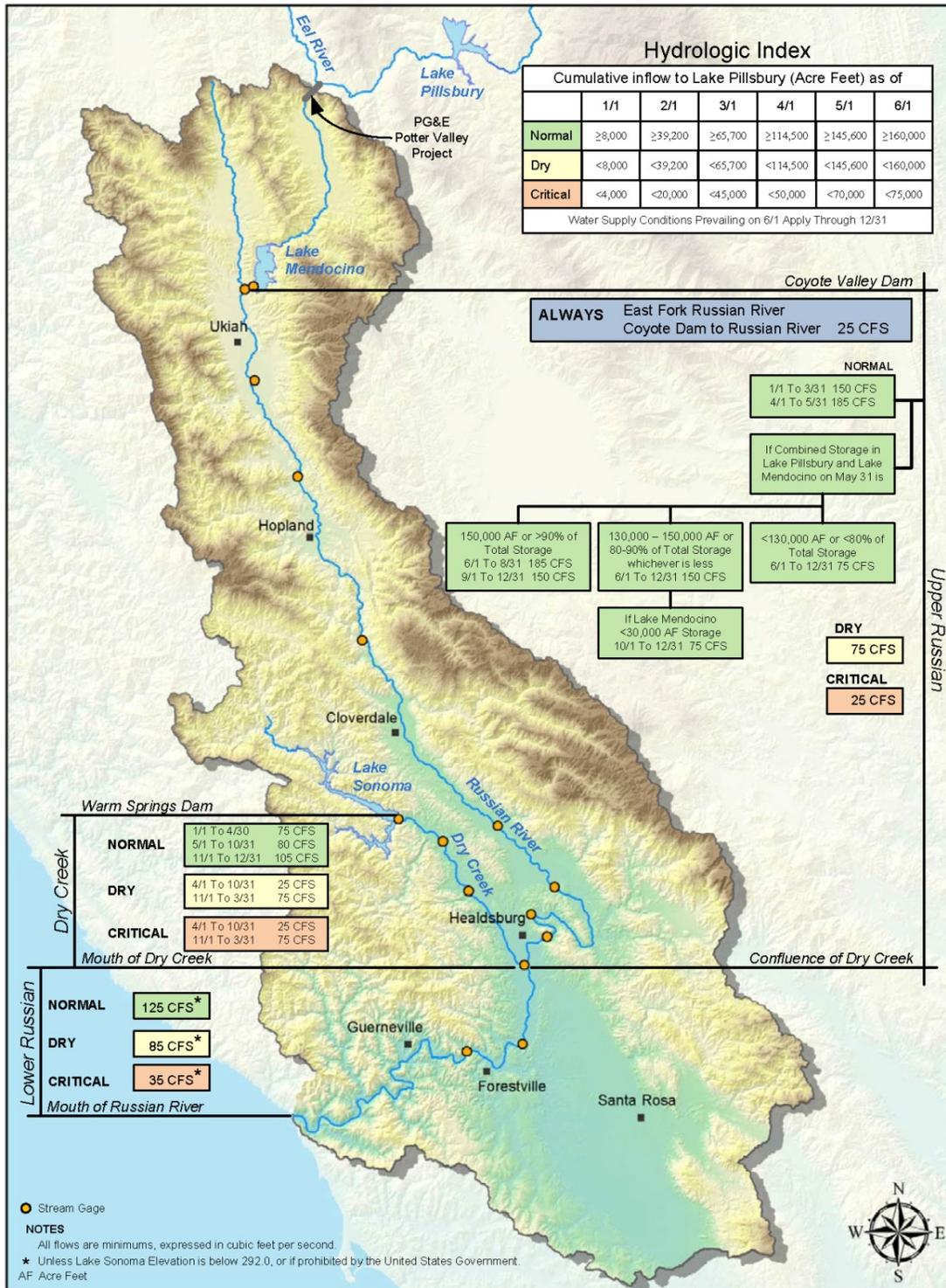
For these reasons, the State Water Boards's order on the Water Agency's TUCP should not contain any additional terms regarding the water conservation activities of the Water Agency and its contractors.

7.0 CONCLUSION

The Water Agency is submitting this Temporary Urgency Change Petition to address the extremely dry conditions that have persisted in the Russian River watershed since January 2013. Because of these conditions and the uncertainties regarding regional precipitation over the next several months, the Water Agency requests that the State Water Board issue an order reducing the applicable minimum instream flow requirements for the Upper Russian River and Lower Russian River to preserve storage in Lake Mendocino and to prevent more-severe storage conditions from developing.

Figures

State Water Resources Control Board Decision 1610



Russian River Basin Minimum Streamflow Requirements

Figure 1 - Decision 1610 Minimum Stream Flow Requirements by Reach

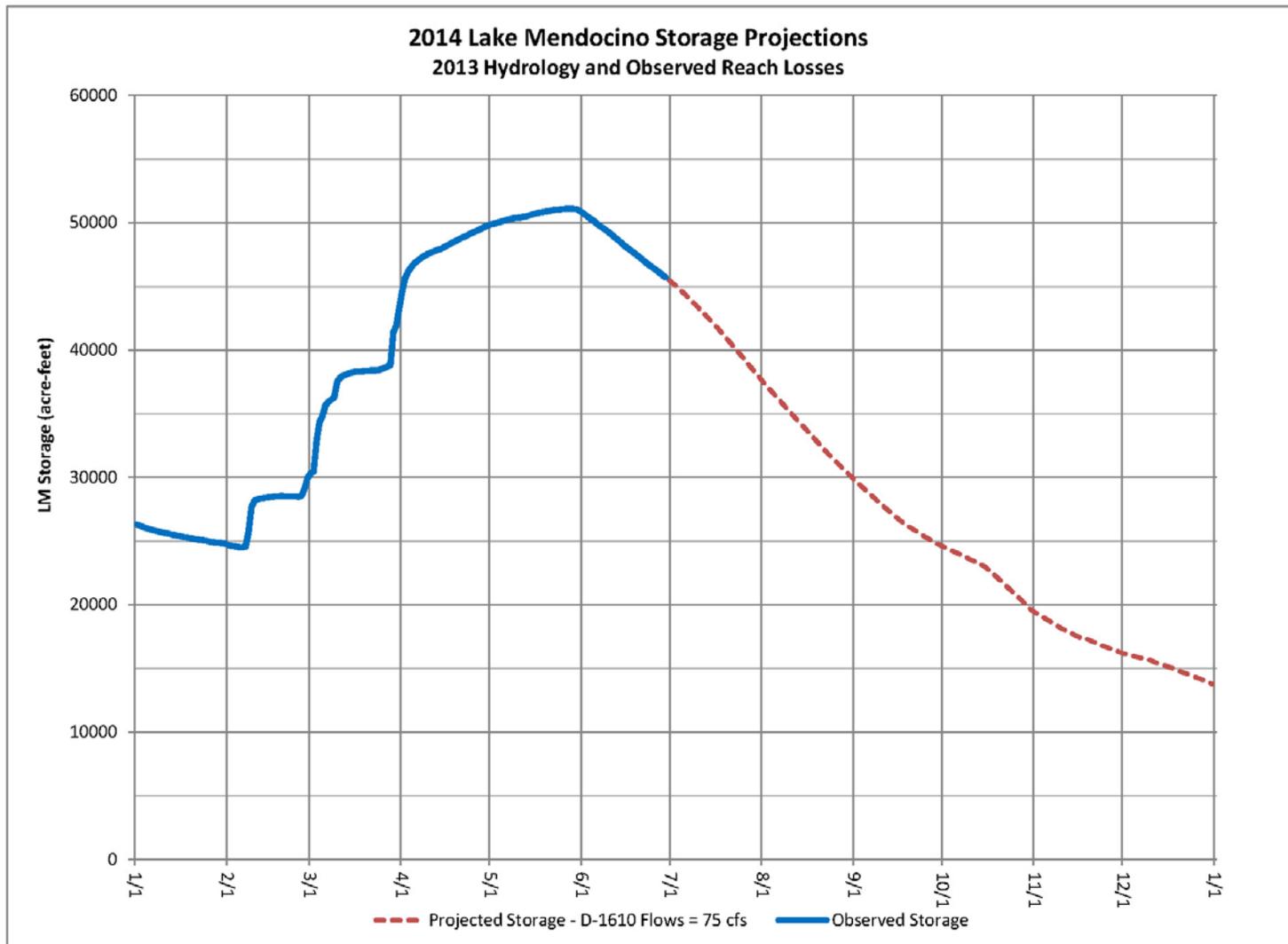


Figure 2 - Lake Mendocino 2014 Storage Projection

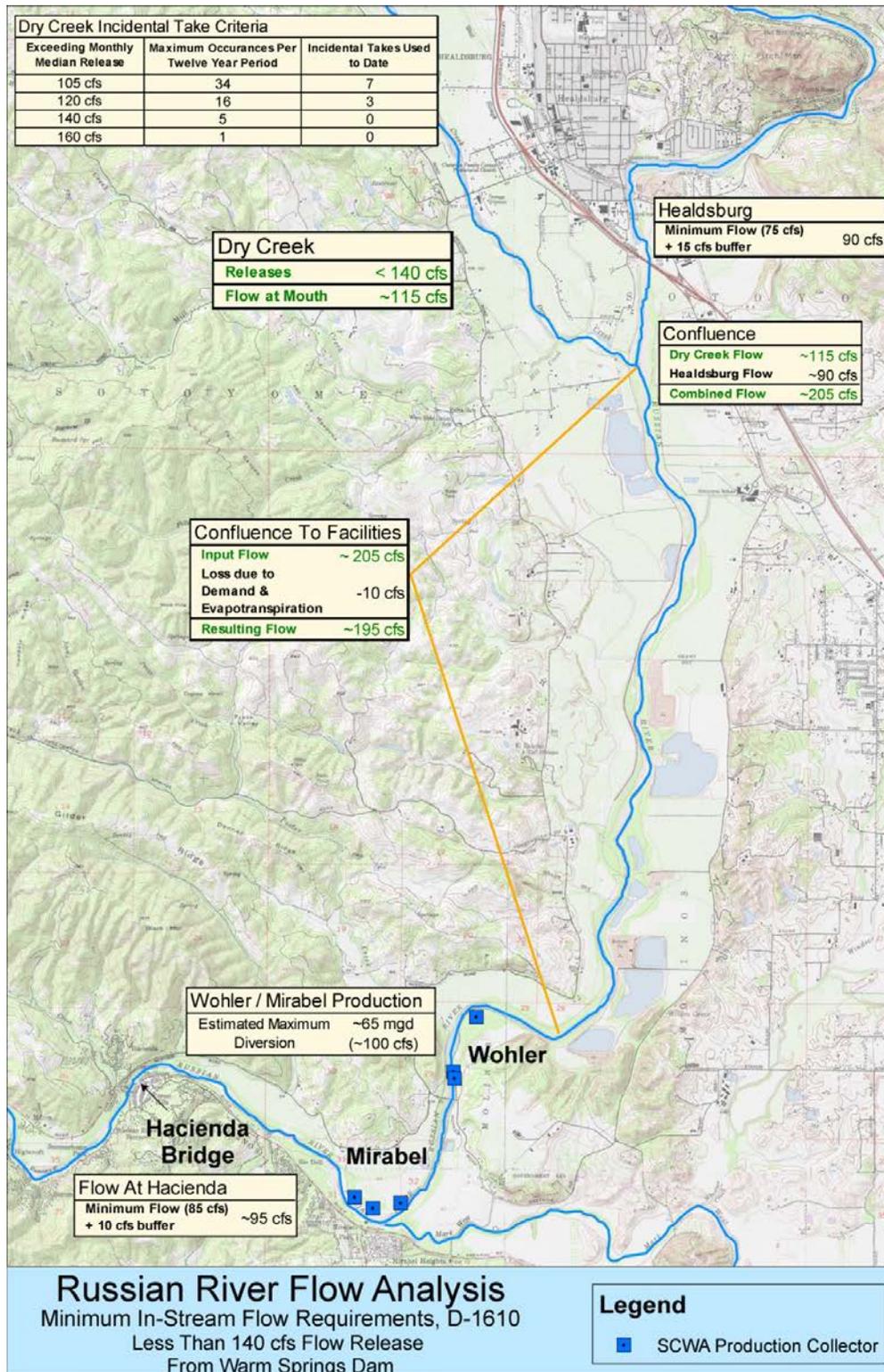


Figure 3 – Approximate Flows under Existing Minimum Instream Flow Requirements

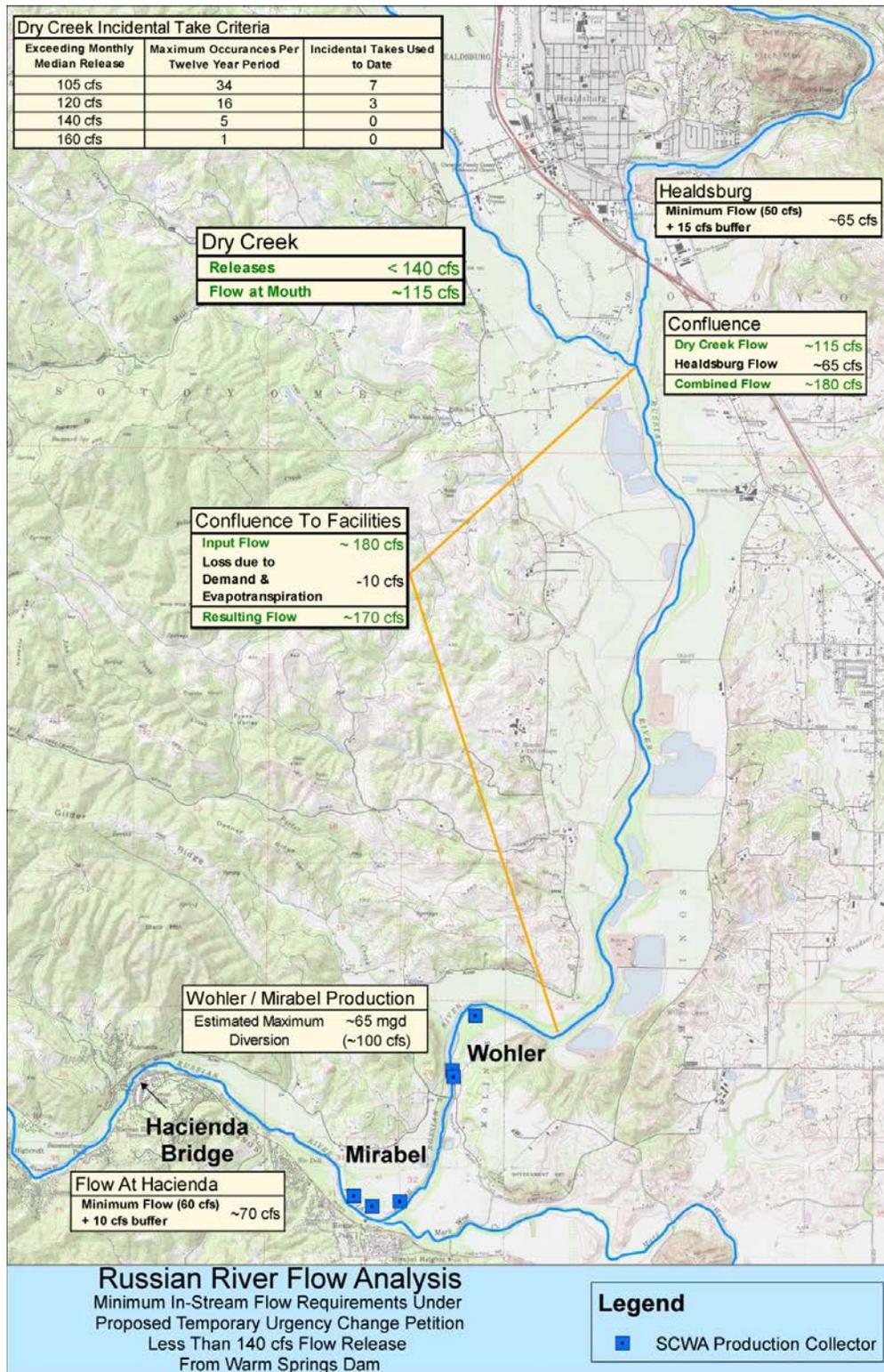
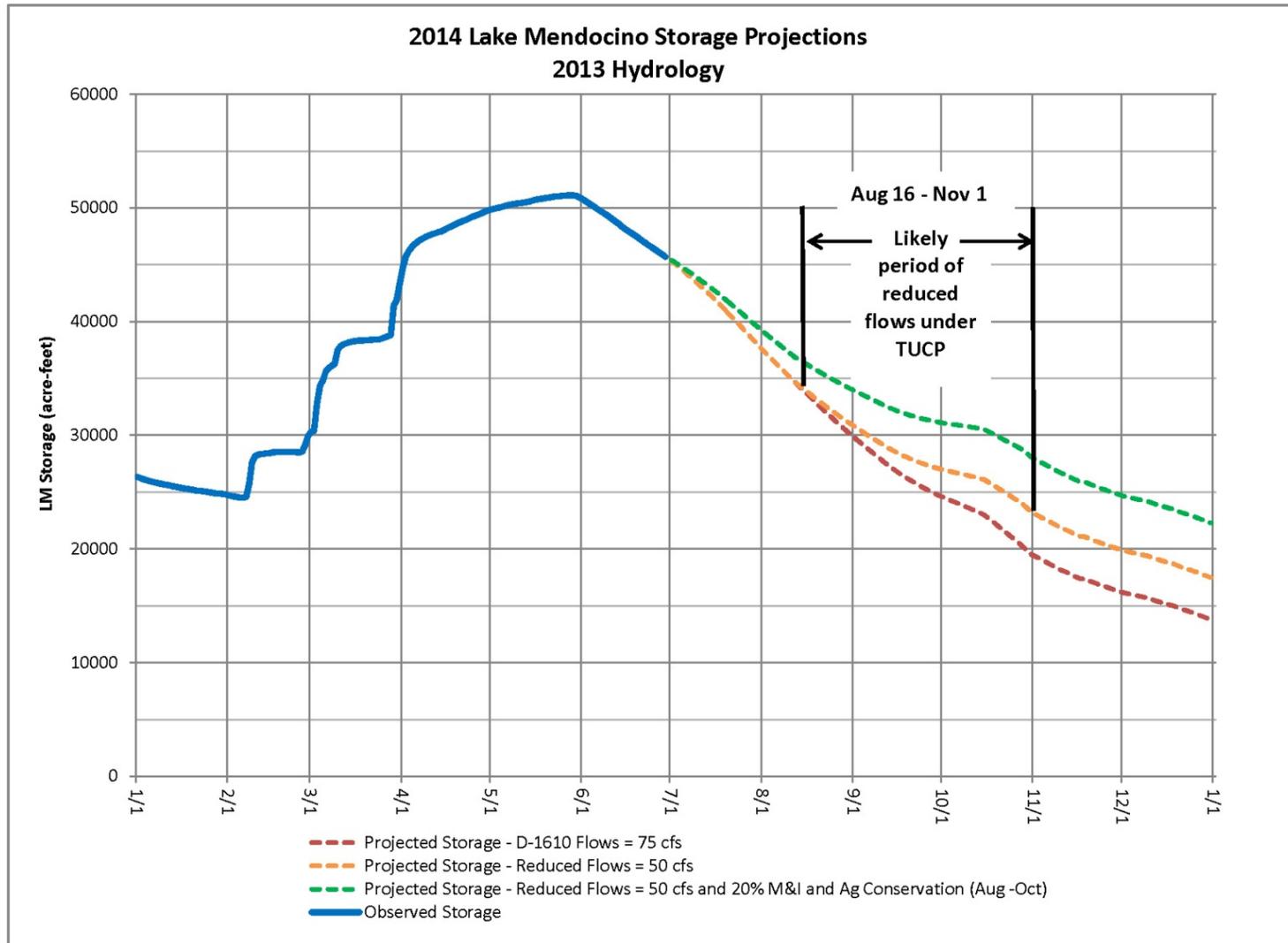


Figure 4 - Approximate Flows under Proposed Minimum Instream Flow Requirements



*November 1st (estimated date) to increase minimum instream flows to 75 cfs for migration of spawning Chinook salmon

Figure 5 - Lake Mendocino Storage Projections

Table

Contractor	Approval Date	Stage	Actions	Source
City of Cotati	8/12/2014	20% mandatory		Verbal update @ Ad hoc 7/28/14
Marin Municipal Water District	8/5/2014	unknown	<ul style="list-style-type: none"> Introduced on 8/5, back for approval on 8/19. Irrigation is limited to the hours between 7pm and 9am The use of a hose without a shut-off nozzle for the irrigation of new turf, washing of cars, boats and airplanes is prohibited 20% conservation requirement not explicitly stated 	MMWD Board of Directors Meeting of August 5, 2014
North Marin Water District	8/5/2014	Stage 1	<ul style="list-style-type: none"> Watering of any landscaping except from a handheld hose equipped with a shut off nozzle, container or drip irrigation. Overhead sprinkler system can be used if the customer can maintain a 20% reduction in water use compared to the same billing period in 2013. Watering outside the hours of 7pm to 9am. Unreasonable/excessive irrigation overspray and/or run-off onto pavement, down a gutter, ditch or other surface drain. Washing down of exterior paved areas. Failure to repair a controllable leak. Refilling a swimming pool drained after July 1, 2014. Washing of privately-owned motor vehicles, trailers, or boats except from a bucket with a quick rinse from a hose equipped with a shut off nozzle. Continued enforcement of all additional water waste prohibitions listed in Regulation 15, section b. 	NMWD Regular Meeting of August 5, 2014
City of Petaluma	9/8/2014	Unknown	Amend Water Waste Ordinance to address hardscape washing	Verbal update @ Ad hoc 7/28/14
City of Rohnert Park	8/26/2014	Unknown		Verbal update @ Ad hoc 7/28/14
City of Santa Rosa	8/5/2014	Stage 1 Mandatory Conservation	<ul style="list-style-type: none"> 20% community-wide reduction in water use by focusing on eliminating water waste and reducing outdoor water use. Prohibits water waste as defined by the Water Waste Ordinance, which is defined as breaks or leaks in the distribution system and runoff and overspray from irrigation. Outdoor irrigation is limited to the hours between 8pm and 6am. Prohibits washing down of hardscapes (unless required for public health and safety). Prohibits the use of potable water for street washing. Requires the use of shut-off hose nozzles on all garden and utility hoses. Requires "Water-on-request" programs at restaurants. 	Agenda Item #12.2 for City of Santa Rosa Council Meeting of August 5, 2014
City of Sonoma	8/18/2014	Stage 2 Mandatory Conservation	<p>Stage 2 Mandatory Conservation prohibits:</p> <ul style="list-style-type: none"> Non-recirculating fountains (Section 864.4) Washing vehicles, boats and trailers without a shutoff nozzle (Section 864.2) <p>Water Waste Ordinance (SMC 13.10.060) already covers/prohibits the regulated issues of:</p> <ul style="list-style-type: none"> Washing of driveways and sidewalks (Section 864.3) Runoff to adjacent properties or streets (Section 864.1) 	Email to CAP Tue 8/5/2014 2:10 PM
Valley of the Moon Water District	8/5/2014	Stage 2 Mandatory Conservation	<ul style="list-style-type: none"> Use of a garden or utility hose without a hose-end shut-off nozzle Service of water in restaurants except upon request Using potable water for street washing Washing sidewalks, patios, driveways and other hardscapes unless for public health and safety Recycled water must be used for construction dust control Irrigation is limited to the hours between 8pm and 6am 	VOMWD Board of Directors Meeting of August 5, 2014
Town of Windsor	8/6/2014	Stage 2 Mandatory Conservation	<ul style="list-style-type: none"> Automated sprinkler irrigation must be properly controlled and performed in non-wasteful and efficient manner Irrigation is limited to the hours between 7pm and 9am The amount of water normally required to maintain a healthy landscape shall be reduced by 20 percent, based on landscape size, plant water requirement, and current weather as specified in section 12-3-835 of the Windsor Municipal Code. 	Town of Windsor Council Meeting of August 6, 2014

Table 1 – Water Agency Contractors’ Strategies for Implementing Emergency Urban Water Conservation Regulations

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

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

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

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

See Attachment 2 'Supplement to the August 2014 Temporary Urgency Change Petition'

Insert the attachment number here, if applicable:

2

Coordination with Regional Water Quality Control Board

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

Date of Request

8/5/2014

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

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Consultation was held with Matt St. John, the Executive Director, of the North Coast Regional Water Quality Control Board regarding the filing of this petition on August 5, 2014. Mr. St. John was amenable to Water Agency proposal to provide weekly summary reports of water quality data and to convene meeting if water quality issues develop to establish a response plan.

Insert the attachment number here, if applicable:

Local Permits

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

Date of Contact

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

Person Contacted: Date of Contact:

Department: Phone Number:

County Zoning Designation:

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

Grading Permit Use Permit Watercourse Obstruction Permit

Change of Zoning General Plan Change Other (explain below)

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

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

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

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

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

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

If necessary, provide additional information below:

Consultations with NOAA National Marine Fisheries Service (Robert Cooley, Josh Fuller) and CA Department of Fish & Wildlife (Eric Larson) on filing of this petition occurred on July 10, 2014.

Insert the attachment number here, if applicable:

Construction or Grading Activity

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Photographs

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

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

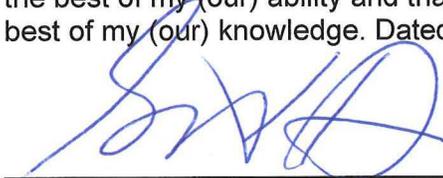
Maps

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

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

All Water Right Holders Must Sign This Form:

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



Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

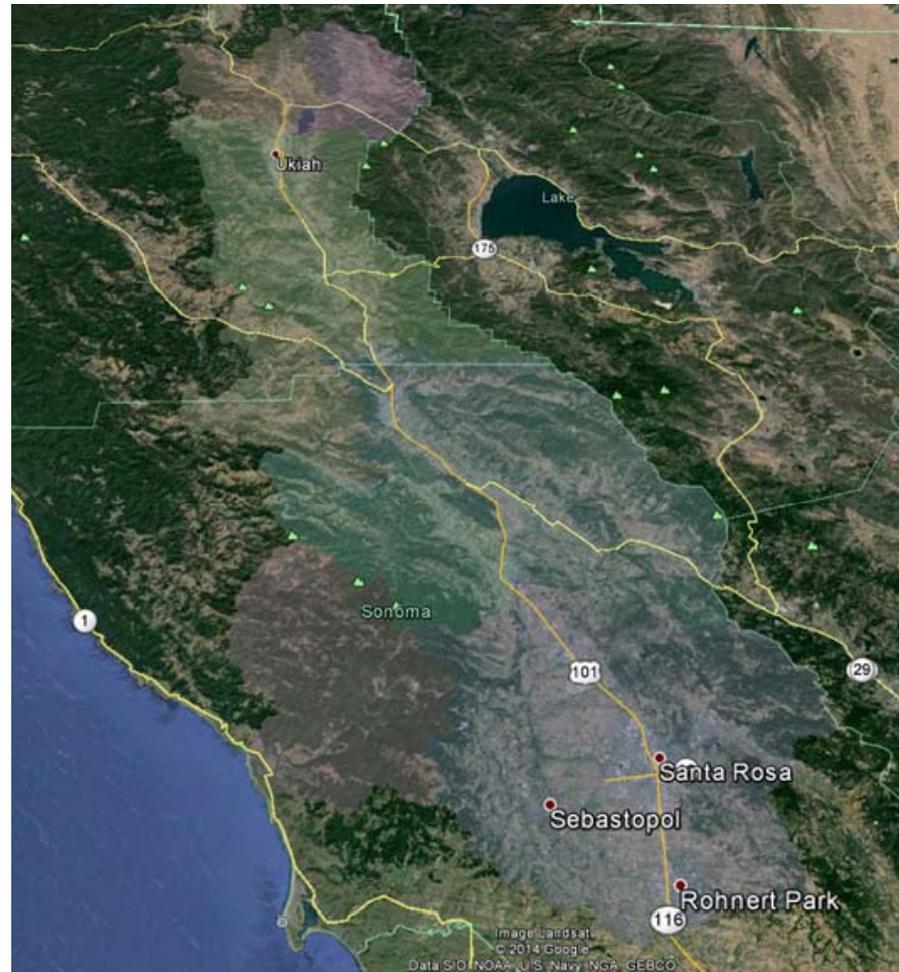
- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the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

Sonoma County Water Agency Photographs in Vicinity of Main Diversion Facilities at Wohler and Mirabel Park

Russian River Between at Mirabel Park on July 25, 2014



Russian River Watershed



NOTICE OF EXEMPTION

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

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

X County Clerk
County of Sonoma
Santa Rosa, CA 95401

X County Clerk
County of Mendocino
Ukiah, CA 95482

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

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

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

Description of Nature, Purpose and Beneficiaries of Project: The Sonoma County Water Agency (Water Agency) controls and coordinates water supply releases from the Coyote Valley Dam and Warm Springs Dam projects in accordance with the provisions of water rights Decision 1610, which the State Water Resources Control Board (SWRCB) adopted on April 17, 1986. Decision 1610 specifies the minimum instream flow requirements for the Upper Russian River, Dry Creek and the Lower Russian River, which vary based on water supply conditions (Figure 1).

The Water Agency is filing a temporary urgency change petition requesting that the SWRCB make the following changes in the minimum instream flow requirements for the Russian River mainstem that are specified in Decision 1610 and the Water Agency's water right permits: (a) a minimum instream flow of 50 cubic feet per second (cfs) in the Upper Russian River from its confluence with the East Fork to its confluence with Dry Creek, and (b) a minimum instream flow of 60 cfs in the Lower Russian River downstream of its confluence with Dry Creek to the Pacific Ocean (Figure 2). These changes are 25 cfs reductions from the current *Dry* condition minimum instream flow requirements in the Upper and Lower Russian River under Decision 1610.

To allow the Water Agency to optimally manage flows in the Upper Russian River and Lower Russian River, the Water Agency is requesting that the TUCP minimum instream flow requirements be specified as 5-day running averages of the specified minimum average daily stream flows, with the conditions that instantaneous flows in the Upper Russian River are never less than 40 cfs and instantaneous flows in the Lower Russian River are never less than 50 cfs. This implementation of minimum instream flow requirements will allow the Water Agency to manage stream flows with a smaller operational buffer, thereby conserving water supply in Lake Mendocino. This will result in higher storage levels in the fall and early winter for increased releases for the migration and spawning of Chinook salmon and improving carryover storage for the following year.

Water supplies sufficient to support survival of listed Russian River salmonid fisheries, agricultural and municipal use, and recreation are at risk. Without the proposed changes, the Water Agency would be required to continue to release additional stored water from Lake Mendocino to meet Decision 1610 *Dry* condition minimum instream flow requirements, which would result in the significant depletion and potential elimination of water supplies in Lake Mendocino for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce the water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall when spawning state and federally listed fish species are sensitive to flow levels and water temperatures. Furthermore, if the upcoming Water Year 2015 is another dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2015.

Water Agency staff estimate that the existing 75 cfs minimum flow in the Upper Russian River will result in a storage level of approximately 20,000 acre-feet in Lake Mendocino on November 1 if no significant storm events occur. Reducing Upper Russian River minimum flows from 75 cfs to 50 cfs would increase the estimated storage to approximately 24,000 acre-feet.

With the proposed changes in the Upper Russian River minimum flow requirements, the Water Agency would violate the Incidental Take Statement contained in the National Marine Fisheries Service's *Biological Opinion for Water Supply, Flood Control Operations and Channel Maintenance Conducted by U.S. Army Corps of Engineers, the Sonoma County Water Agency and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River Watershed* (Russian River Biological Opinion), at pages 297-299 (September 24, 2008), unless a corresponding reduction is made in the minimum flow requirements for the Lower Russian River. This is because, if there are lower flows in the Upper Russian River and no corresponding reductions in the minimum flow requirements for the Lower Russian River, then higher flows on Dry Creek would be required to meet the Decision 1610 minimum instream flow requirements for the Lower Russian River. To minimize the need for these high Dry Creek flows, the Water Agency is requesting, as a part of the temporary urgency change petition, that the required minimum instream flows for the Lower Russian River be reduced by the same amount (25 cfs) as the requested reduction in the Upper Russian River minimum flow requirements.

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

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

Exempt Status: (check one)

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

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

A. Actions to Prevent or Mitigate an Emergency

California Public Resources Code, Division 13, Section 21080(b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. The emergency conditions are demonstrated by current Lake Mendocino storage levels. As of August 12, 2014, the water supply storage level in Lake Mendocino was approximately 36,052 acre-feet. This storage level is 32 percent of the summer water supply pool. The current low storage level is the result of a severe drought that began in the region in January 2013. These emergency conditions also are demonstrated by Governor Brown's January 17, 2014, Proclamation of a State of Emergency and his April 25, 2014, Proclamation of a Continued State of Emergency.

Water Agency staff estimate that the existing 75 cfs minimum instream flow requirement for the Upper Russian River will result in a storage level of approximately 20,000 acre-feet in Lake Mendocino on November 1, if it remains in effect and no significant storm events occur before that date. Reducing the Upper Russian River minimum instream flow requirement from 75 cfs to 50 cfs would increase the estimated November 1 storage to approximately 24,000 acre-feet. Without the proposed changes, the Water Agency would be required to continue to release additional stored water from Lake Mendocino to meet Decision 1610 *Dry* condition minimum instream flow requirements, which would result in the significant depletion of water supplies for water users in Mendocino County and northern Sonoma County (above the confluence with Dry Creek), which would cause serious impacts to human health and welfare, and which would reduce the water supplies needed for fishery protection and stable flows in the Upper Russian River during the fall when spawning state and federally listed fish species are sensitive to flow levels and water temperatures. Furthermore, if the upcoming Water Year 2015 is another dry year, carryover storage in Lake Mendocino will be crucial for the continued recovery of the Russian River salmonid fishery and for water supply reliability during 2015.

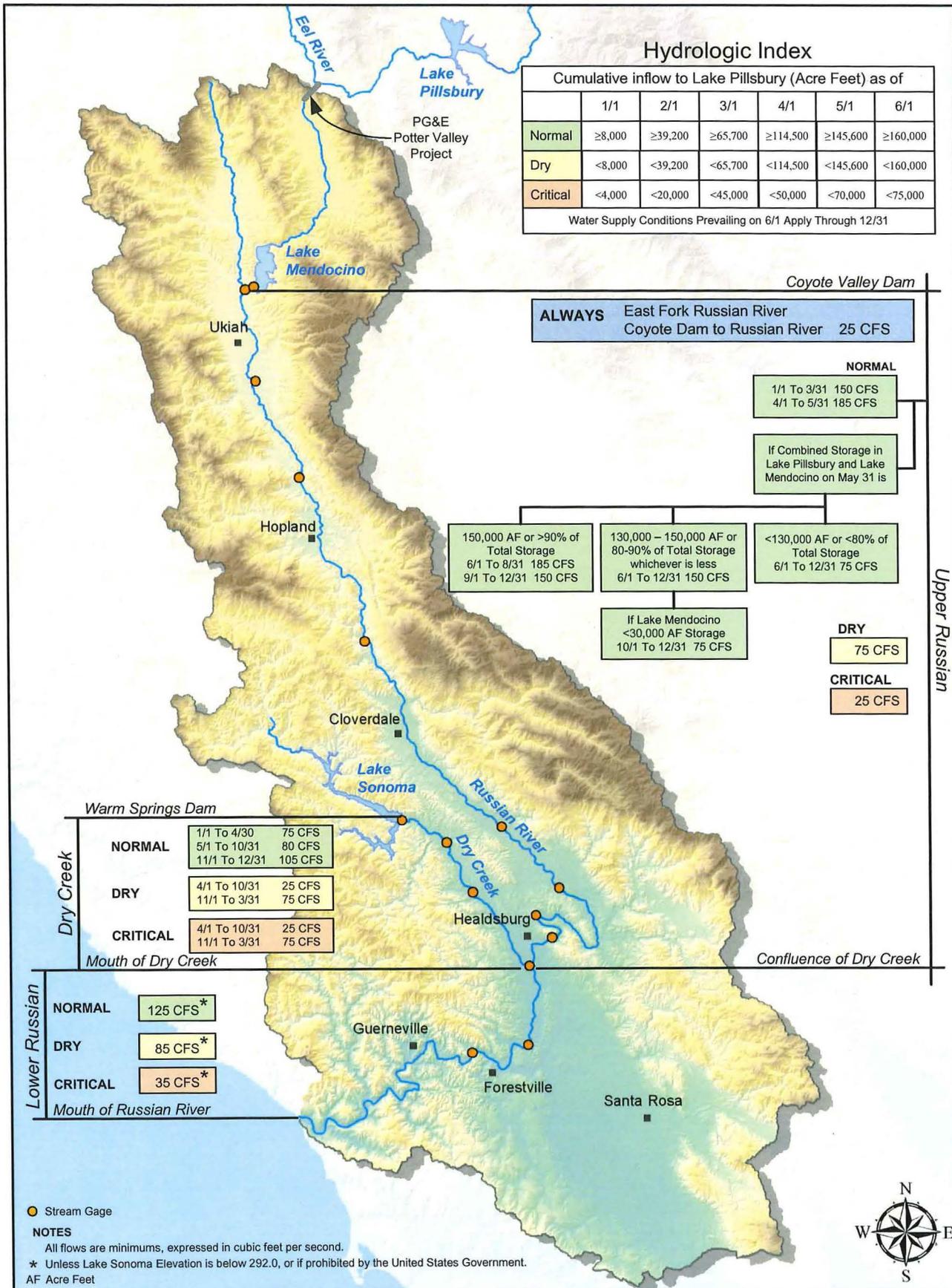
B. Actions by Regulatory Agencies for Protection of Natural Resources and the Environment

CEQA Guidelines Sections 15307 and 15308 provide that actions taken by regulatory agencies to assure the maintenance, restoration or enhancement of a natural resource and the environment are categorically exempt. The proposed temporary urgency change to the Water Agency's water right Permits 12947A, 12949, 12950, and 16596 would conserve water in Lake Mendocino to support beneficial uses downstream of Lake Mendocino, including habitat for listed Russian River salmonid fisheries, agricultural and municipal use, and recreation. The Russian River Biological Opinion found that high flows in Dry Creek (above 90 cfs) were harmful to listed salmon, and limited the extent to which the Water Agency could make releases from Lake Sonoma from July through October. Approval of the proposed temporary urgency change in the Lower Russian River is requested in order to avoid violation of the Incidental Take Statement contained in the Russian River Biological Opinion due to higher releases that would be required for Dry Creek to meet Decision 1610 minimum flow requirements in the Lower Russian River, if the Upper Russian River flows are reduced and the Lower Russian River minimum flow requirements are not reduced.

C. Existing Facilities

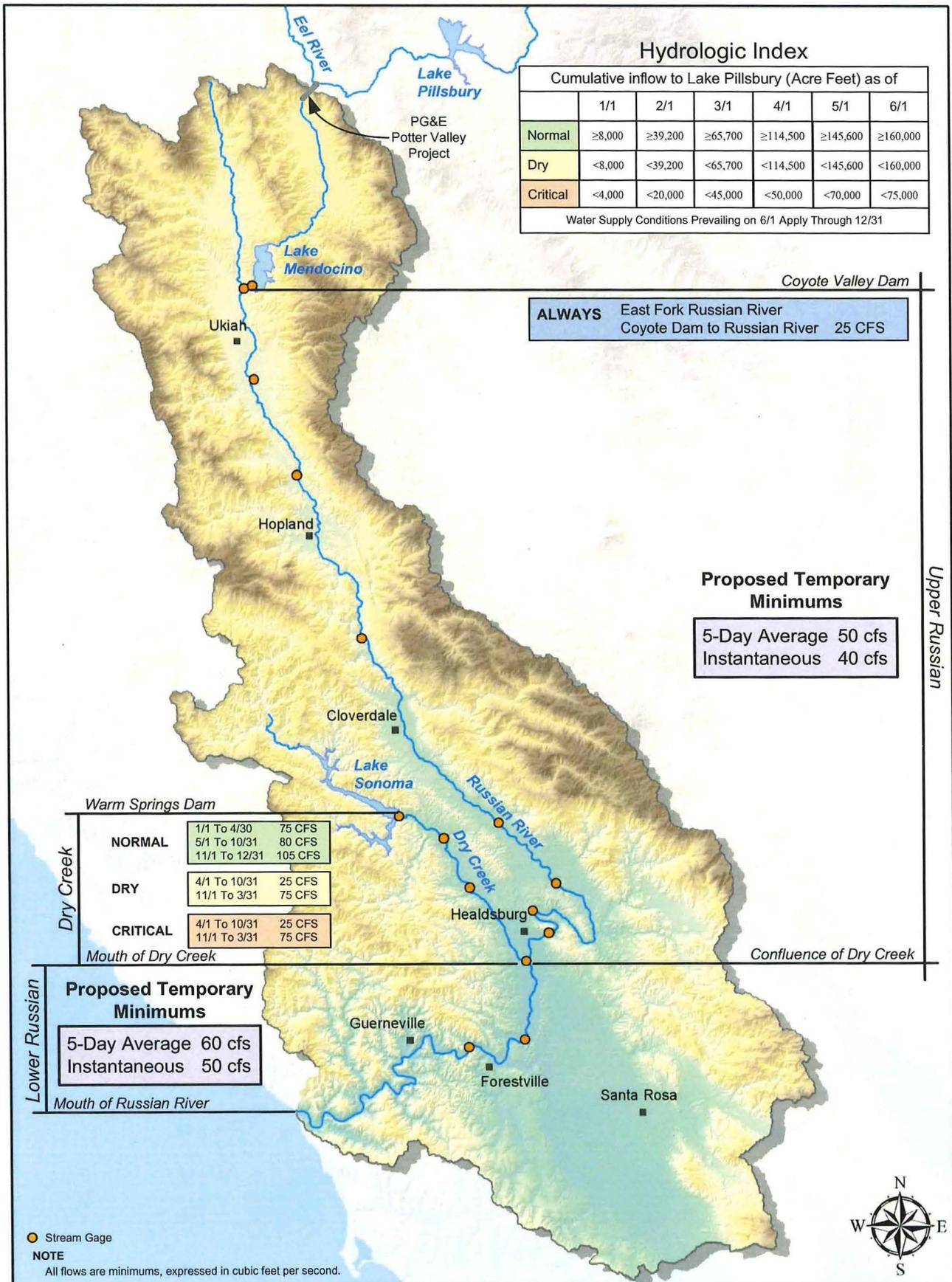
CEQA Guidelines Section 15301(i) provides, generally, that the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt from CEQA. The examples in subdivision (i) of Section 15301(i) specifically provide that the maintenance of streamflows to protect fish and wildlife resources is exempt. The Water Agency's request to change minimum instream flows would not expand the Water Agency's use or increase the water diversions available to the Water Agency for consumptive purposes. The proposed changes in minimum instream flows would still be within the existing minimum instream flows established by Decision 1610.

State Water Resources Control Board Decision 1610



Russian River Basin
Minimum Instream Flow Requirements

August 2014 Temporary Urgency Change Petition



Russian River Basin
Proposed Minimum Instream Flow Requirements
 August 15, 2014 to February 10, 2015