

## State Water Resources Control Board

MAR 23 2012

To Parties that have submitted a Water Demand Management Program for the West Fork of the Russian River and its Tributaries:

### WATER DEMAND MANAGEMENT PROGRAM SUBMITTED FOR COMPLIANCE WITH THE RUSSIAN RIVER FROST PROTECTION REGULATION, MENDOCINO COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received and reviewed the Water Demand Management Program (WDMP) that you submitted for initial compliance with California Code of Regulations, title 23, section 862 (the Regulation) commonly known as the Russian River Frost Protection Regulation. Your proposed WDMP does not contain a schedule or does not contain an acceptable schedule for completing a stream stage monitoring program and conducting a risk assessment, which is a requirement of the initial WDMP. Therefore, the WDMP you have submitted is not acceptable at this time. In order for your initial WDMP proposal to be acceptable, you will need to submit a schedule for developing a stream stage monitoring program and conducting a risk assessment that includes the required consultation with Department of Fish and Game (DFG) and National Marine Fisheries Service (NMFS). An acceptable schedule should identify milestone dates for: collection of required inventory information; a determination of the number, type, and location of stream gages; a determination of the stream stage that should be maintained at each gage; installation of stream gages; and conduction of a risk assessment of cumulative frost diversions affecting stream stage.

On February 2, 2012, the Mendocino County Superior Court granted a stay of enforcement of the Regulation pending resolution of two lawsuits filed against the State Water Board regarding adoption of the Regulation. This is not a ruling on the merits of the cases; it is simply a ruling on whether the Regulation is enforceable prior to the court issuing a ruling on the merits. The hearing is currently scheduled for June 4-5, 2012. This letter is being sent to provide you with a response regarding your WDMP submittal should you choose to voluntarily proceed in the interim.

The State Water Board's objective was to establish a regulation that will prevent salmonid stranding mortality while minimizing the impacts on the use of water for purposes of frost protection. In support of this objective, the State Water Board's goals are to: (a) promote local development and governance of programs that prevent stranding mortality during the frost season; (b) provide transparency of diversion and stream stage monitoring data; (c) ensure that the State Water Board can require any changes to WDMPs that are necessary to ensure that WDMPs are successful and implemented on a timely basis; (d) provide for State Water Board enforcement against non-compliance; and (e) develop a comprehensive regulation that includes all diverters of water for frost protection use, including diverters who pump groundwater that is hydraulically connected to the stream system. The stated purpose of a WDMP is to assess the extent to which diversions for frost protection affect stream stage and manage diversions to prevent cumulative diversions for frost protection from causing a reduction in stream stage that causes stranding mortality.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR


Water diverters will likely be most effective in meeting the goals of the Regulation if they combine their efforts. We suggest jointly establishing local development and governance of a WDMP that coordinates and manages multiple frost diversions to minimize the cumulative potential for stranding mortality. While nothing in the Regulation prohibits an individual diverter or property owner from establishing a WDMP, an individual WDMP on a source used by several others cannot meet the purpose or goals of the Regulation without coordination and communication with other diverters. For this reason, it is recommended that you consider working with the other diverters along the West Fork of the Russian River and its tributaries where your diversions occur to develop a WDMP for the group. This approach would provide better assurance that the goals of the Regulation can be met and at the same time minimize the costs to individual diverters.

I am encouraged by indications in some of the initial WDMPs submitted by West Fork Russian River diverters that a local group is in the process of being formed for this watershed. It appears North Coast Resource Management (<http://ncrm.com>) has made concerted efforts to organize a water users group for the West Fork of the Russian River. Enclosed is a mailing list of the diverters in your watershed that have submitted an individual initial WDMP to the State Water Board and are receiving this response or have received similar responses. You should consider joining together with these diverters if you have not done so already, and with any other diverters within the watershed, to form a WDMP. Working together to develop a *schedule* for completing a stream stage monitoring program and conducting a risk assessment that includes consultation with DFG and NMFS is probably a more efficient and less costly option. You may want to contact North Coast Resource Management to inquire about their on-going efforts towards forming a water users group. Copies of initial WDMPs with schedules that have been accepted by the State Water Board are available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/russian\\_river\\_frost/prctn\\_reg.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/prctn_reg.shtml)

Division staff will continue to be available to answer questions and discuss ways for diverters to meet the goals and terms of the Regulation while the Mendocino County Superior Court considers the lawsuits. Should you have any questions or if you would like to meet with Division staff, please contact Mr. John O'Hagan at (916) 341-5368 or by email at [johagan@waterboards.ca.gov](mailto:johagan@waterboards.ca.gov). Written correspondence should be addressed as follows:

State Water Resources Control Board  
Russian River Frost Regulation  
Attn: John O'Hagan  
P.O. Box 2000  
Sacramento, CA 95812-2000

Sincerely,

  
Barbara Evoy, Deputy Director  
Division of Water Rights

Enclosure: Mailing List

**PARTIES THAT HAVE SUBMITTED A WATER DEMAND MANAGEMENT PROGRAM**  
**SOURCE: WEST FORK OF THE RUSSIAN RIVER AND ITS TRIBUTARIES**

Party: John Bednar  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Patricia Benedetti  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Canebrake Vineyards  
Contact: Tim Todd  
Address: P.O. Box 779, Redwood Valley, CA 95470

Party: Mitchell Champi  
Contact: Darin Colombini  
Address: P.O. Box 153, Redwood Valley, CA 95470

Party: Louis Chappell  
Contact: Ralph Chappell  
Address: 2600 R and E, Redwood Valley, CA 95470

Party: Don & Arlene Colombini  
Contact: Darin Colombini  
Address: P.O. Box 153, Redwood Valley, CA 95470

Party: Di Cesare Vineyards  
Contact: Peter Simon  
Address: P.O. Box 878, Santa Rosa, CA 95402

Party: H&W Vineyards (River Ranch, Paoli Ranch, and Home Ranch)  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Irene Grider (Grider Home Ranch)  
Contact: Frank Dutra  
Address: 4475 Eastside Capella Road, Ukiah, CA 95482

Party: Johnson Orchards, Inc.  
Contacts: William Johnson and Francis Johnson  
Address: 801 Babcock Lane, Ukiah, CA 95482

Party: Thomas F. Johnson  
Address: P.O. Box 828, Redwood Valley, CA 95470

Party: Rudolph H. Light  
Address: PO Box 736, Redwood Valley, CA 95470

MARIPOSA CREEK

COLONY CREEK

SAND CREEK

Party: Steve Locatelli  
Contact: Greg Lononis  
Address: 1650 Road D, Redwood Valley, CA 95470

Party: Toni Milani (Walt Ranch)  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Frank Ricetti  
Address: 2501 Road I, Redwood Valley, CA 95470

Party: Diane Rucker  
Address: 2500 Tindall Ranch Road, Ukiah, CA 95482

Party: Spilman Vineyard  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Todd Brothers (Road D Ranch, Stanton Ranch)  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Ulysses Lononis Vineyards  
Contact: Greg Lononis  
Address: 1650 Road D, Redwood Valley, CA 95470

Party: Gary Venturi  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Larry Venturi  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

**MARIPOSA CREEK**

Party: Frey Vineyards  
Address: 14000 Tomki Road, Redwood Valley, CA 95470

**COLONY CREEK**

Party: Teresa Fetzer Oster  
Address: 2270 Road E, Redwood Valley, CA 95470

**SAND CREEK**

Party: Frey Vineyards  
Address: 14000 Tomki Road, Redwood Valley, CA 95470

**SALT HOLLOW CREEK**

Party: Betty A Foster and Eric Foster  
Address: 8591 Colony Drive, Redwood Valley, CA 95470

Party: Frey Vineyards  
Address: 14000 Tomki Road, Redwood Valley, CA 95470

Party: Lolonis Vineyards, Inc.  
Contact: Greg Lolonis  
Address: 1650 Road D, Redwood Valley, CA 95470

Party: Ken Todd (Quail Ridge Vineyard)  
Contact: North Coast Resource Management  
Address: P.O. Box 435, Calpella, CA 95418

Party: Roger Webb  
Address: 2665 Webb Ranch Road, Redwood Valley, CA 95470