

# RUSSIAN RIVER PROJECT

Application 19351

and

Petitions on Permits 12947A, 12949, 12950, and 16596  
 Issued on Applications 12919A, 15736, 15737, and 19351

of

Sonoma County Water Agency  
 East Fork Russian River, Russian River, and Dry Creek  
 in Mendocino and Sonoma Counties

## DECISION 1610



April 1986



**STATE OF CALIFORNIA**

*George Deukmejian, Governor*

**STATE WATER RESOURCES  
CONTROL BOARD**

*Darlene E. Ruiz, <sup>VICE</sup>Chairwoman*

*Edwin H. Finster, Member*

*Eliseo Samaniego, Member*

*Danny Walsh, Member*

●

*Raymond Walsh, Interim Executive Director*

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 19351  
and Permits 12947A, 12949, 12950, and  
16596 Issued on Applications 12919A,  
15736, 15737, and 19351,

SONOMA COUNTY WATER AGENCY,

Applicant, Permittee,  
and Petitioner,

DEPARTMENT OF FISH AND GAME,  
MENDOCINO COUNTY AND MENDOCINO COUNTY  
FLOOD CONTROL AND WATER CONSERVATION  
DISTRICT, MENDOCINO COUNTY RUSSIAN  
RIVER FLOOD CONTROL AND WATER  
CONSERVATION IMPROVEMENT DISTRICT,  
MASONITE CORPORATION, FITCH  
MOUNTAIN WATER CO., INC., FITCH  
MOUNTAIN ASSOCIATION, INC., TOOMEY  
PUMP, INC., CHRIS J. AND CONSTANCE E.  
MILLER, RESIDENTS OF REDWOOD DRIVE,  
TROWBRIDGE RECREATION, INC., AND CITY  
OF CLOVERDALE,

Protestants,

UNITED ANGLERS OF CALIFORNIA,  
ALEXANDER VALLEY ASSOCIATION,  
RUSSIAN RIVER WATER RIGHTS PROTECTIVE  
ASSOCIATION, CITY OF HEALDSBURG,  
HEALDSBURG CHAMBER OF COMMERCE,  
RIO LINDO ADVENTIST ACADEMY, and  
JORDAN VINEYARDS AND WINERY,

Interested Parties.

DECISION 1610

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

COUNTIES: Sonoma and  
Mendocino

DECISION APPROVING APPLICATION IN PART  
AND APPROVING PETITIONS IN PART

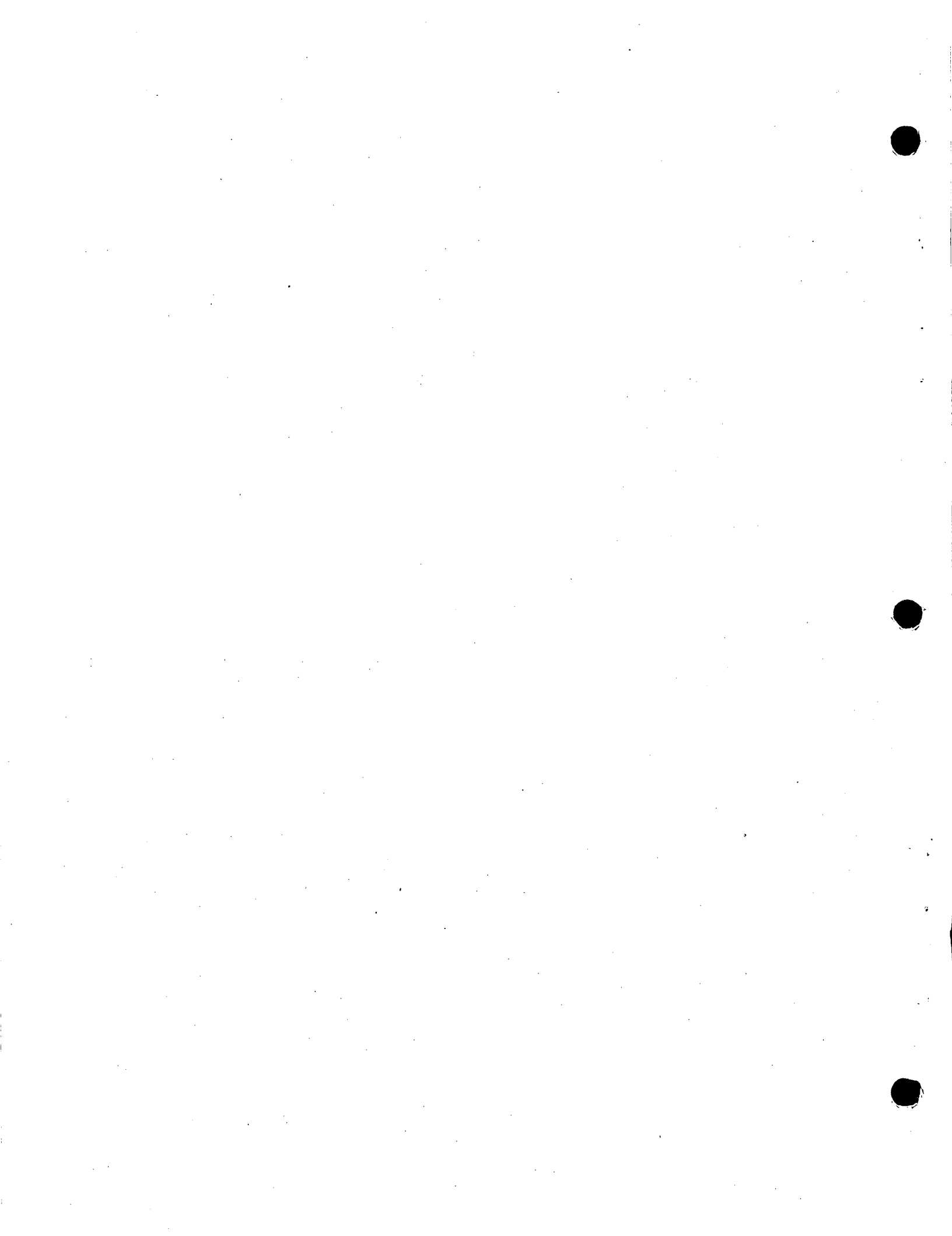


TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION . . . . .	1
2.0 BACKGROUND . . . . .	2
3.0 SUBSTANCE OF THE PETITIONS AND APPLICATION . . . . .	3
4.0 PROJECT DESCRIPTION . . . . .	4
5.0 PROTESTS . . . . .	5
6.0 VERIFICATION OF SCWA'S FLOW ANALYSES . . . . .	7
7.0 PETITION TO AUTHORIZE DIRECT DIVERSION UNDER APPLICATION 19351 . . . . .	8
7.1 Availability of Unappropriated Water for Direct Diversion . . . . .	9
7.2 Need for Water Under Direct Diversion Rights . . . . .	9
7.3 Disposition of the Remaining 110 Cubic Feet Per Second Under Application 19351 . . . . .	10
8.0 PETITIONS TO INCREASE THE DIVERSION OF WATER AT WOHLER AND MIRABEL UNDER PERMITS 12947A, 12949, AND 12950 . . . . .	11
8.1 Availability of Water for Direct Diversion at Wohler and Mirabel in Excess of 37,544 Acre-Feet Per Annum Under Permits 12949 and 12950 . . . . .	12
9.0 COMBINED LIMIT ON DIRECT DIVERSION AND REDIVERSION AT WOHLER AND MIRABEL . . . . .	12
10.0 PETITION TO ADD REDWOOD VALLEY TO THE PLACE OF USE UNDER PERMIT 12947A . . . . .	13
10.1 Scope of Permit 12947A . . . . .	13
10.2 Availability of Water for the Proposed Change . . . . .	14
11.0 PETITION FOR EXTENSION OF TIME UNDER PERMITS 12947A, 12949, AND 12950 . . . . .	16
12.0 PETITION TO AMEND PERMIT 16596 . . . . .	17
12.1 Need for Water . . . . .	17
12.2 Accounting for Water . . . . .	18

12.3	Beneficial Use . . . . .	19
12.4	Adequacy of Supply . . . . .	19
13.0	MINIMUM INSTREAM FLOWS FOR THE RUSSIAN RIVER . . . . .	19
13.1	Amendment of Minimum Flow Requirements . . . . .	20
13.2	Selected Alternative . . . . .	20
14.0	ENVIRONMENTAL CONSIDERATIONS . . . . .	24
14.1	Baseline Used Herein . . . . .	24
14.2	Impact Definition . . . . .	25
14.3	Fishery Resources . . . . .	25
14.3.1	Additional Fishery Studies Should be Done, But Not By SCWA . . . . .	26
14.3.2	No Additional Water is Available in the Russian River Above Healdsburg for Appropriation . . . . .	27
14.3.3	Impact on the Fisheries of Approval of the Petitions . . . . .	28
14.4	Riparian Vegetation and Habitat . . . . .	29
14.5	Recreation and Aesthetics . . . . .	30
14.6	Water Quality . . . . .	30
14.7	CEQA Compliance . . . . .	31
14.7.1	Findings of Overriding Considerations . . . . .	31
15.0	OTHER MATTERS . . . . .	34
15.1	Motion to Suspend Hearing . . . . .	34
15.2	Request for Findings Pursuant to 23 Cal.Admin.Code §729 . . . . .	35
15.3	Conformance with a General or Coordinated Plan for the Development of Water . . . . .	35
15.4	County of Origin Protections . . . . .	36
15.5	Approval by Mendocino Improvement District of Use of Water Outside Mendocino and Sonoma Counties . . . . .	38

15.6	Reservation of Water for Use in Sonoma County . . . . .	38
15.7	Reservations for Use in Mendocino County and in Sonoma County Above Healdsburg . . . . .	39
15.8	Status of the Permit 12947B Minimum Flow Requirements . . . . .	40
15.9	Update Permits . . . . .	40
15.10	Similar Minimum Flow Requirements in Other Permits . . . . .	41
15.11	Accounting for Water Use . . . . .	41
15.12	Public Trust Considerations . . . . .	42
15.13	Request for Review of Data Analysis . . . . .	43
15.14	Riparian Water Rights in Mendocino County . . . . .	44
16.0	CONCLUSIONS . . . . .	44
	ORDER . . . . .	46
TABLE 5.1	. . . . .	7
TABLE 13.1	. . . . .	22





STATE OF CALIFORNIA  
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In the Matter of Application 19351 )  
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SOURCES: East Fork Russian )  
River, Russian )  
River, and Dry )  
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COUNTIES: Sonoma and )  
Mendocino )

DECISION APPROVING APPLICATION IN PART  
AND APPROVING PETITIONS IN PART

BY BOARD MEMBER FINSTER:

1.0 INTRODUCTION

Sonoma County Water Agency (hereinafter referred to as "SCWA") having requested partial approval of the direct diversion portion of

Application 19351 (previously permitted for storage) and having filed petitions to extend time to complete construction and use of water under Permits 12947A, 12949, and 12950, to amend terms and conditions of Permits 12947A, 12949, and 12950, to change the place of use under Permit 12947A, and to amend the terms and conditions of Permit 16596 issued on Application 19351; notice having been given and protests having been received; notice of hearing having been given; a public hearing having been held before the State Water Resources Control Board on fifteen dates between October 29, 1984 and February 28, 1985; applicant, protestants and interested parties having appeared and presented evidence; the Board having considered all evidence in the record; the Board finds as follows:

## 2.0 BACKGROUND

Applicant and petitioner SCWA currently holds four permits to appropriate water for the Russian River Project from the Russian River, the East Fork Russian River, and Dry Creek. The Board's predecessor, the State Water Rights Board, approved three of these permits in Decision D 1030. Therein, the Board's predecessor approved issuance of permits jointly to SCWA and to Mendocino County Russian River Flood Control and Water Conservation Improvement District (Mendocino Improvement District) on Applications 12919A and 12920A. In the same decision the Board approved SCWA's Applications 15736 and 15737 (Permits 12949 and 12950). Together, these permits authorized diversion to storage at Coyote Dam and direct diversion and rediversion of water from the

Russian River at various points. Subsequently, the Board in Decision 1416 approved in part Application 19351 (Permit 16596) for storage of water at Warm Springs Dam on Dry Creek, but restricted the use of such water to in-channel purposes until further hearing and order of the Board. The Board withheld action on the direct diversion portion of Application 19351.

In 1974 the Board reviewed the permits approved in Decision D 1030 on Applications 12919A, 12920A, 15736 and 15737, and ordered the permits amended in Order WR 74-30 to, among other things, (1) limit the combined direct diversion and rediversion of stored water at the Wohler and Mirabel Park pumping facilities to 37,544 acre-feet per annum (hereinafter afa), (2) combine the purposes of use under Applications 12919A and 12920A into Application 12919A, (3) revoke the permit on Application 12920A as no longer necessary, and (4) divide the remaining permit, Permit 12947, into Permits 12947A (held by SCWA) and 12947B (held by Mendocino Improvement District). In Order WR 74-34 the Board granted SCWA reconsideration on the limit of 37,544 afa on its diversions at Wohler and Mirabel. That reconsideration is one of the issues in this decision. It was delayed, along with action on the three petitions filed in 1975, pending completion of an adequate environmental impact report by SCWA.

### 3.0 SUBSTANCE OF THE PETITIONS AND APPLICATION

SCWA has filed five petitions in addition to the reconsideration of Order WR 74-30, all of which are subjects of this proceeding. The five petitions are as follows:

- a. Petition to extend the time to complete construction and use of water (filed in 1975),
- b. Petition to increase the maximum combined rates of direct diversion and rediversion of stored water at Wohler and Mirabel under Permits 12947A, 12949, and 12950 from 92 cubic feet per second (hereinafter cfs) and 37,544 afa to 180 cfs and 75,000 afa (filed in 1975),
- c. Petition to authorize direct diversion of 180 cfs from the Russian River under Application 19351 (filed in 1975),
- d. Add Redwood Valley County Water District as a place of use under Permit 12947A (filed in 1983), and
- e. Remove the restriction to in-channel purposes in Permit 16596 on the use of stored water from Lake Sonoma, and allow rediversion of up to 75,000 afa of stored water at the Wohler and Mirabel facilities (filed in 1983).

#### 4.0 PROJECT DESCRIPTION

The Russian River Project is a water diversion and storage project operated by SCWA to furnish water from the Russian River, the East Fork Russian River, and Dry Creek for domestic, industrial, municipal, irrigation, and recreational uses. SCWA supplies water to the City of Cotati, the City of Petaluma, the City of Rohnert Park, the City of

Santa Rosa, the City of Sonoma, the Forestville County Water District, the North Marin Water District, the Valley of the Moon Water District, Marin Municipal Water District, and several individuals.

The Russian River Project includes storage of water at Lake Mendocino on the East Fork Russian River in Mendocino County and at Lake Sonoma on Dry Creek in Sonoma County, diversion and rediversion facilities at Wohler and Mirabel Park in Sonoma County, and an aqueduct system to convey water from the Russian River to the service areas in southern Sonoma County and in Marin County. Much of the water appropriated from the East Fork Russian River originates in the Eel River watershed and is diverted to the East Fork by Pacific Gas and Electric Co. through a hydroelectric power tunnel.

SCWA shares conservation space at Lake Mendocino with Mendocino Improvement District. Together, the two agencies have permits to store up to 122,500 afa in Lake Mendocino. SCWA has a permit to store up to 245,000 afa in Lake Sonoma. The two storage reservoirs are owned by the U. S. Corps of Engineers.

#### 5.0 PROTESTS

There were a total of twenty-two unresolved protests against the five petitions filed by SCWA. Of the protestants, only eleven appeared and participated in the hearing. These were Department of Fish and Game, Mendocino County and Mendocino County Flood Control and Water Conservation District, Mendocino County Russian River Flood Control and Water Conservation Improvement District, Masonite Corporation,

Fitch Mountain Water Co., Inc., Fitch Mountain Association, Inc., Toomey Pump, Inc., Chris J. and Constance E. Miller, Residents of Redwood Drive, Trowbridge Recreation, Inc., and City of Cloverdale. The bases for these protests are set forth in Table 5.1. All other protests are dismissed, pursuant to 23 Cal. Adm. Code §731, for failure to appear at the hearing. Additionally, seven interested parties appeared and presented evidence, as follows: United Anglers of California, Alexander Valley Association, Russian River Water Rights Protective Association, City of Healdsburg, Healdsburg Chamber of Commerce, Rio Lindo Adventist Academy, and Jordan Vineyards and Winery.

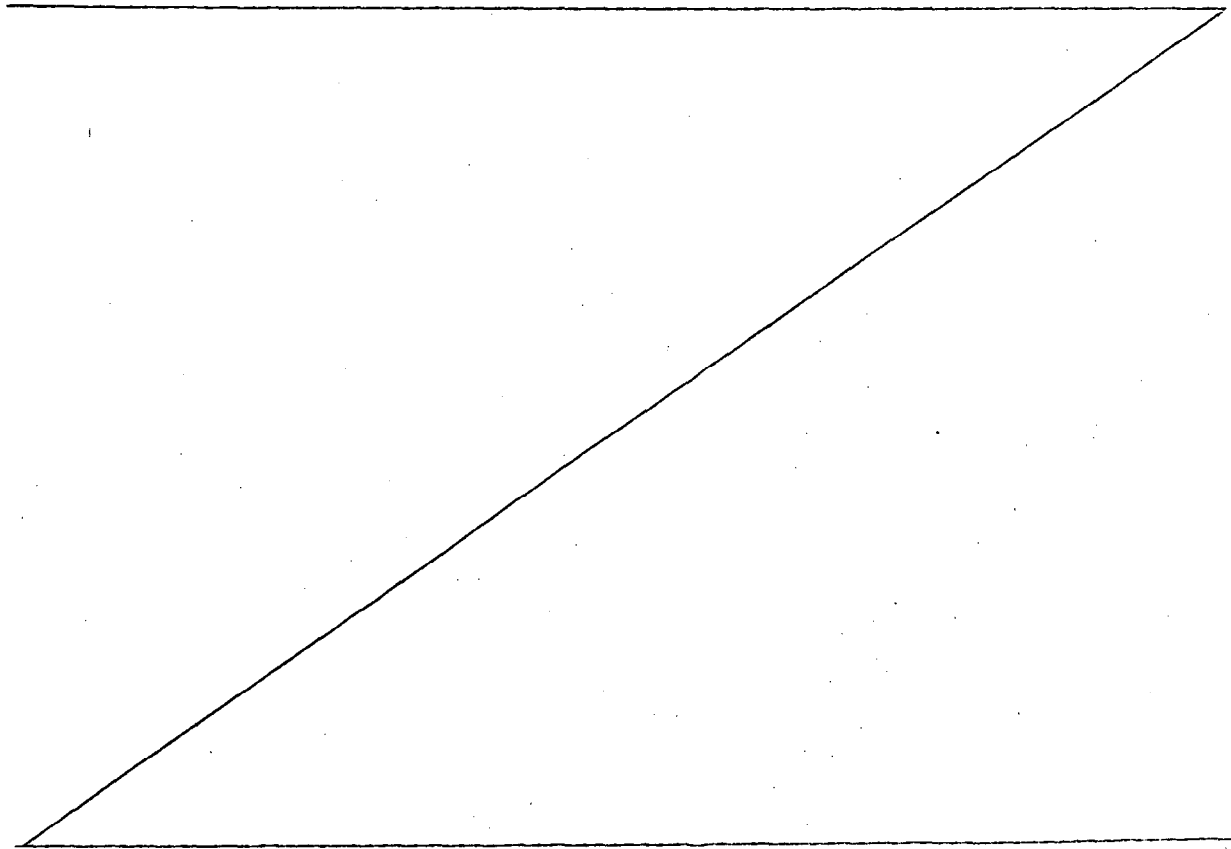


TABLE 5.1

Protests

PROTESTANT	BASIS				
	Contrary to Law	Prior Rights	Adverse Environ. Impact	Public Interest	Public Trust
Calif. Dept. of Fish and and Game			X	X	
Mendocino Co. & Mendocino Co. Flood Control and Water Conservation District*	X		X	X	
Fitch Mountain Water Co., Inc.		X		X	
Fitch Mountain Association, Inc.				X	
The Residents of Redwood Drive				X	
Toomey Pump, Inc.				X	
Chris J. & Constance E. Miller and Residents of Redwood Drive			X	X	
Trowbridge Recreation, Inc.					X
City of Cloverdale				X	
Masonite Corporation		X			
Mendocino County Russian River Flood Control and Water Conservation Improvement District			X	X	X

\* Also protested on the basis that the petitions involved matters that are not within the Board's jurisdiction.

## 6.0 VERIFICATION OF SCWA'S FLOW ANALYSES

In the hearing, SCWA introduced in evidence a number of analyses of different operating options and flow scenarios on the Russian River.

These analyses were based on a computer simulation of the upper Eel River and the Russian River. The computer simulation originally was developed by the Department of Water Resources.

When it analyzed the record, the Board reanalyzed the data in the record which SCWA had used for its analyses, using services of the Department of Water Resources, in order to verify independently SCWA's analyses. Several computer simulations were run, some of which were intended to match the scenarios SCWA had run, and some of which analyzed alternative scenarios. In the course of reanalyzing SCWA's scenarios, we found that SCWA's simulations used dry year demands for all except the first year of record modeled. Since dry year agricultural demands are higher than normal year demands, SCWA's simulations predict higher river flows in some reaches and lower reservoir levels than would exist under actual demand situations. Consequently, we rely herein on our own analyses of the various flow scenarios.

#### 7.0 PETITION TO AUTHORIZE DIRECT DIVERSION UNDER APPLICATION 19351

In this proceeding SCWA has petitioned the Board to authorize direct diversion of 180 cfs under Application 19351. Application 19351 was filed on April 12, 1960, for storage in Lake Sonoma and for direct diversion of water from Dry Creek. The Russian River was added as a source of direct diversion on January 12, 1968. SCWA's application, as amended, was for a permit to appropriate 290 cfs by direct diversion and to appropriate 320,000 afa by storage. In Water Right



Decision 1416, the Board authorized storage of 245,000 afa in Lake Sonoma under Application 19351, but withheld action on the direct diversion portion of the application pending further hearing and a showing of need for the water.

7.1 Availability of Unappropriated Water for Direct Diversion

We find that because of the coordinated operation of Lake Sonoma and Lake Mendocino and the minimum flows discussed in paragraph 13, below, unappropriated water will be available in most months in the Russian River at the Wohler and Mirabel diversion points under year 1985 demand levels. However, under year 2020 demand levels, we expect that there will often be no water available for direct diversion under Application 19351 during the months of June, July, August, and September.

7.2 Need for Water Under Direct Diversion Rights

In order to divert water for the Russian River Project to the full extent authorized, and to avoid excessive drawdowns of storage reservoirs, SCWA requires a mixture of available direct diversions and rediversions of stored water. SCWA's current direct diversion rights are 92 cfs from the East Fork Russian River under Permit 12947A, year round, 20 cfs from the Russian River under Permit 12949, year round, and 60 cfs from the Russian River under Permit 12950, from April 1 through September 30 for irrigation and domestic purposes. The 60 cfs available under Permit 12950 is for only a limited season and is primarily for agricultural use. The 92 cfs under Permit 12947A is available only when direct diversion flow reaches Wohler and Mirabel

from the East Fork Russian River. During the summer, East Fork flow often will be consumed before it reaches Wohler and Mirabel. Consequently, SCWA's right to direct diversion could be limited at times to the 20 cfs diversion authorized under Permit 12949. As a result, situations could occur where water available for appropriation is present at Wohler and Mirabel, but SCWA has inadequate rights to divert the water. Under such circumstances SWCA might have to release excessive quantities of water from storage, reducing the storage levels in Lake Sonoma or Lake Mendocino. The flow and reservoir levels predicted as a result of the minimum flow requirements ordered by this decision contemplate that SCWA will have adequate direct diversion rights when water is available. Absent adequate direct diversion rights, reservoir storage levels likely would be lower than expected. Consequently, we find that the direct diversion portion of Application 19351 should be approved for the 180 cfs requested. However, direct diversion at Wohler and Mirabel under Application 19351 in combination with Permits 12947A, 12949, and 12950 should not exceed this amount. The amount diverted under this authorization will vary according to availability of water. When the water right is licensed, the authorized direct diversion can be adjusted to the amount actually used within the authorization.

7.3 Disposition of the Remaining 110 Cubic Feet Per Second Under Application 19351

SCWA has requested that the Board withhold action on the remaining 110 cfs not requested to be authorized for diversion at this time under Application 19351. However, we find that SCWA has failed to

demonstrate that it has a clear or feasible plan for the use of the additional flow within a reasonable time. Therefore, based on provisions of 23 Cal.Admin.Code §776, we will deny approval of the remaining 110 cfs.

8.0 PETITIONS TO INCREASE THE DIVERSION OF WATER AT WOHLER AND MIRABEL UNDER PERMITS 12947A, 12949, and 12950

SCWA petitioned the Board (1) to amend Permit 12947A to increase the maximum rate of rediversion of stored water at Wohler and Mirabel from 92 cfs to 180 cfs, and (2) to increase the maximum combined direct diversion and rediversion of stored water under Permits 12947A, 12949, and 12950 from 92 cfs and 37,544 afa to 180 cfs and 75,000 afa.

However, under the petition the maximum combined direct diversion under the three permits would remain at 92 cfs. Near the end of the hearing, SCWA withdrew that part of its petition that requested an increase in direct diversion and rediversion under Permit 12947A from 37,544 afa to 75,000 afa. The net result of this change is that SCWA has remaining a petition to increase the annual direct diversion from the Russian River under Permits 12949 and 12950, from 37,544 afa to 75,000 afa.

The requested increase from 92 cfs to 180 cfs as a combined limit on direct diversion and rediversion of stored water under Permits 12947A, 12949, and 12950 cannot be approved because, as stated in Order WR 74-34, SCWA's combined net rediversion and direct diversion rights under Permits 12947A, 12949 and 12950 at Wohler and Mirabel are 92 cfs. Further, during the hearing, SCWA agreed that a result of withdrawing its petition as to Permit 12947A would be to limit the combined direct

diversion and rediversion to 92 cfs. RT XVII,17:8-9. Additionally, we note that the limit on direct diversion under Permit 12949 is 20 cfs year round, and under Permit 12950 is 60 cfs from April 1 to September 30 of each year. These limits are unchanged.

The Board imposed a combined limit of 37,544 afa of direct diversion and rediversion of stored water at Wohler and Mirabel under Permits 12947A, 12949 and 12950 in Order WR 74-30. Subsequently, in Order WR 74-34, the Board approved reconsideration of this limitation. Permits 12949 and 12950 authorize direct diversion without placing a limit on the total annual diversion. Although the Board in Order WR 74-30 considered a combined limit, the order imposing a limit has never become final as to Permits 12949 and 12950, and may now be changed if water is available for appropriation and the change is in the public interest.

8.1 Availability of Water for Direct Diversion at Wohler and Mirabel in Excess of 37,544 Acre-Feet Per Annum Under Permits 12949 and 12950

We have found in Paragraph 7.1 above that water is available for appropriation by direct diversion at Wohler and Mirabel. Since Permits 12949 and 12950 represent more senior rights than Application 19351, it follows that water is also available under Permits 12949 and 12950 to contribute to an increase in the combined limit of 37,544 afa on the three permits.

9.0 COMBINED LIMIT ON DIRECT DIVERSION AND REDIVERSION AT WOHLER AND MIRABEL

SWCA has asked that the combined annual limit under all four of its permits and application considered herein be raised to or set at 75,000 afa for diversion and rediversion at Wohler and Mirabel. Water

is available for this amount of combined direct, diversion and rediversion, under the instream flow requirements discussed in paragraph 13.

Additionally, SCWA has presented substantial evidence that its need for water in its places of use will increase to 75,000 afa, and that its proposed uses are beneficial. Consequently, the combined limit on direct diversion and rediversion may be raised to 75,000 afa.

10.0 PETITION TO ADD REDWOOD VALLEY TO THE PLACE OF USE UNDER PERMIT 12947A  
SCWA has petitioned to add the service area of the Redwood Valley County Water District, within T16N and T17N, R12W, MDB&M, to its place of use under Permit 12947A, and in conjunction with this change has requested an additional withdrawal from storage at Lake Mendocino of 7,500 afa. SCWA has established that Redwood Valley, because it is growing in population and in agricultural uses, has a need for the water.

10.1 Scope of Permit 12947A

Permit 12947A authorizes the diversion to storage in Lake Mendocino of 122,500 afa. Of the yield from this storage, Mendocino Improvement District may withdraw up to 8,000 afa for use within its place of use under Permit 12947B. Subject to prior rights, a 10,000 acre-foot per annum reservation for use by appropriators in the Russian River Valley in Sonoma County who commence diversions after January 28, 1949, and maintenance of minimum flows, the balance of the water that annually may be diverted to storage in Lake Mendocino is available to SCWA for

its use, assuming it has an authorized point of diversion and place of use for the water.

Assuming that the requested withdrawal of 7,500 afa is available from Lake Mendocino without increasing the amount of water authorized for storage therein -- i.e., without storing more than 122,500 afa -- and without impairing any of the uses to which SCWA's right is subject, the change can be approved under SCWA's existing rights. This is because the right is to store water, and an authorization of an additional withdrawal from storage will not increase the amount that may be stored. Consequently, the decision whether to approve the requested change depends upon the availability of water and whether the change will injure any legal user of the water.

#### 10.2 Availability of Water for the Proposed Change

With less than 30,000 acre-feet of carry-over storage, Lake Mendocino's reliability as a storage facility is impaired, since it could go dry if the winter and spring following a lower carry-over were extremely dry. Under the minimum flow requirements discussed in paragraph 13, there would be nine years out of fifty-six when there would be inadequate water to both maintain Lake Mendocino's reliability as a storage facility and serve Redwood Valley.

In years when inadequate water is available, the withdrawal of 7500 afa from Lake Mendocino could deprive other legal users of water. Under term 20 of Permit 12947A, deliveries to Redwood Valley, which is outside the Russian River Valley, are junior to all uses of water

within the Russian River Valley. Consequently, any diversion to Redwood Valley under Permit 12947A should be conditioned to ensure that it does not impair other legal uses of water.

The following constraints should be placed on any withdrawal from storage for use in Redwood Valley: (1) During critical and very dry years SCWA should make no withdrawals from storage for Redwood Valley under Permit 12947A; (2) at other times, whenever storage in Lake Mendocino is less than 30,000 acre-feet, Redwood Valley should be delivered from Lake Mendocino no more than 50 percent of its average monthly use; (3) withdrawals from storage for Redwood Valley should be limited to 7500 afa; (4) if withdrawals from storage are ceased pursuant to point (1), they should not be resumed until after October 31 of that year and after storage in Lake Mendocino has risen to above 30,000 acre-feet or until SCWA has demonstrated, to the satisfaction of the Chief of the Division of Water Rights, that storage will not fall below 30,000 acre-feet that year; (5) a conservation program should be developed for Redwood Valley, to ensure that water delivered under this decision is not used wastefully or unreasonably; (6) any agreement between Redwood Valley and SCWA should be made subject to permit provisions for ceasing or reducing withdrawals from storage, and such contract should be provided to the Board; and (7) jurisdiction should be reserved to modify the above requirements or to impose different requirements.

11.0 PETITION FOR EXTENSION OF TIME UNDER PERMITS 12947A, 12949, AND 12950  
SCWA petitioned in 1975 for extensions of time under Permits 12947A,  
12949 and 12950 to complete construction at Wohler and Mirabel and to  
apply water to beneficial use. The requested extensions are from  
December 1, 1975 to December 1, 1987 for construction, and from  
December 1, 1985 to December 1, 1999 for application of the water to  
the proposed beneficial use.

We find, based on the evidence, that SCWA is exercising due diligence  
in construction of the Russian River Project. However, all construc-  
tion of diversion and rediversion facilities may not be complete until  
at least the end of 1993. Because of this delay, SCWA during the  
hearing orally requested that the time to complete construction be  
extended at least through 1993. No participant in the hearing  
objected to this request. If the extension were made only to 1987 as  
originally requested, another extension would have to be processed  
almost immediately. Consequently, the time to complete construction,  
allowing for any additional delays, should be extended to December 1,  
1995.

Likewise, we find that SCWA is exercising due diligence in applying  
the water to beneficial use. It is appropriate, based on the  
evidence, for the application of water to beneficial use to take more  
time. This helps ensure that water is not wastefully applied. It is  
possible that SCWA will reach its full beneficial use of water  
appropriated under these permits by December 1, 1999. Consequently,  
the requested extension may be approved.



12.0 PETITION TO AMEND PERMIT 16596

Term 5 of Permit 16596 contains restrictive language as follows:

"No water shall be used except for in-channel purposes until further hearing and order of the Board. Said order shall be preceded by a showing by the permittee of how the water put to beneficial use will be measured and reported."

SCWA petitioned in 1983 for amendment of term 5 of Permit 16596, (1) to authorize redirection of 75,000 afa of stored water from Lake Sonoma at the Wohler and Mirabel pumping facilities, and (2) to authorize the use of such water for all of the purposes of use set forth in term 3 of Permit 16596. These purposes of use are recreational, domestic, industrial, and municipal. SCWA filed this petition to relieve restrictions in term 5 which the Board placed on its use of Lake Sonoma storage water in Water Right Decision 1416.

The quoted part of term 5 was included in the permit because, according to Decision 1416, SCWA had not shown how the water would be put to beneficial use or how any redirections of the stored water would be measured and reported. Herein we consider whether SCWA has made a showing adequate to justify the Board's rescission of the quoted part of term 5 and to authorize the requested redirections and beneficial uses.

12.1 Need For Water

SCWA has a master contract with eight agencies for delivery of a firm supply of water in southern Sonoma County and in northern Marin County. Additionally, SCWA has an offpeak water supply contract with

Marin Municipal Water District. The total demand under these contracts is increasing as the population within the service areas of SCWA's contractors increases. In three recent years (1981, 1984 and 1985), SCWA obtained authorization from the Board to divert and use water over and above that allowed under the 37,544 acre-foot per annum limit on diversion under its permits imposed in Order WR 74-30. Demand in SCWA's service area may reach 75,000 afa by the year 2000. Based on these findings, SCWA has shown that it has a need for additional water, up to 75,000 afa, in its service area. Enough water is not available from SCWA's other rights to satisfy this demand. Consequently, by making this showing, SCWA has satisfied the first of the term 5 permit requirements, that the water will be put to beneficial use if its diversion is approved.

#### 12.2 Accounting for Water

SCWA also has offered a method for measuring and reporting not only the diversions from Lake Sonoma, but also the diversions under Permits 12947A, 12949, and 12950. However, SCWA's proposal contains several inconsistencies, and to some extent disregards legal priorities among the various water rights which SCWA holds. No other proposed accounting method is satisfactory. Nevertheless, the lack of an acceptable accounting method should not by itself be a basis for continuing the restrictions in Term 5. Consequently, rather than require a specific method of accounting at this time, we will require SCWA to record the specific operational data and streamflows listed in the order portion of this decision, and to develop a method of

submitting data to the Board on the quantities of direct diversion and rediversion of stored water used under its permits. Such method should be subject to approval by the Chief, Division of Water Rights.

12.3 Beneficial Use

Since the intended recipients of water from Lake Sonoma will put the water to beneficial use for the permitted purposes, authorization to use the water for the permitted purposes is appropriate.

12.4 Adequacy of Supply

In two years of the fifty-six that were modeled, Lake Sonoma's carry-over storage was inadequate to meet normal demands in the following year. Consequently, SCWA should be required to reduce its deliveries in years when storage in Lake Sonoma drops below 100,000 acre-feet before July 15, to ensure that an adequate carryover supply will remain. Also to ensure that Lake Sonoma remains an adequate source of supply for as long as possible, SCWA should develop and implement a master water conservation plan for its service area. Such a plan should use elements of water conservation programs developed by or in conjunction with SCWA's contractors.

13.0 MINIMUM INSTREAM FLOWS FOR THE RUSSIAN RIVER

The central issue in this proceeding affects the Board's determination on all five of the petitions filed by SCWA and on reconsideration of Order WR 74-30. This issue is the minimum instream flows in the Russian River that should be made conditions of SCWA's permits.

13.1 Amendment of Minimum Flow Requirements

In Decision D 1030 and in Decision 1416, the Board incorporated by reference agreements between SCWA or its predecessor and the Department of Fish and Game, which set forth the minimum instream flows to be maintained by SCWA as a condition of Permits 12947A, 12949, 12950, and 16596. The agreement pertaining to Permits 12947A, 12949, and 12950 contains language giving the Board reserved jurisdiction over the permits for the purpose of amending the instream flow requirements, as follows:

"A. The State Water Rights Board, or any successor to the jurisdiction of said Board, as between the parties hereto, shall have continuing primary authority and jurisdiction over the subject of releases for minimum flows of water herein provided to be maintained in the channel of the Russian River for the protection, preservation and enhancement of fish and wildlife, to modify the same in accordance with law and equities between these parties in the interest of the public welfare to prevent waste, unreasonable or inequitable use, unreasonable or inequitable method of use or unreasonable or inequitable method of diversion of water."

Because of this term, its authority to condition approval of the petitions filed by SCWA and its continuing authority under the public trust (National Audubon Society v. Superior Court, 189 Cal.Rptr. 346, 33 Cal.3d 445 (1983) the Board has jurisdiction to amend the minimum instream flow requirements incorporated by reference in the above four permits.

13.2 Selected Alternative

Fifteen alternative sets of minimum flow requirements were discussed in the course of the proceeding. We conclude that a variation of the March 8, 1985 stipulation between SCWA and the Department of Fish and

Game is the best alternative. In choosing minimum flow requirements we weighed the performance and the effects of the various alternatives. In choosing an alternative we looked for one which generally (a) would not cause Lake Mendocino to go dry, (b) takes account of the continuing sedimentation in Lake Pillsbury, (c) includes dry and critical year criteria, (d) requires actions which are within the jurisdiction of the Board, (e) takes into account the existence of all of the facilities in the Russian River Project, (f) attempts to manage the system in the face of increasing demands for water, (g) includes dry spring criteria, and (h) preserves the fishery and recreation in the river and in Lake Mendocino to the greatest extent possible while serving the needs of the agricultural, municipal, domestic, and industrial uses which are dependent upon the water. We find that a set of minimum flow requirements which uses all of the features of the stipulation dated March 8, 1985 between SCWA and the Department of Fish and Game, except for one modification, will most closely meet these criteria. The selected minimum flow requirements are set forth in our order herein.

Table 13.1 summarizes the projected median flows and the percentage of time at flows less than 200 cfs, 150 cfs, and 100 cfs in the Russian River and the expected Lake Mendocino storage levels under the selected alternative, under year 1985 and year 2020 demand conditions for May through October. It also summarizes the actual median flows and percentage of time at flows less than 200 cfs, 150 cfs, and 100 cfs in the Russian River and in Lake Mendocino since 1959 when Lake Mendocino began storing water.

TABLE 13.1

MEDIAN FLOW (cfs), AND  
 MEDIAN LAKE MENDOCINO STORAGE VOLUME (acre feet)  
 UNDER THE SELECTED ALTERNATIVE AND UNDER HISTORICAL  
 CONDITIONS, AND PERCENT OF TIME AT LESS THAN 200, 150 AND 100 CFS:  
 MAY THROUGH OCTOBER PERIOD

1985 DEMAND CONDITIONS: SELECTED ALTERNATIVE			
	Guerneville Flow	Healdsburg Flow	Lake Mendocino Volume
May	446	299	89,400
June	229	200	84,300
July	202	200	71,300
August	202	200	61,100
September	185	165	57,700
October	220	174	64,400

2020 DEMAND CONDITIONS: SELECTED ALTERNATIVE			
	Guerneville Flow	Healdsburg Flow	Lake Mendocino Volume
May	376	282	88,600
June	140	200	79,000
July	140	200	62,000
August	140	200	50,500
September	140	165	47,100
October	161	168	48,800

HISTORICAL CONDITIONS			
	Guerneville Flow	Healdsburg Flow	Lake Mendocino Volume
May	510	500	82,900
June	230	232	81,600
July	168	206	73,300
August	170	220	64,000
September	175	205	64,000
October	245	242	62,500

1985 DEMAND CONDITIONS: SELECTED ALTERNATIVE										
% Time										
	Guerneville Flow			Healdsburg Flow			Lake Mendocino Volume (1000 af)			
	<200	<150	<100	<200	<150	<100	<72.0	<60.0	<50.0	<37.5
May	13	13	11	13	13	11	23	0	0	0
June	27	16	13	27	21	18	30	13	0	0
July	46	14	11	25	20	18	55	29	11	0
August	48	14	11	25	18	14	71	43	21	4
September	64	20	9	88	20	20	100	54	29	9
October	64	18	9	66	21	16	100	43	20	5

2020 DEMAND CONDITIONS: SELECTED ALTERNATIVE										
% Time										
	Guerneville Flow			Healdsburg Flow			Lake Mendocino Volume (1000 af)			
	<200	<150	<100	<200	<150	<100	<72.0	<60.0	<50.0	<37.5
May	17	13	13	13	13	13	25	4	2	2
June	80	41	13	34	23	20	38	23	5	4
July	96	81	13	34	21	20	70	39	21	7
August	93	85	13	34	21	16	95	68	39	14
September	96	83	13	96	21	21	100	75	59	25
October	80	26	11	86	27	20	100	73	52	21

HISTORICAL CONDITIONS										
% Time										
	Guerneville Flow			Healdsburg Flow			Lake Mendocino Volume (1000 af)			
	<200	<150	<100	<200	<150	<100	<72.0	<60.0	<50.0	<37.5
May	15	4	4	23	4	4	9	4	0	0
June	46	23	4	35	12	4	13	4	4	0
July	77	19	4	35	4	4	35	13	4	4
August	81	15	4	35	4	4	74	22	13	4
September	62	23	4	38	4	4	83	39	26	9
October	35	8	4	27	4	4	87	39	35	9

In calculating these amounts, and in selecting this alternative, we have assumed that the actual flows will be 15 cfs above the required minimum flow, to allow for an operating range in meeting the requirements. We have also assumed that transitions from one month to the next will be made gradually when the required minimum flows vary widely between consecutive months. It is our intent that the minimum flow requirements should be interpreted as contemplating a smooth transition between months, to avoid adverse environmental effects.

#### 14.0 ENVIRONMENTAL CONSIDERATIONS

##### 14.1 Baseline Used Herein

The environmental effects of approving the petitions, as conditioned by the proposed minimum flow requirements, are set forth herein by comparison with the actual flows and reservoir levels which have occurred since the construction and operation of Coyote Dam. We are using the actual flows and reservoir levels as the baseline herein. Our baseline differs from SCWA's baseline because ours uses actual data rather than projections of flows that would exist if the petitions were not approved. We are using the actual flows and levels as a baseline because they describe the existing physical conditions in the Russian River system. If these flows and levels continued, it is assumed herein that there would be no adverse environmental impacts of the project. Using these flows and levels, we can estimate the environmental effects of our approval of the petitions before us, under the proposed terms and conditions.



#### 14.2 Impact Definition

For purposes of this decision, a significant adverse environmental impact is defined as a significant decrease from our baseline in the river flow or the Lake Mendocino storage. The short-term impact is the immediate effect of instituting a new flow regime in the Russian River under the terms and conditions required by this decision. The long-term impacts are those which are predicted to occur under the demands projected for the year 2020. The impacts are described qualitatively. Since storage in Lake Sonoma was approved under a previous decision, and has just commenced, no baseline exists for Lake Sonoma or for Dry Creek for purposes of this decision.

#### 14.3 Fishery Resources

Fishery resources of the Russian River system are very important for both recreational and commercial fishing. They also generate considerable economic benefits in Sonoma and Mendocino Counties. The Russian River system, for fishery purposes, includes six segments: (1) the upper reach above Cloverdale, with cool water and a narrow channel, which has the best habitat for steelhead trout; (2) the upper middle reach from Healdsburg to Cloverdale, which is the primary reproductive habitat for American shad, and is also occupied by other warmwater species during the summer; (3) the reach below Healdsburg which provides habitat for warmwater species and striped bass; (4) the reach of Dry Creek from Warm Springs Dam to the confluence with the Russian River which is expected, under enhanced flow from the Project, to provide habitat for steelhead trout, silver salmon and king salmon;

(5) and (6) Lake Mendocino and Lake Sonoma, which provide or will provide habitat for trout and warmwater species.

14.3.1 Additional Fishery Studies Should be Done, But Not By SCWA

United Anglers argued that the Board should not make a decision on SCWA's petitions until further studies have been done on the needs of the fisheries of the Russian River. United Anglers argued that inadequate evidence had been presented to decide what flows the fisheries need. We disagree with this contention. Although detailed state of the art studies have not been done, we have enough historical evidence of fishery performance in the Russian River system under various circumstances to reach a decision on the matters before us and to set minimum flow requirements which allocate the available water according to time and year types.

There will be, by the year 2020, inadequate water remaining after all in-basin beneficial uses, including Redwood Valley's use, have satisfied their demands from the Russian River system. This situation will be exacerbated as Lake Pillsbury undergoes sedimentation.

Because of the projected shortage, we have in effect allocated the remaining available water under Permits 12947A, 12949, and 12950 first to instream environmental uses including the fishery, and then to SCWA at its diversion facilities, to the extent that downstream minimum flow requirements are met. Substantially higher minimum flows likely would cause the system to go dry in less than normal years, to the detriment of all beneficial uses dependent on it, and would in other years lower Lake Mendocino enough to impair its recreational and environmental uses and reduce its reliability as a water supply.

If sufficient water were available in this proceeding to provide fully for the fisheries, exact evidence of their needs would be important to this decision. However, the SCWA appropriative rights do not include enough water to provide fully for the fish and reliably satisfy other beneficial uses of the water over the long term.

Nevertheless, further investigations into the fisheries of the Russian River should be done, and might help refine the minimum flows herein. Since a primary factor limiting flow in the Russian River is upstream agricultural and municipal demand, the investigations which United Anglers desires should be conducted by the entities which will benefit; namely, the counties of Sonoma and Mendocino and the Department of Fish and Game. We will reserve jurisdiction to amend SCWA's permits if a fishery study is conducted which shows that a different flow schedule would be better, or if further evidence otherwise becomes available which may affect the minimum flows.

14.3.2 No Additional Water is Available in the Russian River Above Healdsburg for Appropriation

As we stated above, inadequate water is available to serve fully all of the beneficial uses of water from the Russian River and its tributaries above Healdsburg. Consequently, after the 10,000 acre-foot reservation for Sonoma County and the 8,000 acre-foot reservation in Permit 12947A for use under Permit 12947B are exhausted, no further permits should be approved for water from the Russian River or any tributary with surface or subsurface hydraulic continuity therewith,

without an affirmative showing by the applicant that water can be diverted without affecting the minimum flows or can be diverted under other rights or from other sources during the periods when no unappropriated water is available.

14.3.3 Impact on the Fisheries of Approval of the Petitions

The impact on the fisheries of approval of SCWA's petitions under the terms and conditions ordered herein will operate only during the period when there are no flood control operations. This is generally from May through October. At other times the Corps of Engineers, which is not under the Board's jurisdiction, operates the Russian River Project for flood control.

In the lower reach and the lower middle reach of the river, the short term impact will be a slight enhancement of the warmwater fishery in June through October. The long-term impact will be an adverse but insignificant impact.

In the upper middle reach of the river, impacts on the warmwater fishery cannot be predicted accurately. However, flows will be reduced and will fall below 150 and 100 cfs at Healdsburg more frequently than post-Coyote Dam flows fell below these levels. The increased frequency of reduced flows may have a significant adverse impact on shad and other warmwater fish.

In the upper reach of the river, flows may decrease. Under the normal year regime, the minimum requirements of steelhead trout (200 cfs from May through August and 165 cfs in September and October) nevertheless will be met. The frequency of times when

flows fall below 150 cfs and 100 cfs will increase. This increase in frequency of low flows is a significant adverse impact on the steelhead trout fishery. Further, the increased frequency of low flows is a significant and slightly greater adverse impact on the silver salmon fishery, because silver salmon die after spawning, while steelhead trout do not die after spawning.

Under the selected alternative Lake Mendocino will be lowered faster and to lower levels than has been experienced since 1959. When the lake is lower there will be less habitat for fish. Also, the faster lowering of the lake may adversely affect spawning fish in the shallower parts of the lake. Because of these effects, and because the fishing at Lake Mendocino is important to people in the area, the selected alternative will cause a significant adverse impact to the fishery of Lake Mendocino.

The selected alternative will not cause a significant adverse impact to the Dry Creek fishery. The storage of water in Lake Sonoma on Dry Creek was authorized under Decision 1416, and no baseline flow in Dry Creek has been established since Decision 1416. The impact of the Warm Springs project and the Warm Springs hatchery on Dry Creek was discussed in Decision 1416. Likewise, since Lake Sonoma is new, there will be no significant adverse impact on its fisheries as a result of the selected alternative.

#### 14.4 Riparian Vegetation and Habitat

The riparian zone along the Russian River provides habitat for numerous plant and animal species. The reduced average summer flows

and the more frequent low flows under the selected alternative may cause a significant adverse impact to riparian vegetation and habitat.

#### 14.5 Recreation and Aesthetics

The Russian River and Lake Mendocino support much water-related recreation. The selected alternative was chosen to preserve to the extent possible both river and Lake Mendocino recreation. However, the reduction of average median July-August flows -- which have been about 220 cfs --, the greater frequency of low flows in the river, the reduced average median July-August storage in Lake Mendocino -- to 66,200 acre-feet under 1985 demands and to 56,300 acre-feet under 2020 demands -- and the greater drawdown of Lake Mendocino, will cause a significant adverse impact on recreation. The aesthetic qualities of the river and of Lake Mendocino likewise will be adversely affected, by the odor of organisms which die as a result of rapid drawdowns in lake levels and reduced river levels.

#### 14.6 Water Quality

The Water Quality Control Plan for the North Coastal Basin includes objectives and standards to preserve the quality of the waters of the Russian River. However, the lower average summer flow in the river and the increased frequency of flows below 150 cfs and 100 cfs will reduce the ability of the river to dilute pollutants. Because of increasing population, recreational use, industrialization, and transportation of hazardous materials in the watershed, the reduced

ability to dilute pollutants will increase the potential for degradation of water quality in the river. Thus, the selected alternative may result in a significant adverse impact on water quality.

#### 14.7 CEQA Compliance

SCWA was the lead agency for preparation of the environmental documents under the California Environmental Quality Act. SCWA certified its original final Environmental Impact Report (EIR) on July 8, 1980. However, the EIR was inadequate for the Board's use in considering the petitions SCWA had filed in 1975, and so the Board as a responsible agency filed a legal action against SCWA to require changes in the EIR. The Superior Court found the EIR inadequate and on August 25, 1981 ordered SCWA to prepare a supplemental EIR. The supplemental EIR was certified complete in July 1984. It covers all five petitions considered herein and the reconsideration request, and is adequate for purposes of this decision.

##### 14.7.1 Findings of Overriding Considerations

In making a decision concerning SCWA's petitions we have considered the environmental effects of the project as discussed in the 1980 EIR and the 1984 Supplemental EIR. As we have stated above, approval of the petitions will cause significant adverse environmental impacts. These impacts will occur notwithstanding that (1) we have altered the minimum flows recommended by SCWA and the Department of Fish and Game to give the river fisheries more water in the fall for downstream passage after some dry spring conditions, (2) we have conditioned our

approval of the addition of Redwood Valley as a place of use to avoid some of the adverse effects of approving the change, (3) we will for future applications require a showing that a firm source of water is available from other sources during the period when no unappropriated water is available in the Russian River; (4) we will reserve jurisdiction to amend the minimum flow requirements if a study shows that a different feasible flow schedule will benefit the fisheries.

We have balanced the benefits of the proposed project against its environmental risks. We also have balanced different environmental impacts against each other. The Board's only alternative which will not cause a significant adverse impact is to deny SCWA's petitions. Under this option SCWA could not, under its existing permits, meet the future water demands of its customers. Even if we denied the project, however, shortages likely would occur in the river above Healdsburg, and Lake Mendocino's level would drop, because of increased demands from the river above Healdsburg. Thus, we find that the "no project" alternative is not feasible because it will not provide an adequate supply of water for growing demands which can most readily, under current circumstances, be supplied from the Russian River. In order to utilize the river's water optimally for all of its beneficial uses including environmental and public trust uses, the petitions should be approved so that the Lake Sonoma and Lake Mendocino reservoirs can be operated in a coordinated fashion.

The potential impact on the salmonid fishery above Healdsburg is a result of predicted increased demands for out of stream water use in



that reach. Higher flows than required herein would cause a reduction in the carryover storage of Lake Mendocino and a danger of running the system dry in a following dry or critical year. A comprehensive study of the Russian River fisheries could provide information to further mitigate this impact. However, such studies are the responsibility of other agencies as explained elsewhere in this decision.

The impacts on the fisheries and on recreation and aesthetics at Lake Mendocino are significant adverse impacts. The impacts will occur because Lake Mendocino will be drawn down lower and more frequently than it has been in the past. However, downstream flows in the Russian River cannot be maintained at levels necessary to maintain other beneficial uses without drawing down Lake Mendocino. Therefore, this impact cannot be mitigated herein.

The significant adverse impacts on canoeing recreation, riparian vegetation, aesthetics, and capacity of the river to dilute wastes above Healdsburg are a result of a reduction in average summer flows and a greater frequency of low flows. In most normal water years canoeing will be possible, aesthetics will be adequate, riparian vegetation will have enough water, and the river will have adequate capacity to dilute wastes. However, the number of years when there is inadequate water for some or all of these uses will increase. This flow regime is necessary, however, to ensure that some carryover storage will remain in Lake Mendocino, so that the river above Healdsburg will not go dry in critical water years.

The considerations set forth above satisfy the Board's responsibilities under the California Environmental Quality Act.

15.0 OTHER MATTERS

A number of matters not discussed above were raised during the hearing. These concerned legal, policy, and procedural matters. They are discussed below.

15.1 Motion to Suspend Hearing

United Anglers moved to suspend the proceeding herein until additional information is available on the needs of the Russian River fisheries, and until the Federal Energy Regulatory Commission gives its final conditional approval to the relicensing of Pacific Gas and Electric's Potter Valley Project. However, as we found in paragraph 14.3.1 above, the record contains sufficient data for us to make a decision on minimum flow requirements in the Russian River. Our decision will be subject to a reservation of jurisdiction to amend the minimum flow requirements if future studies show that amendments might benefit the fisheries or if operating the project under the terms and conditions herein causes unforeseen adverse impacts to the fisheries. Thus, unavailability of data is not a good reason to suspend this proceeding.

Regarding the Potter Valley Project, we recognize that Pacific Gas and Electric Company is in an extended relicensing proceeding, and final action by the Federal Energy Regulatory Commission may modify the bypass flows in the Eel River and therefore modify the amount of Eel

River water being diverted into the Russian River watershed. We do not know when final action will occur, however. Consequently, our appropriate action is a reservation of jurisdiction in SCWA's permits to amend the minimum flow requirements for the Russian River.

For the foregoing reasons, United Angler's motion is denied.

15.2 Request for Findings Pursuant to 23 Cal.Admin.Code §729

Mendocino County requested that we make findings pursuant to 23 Cal.Admin.Code §729 on the economic benefits of the uses of the waters of the Russian River and the alternative means of satisfying the uses. Section 729 requires findings on the benefits and detriments of the various present and prospective beneficial uses of water if requested, to the extent practicable. Findings set forth in this decision identify and evaluate the benefits and detriments of the various uses of water in and from the Russian River, and take into account all economic information in the record. Consequently, the requirement of Section 729 is satisfied.

15.3 Conformance with a General or Coordinated Plan for the Development of Water

Two of the protestants argued that pursuant to Water Code §§1256 and 10504 the Board is obliged to conform its decision to the 1950 U.S. Corps of Engineers plan for the Russian River. (House Document 585, 81st Congress, 2d Session, dated May 9, 1950.) The Corps plan is the basis for congressional authorization of the construction of Coyote Dam and Lake Mendocino (Public Law 516 of 1950, Flood Control Act of 1950). The evidence does not show that the Corps plan requires any

specific flow. However, the plan referred to in Water Code §§1256 and 10504 is not the Corps plan but the California Water Plan (Department of Water Resources Bulletin No. 3, as amended). Section 1256 requires that the California Water Plan be considered when the Board determines public interest under Water Code §§1253 and 1255. Section 10504 allows state-filed applications to be assigned or released from priority if the development is not in conflict with the general or coordinated plan or with adopted water quality objectives. This decision takes into account and does not conflict with the California Water Plan. Additionally, this decision is not in conflict either with any congressional directives involved in the approval of Lake Mendocino or with the Water Quality Control Plan for the North Coastal Basin.

15.4 County of Origin Protections

Mendocino County, Mendocino County Flood Control and Water Conservation District, and Mendocino County Russian River Flood Control and Water Conservation Improvement District argue that before SCWA can export more water to Marin County, water should be provided to Mendocino County and the Alexander Valley under county of origin protection laws.

The Board previously has recognized county of origin protections for the Mendocino area (see Decision D 1030, Conditions 9 and 12). Also, Mendocino Improvement District holds an 8,000 afa appropriation under Permit 12947B, which has priority over any export from the Russian River Valley. For Applications 12919A and 12920A, no

county of origin protections in addition to those in the original state assignment can be accorded to the Mendocino interests. The assignment of these applications was made under Water Code §10505. Under that section the Department of Finance quantified at 8,000 afa the amount of water required for the county of origin below Lake Mendocino. While this assignment does not prevent the Mendocino interests from buying additional water rights from SCWA, it does not require SCWA to sell Mendocino water rights.

However, Decision D 1030 accorded the Mendocino County interests unquantified county of origin priorities under Permits 12949 and 12950 to water for beneficial use within Potter Valley and within other watersheds in Mendocino County tributary to the Russian River except East Fork Russian River downstream from Coyote Valley Dam.

The Board can accord county of origin protection to the Mendocino interests under the direct diversion portion of Application 19351. This application was approved for diversion to storage in preference to state-filed Application 12918. Application 12918 was rejected and cancelled in Decision 1416, and the permit issued on Application 19351 was made subject to all present and future appropriations within the Russian River watershed. Pursuant to Water Code §10505, the approval of direct diversion under Application 19351 also should be made subject to this same protection.

15.5

Approval by Mendocino Improvement District of Use of Water Outside Mendocino and Sonoma Counties

Mendocino Improvement District argues that SCWA cannot export water from Mendocino or Sonoma Counties without its authorization. The assignment of state filed Applications 12919 and 12920 dated November 14, 1955 is subject to the condition that the use of water covered by the assignment outside the boundaries of Mendocino and Sonoma Counties under Permit 12947A shall be permitted only upon the approval of both SCWA and Mendocino Improvement District. The assignment explains that the intent of this provision is that the two counties will share equitably, considering the amount of water available under each entitlement and the use of facilities, in any proceeds that may be realized from use of water outside the two counties. Apparently, this provision was based on the expectation that surplus water from each agency's basic entitlement would be available for other use until demands anticipated under Permits 12947A and 12947B occurred. Thus, if surplus water were delivered outside the two counties, the exporting party would need the approval of the party whose surplus was being exported, and would have to equitably pay the owner of the surplus water from the proceeds of the export. Although SCWA will be authorized under this decision to increase the amount it may divert under its basic entitlement, and some of the additional water may be delivered in Marin County, none of Mendocino Improvement District's basic entitlement will be diverted outside of the two counties. Consequently, the assignment's provision does not apply to the authorizations made in this decision.

15.6

Reservation of Water for Use in Sonoma County

The Alexander Valley Association argues that Permit 12947A should be made subject to an appropriation of 16,000 afa rather than the 10,000

afa reservation in the permit. This request was not noticed as an issue in the hearing on SCWA's petition.

In Decision D 1030 the maximum diversion from the river for use in the Russian River Valley in Sonoma County was set at 67 cfs. This is the necessary diversion during the month of maximum use if 10,000 acre-feet is to be diverted each year. Thus, more water is not available under the maximum diversion rate. The Board has not reserved jurisdiction to increase the rate of use in the Russian River Valley, and any increase would be at the expense of other beneficial uses. Absent a request by SCWA for a change, therefore, there appears to be no jurisdiction for increasing the reservation to 16,000 afa.

Even if such jurisdiction existed, however, we find that on the record before us the public interest supports leaving the water in the river as long as possible for instream flows past the Alexander Valley, to the mouth of Dry Creek.

15.7 Reservations for Use in Mendocino County and in Sonoma County Above Healdsburg

Mendocino Improvement District argues that the reservations of 8,000 afa for use in Mendocino County under Permit 12947B and of 10,000 afa for use in the Russian River Valley in Sonoma County for uses commencing after January 28, 1949, should continue to have seniority over SCWA's diversions at Wohler and Mirabel. We agree. These reservations were not issues in this proceeding and will not be changed.

15.8. Status of the Permit 12947B Minimum Flow Requirements

The minimum flow requirements of Permit 12947B are unchanged by this decision. Mendocino Improvement District may request that Permit 12947B be conformed to Permit 12947A, and we will accordingly consider it. However, since Mendocino Improvement District does not control releases of water from Lake Mendocino, and holds rights senior to SCWA's diversions from the Russian River Valley, the term has little if any value in Permit 12947B, and likely could be deleted without adverse effects.

15.9. Update Permits

Under this decision we will substantially modify SCWA's four permits. Consequently, we will direct the Division of Water Rights to issue amended permits to SCWA. The amended permits will include the current versions of standard permit terms 12 and 13 in Permits 12949 and 12950, and standard term 12 instead of existing term 10 in Permit 12947A, as a condition of the approval of the petitions. The direct diversion of 180 cfs under Application 19351 will be included in Permit 16596. However, the direct diversion part of Application 19351 was amended on January 12, 1968 to add the Russian River as a source of direct diversion and the Wohler and Mirabel intakes as diversion points. Therefore, the priority date for the direct diversion should be January 12, 1968 rather than the filing date of April 12, 1960, which is the priority date for the authorized storage.



After the data collection requirements specified below are added to Permit 16596, the first part of term 14 of Permit 16596 should be deleted.

15.10 Similar Minimum Flow Requirements in Other Permits

Individual permits for diversion commencing after January 28, 1949 from the Russian River downstream of Lake Mendocino include standard permit term 68. Term 68 requires that diversions cease when the flow in the Russian River is less than 150 cfs between Coyote Dam and Wohler, and less than 125 cfs between Wohler and the Pacific Ocean. Essentially these flows are the same as the current minimum flow requirements of Permits 12947A, 12949, and 12950. Our action herein, however, will amend the minimum flow requirements in Permits 12947A, 12949, and 12950. SCWA has agreed that it will maintain the minimum flows set forth in its stipulation with the Department of Fish and Game dated March 8, 1985. The stipulated flows, with one modification, are identical to the new minimum flows required herein. Consequently, standard permit term 68 can be deleted from the individual post-1949 permits. We will, therefore, give notice of intent to delete standard term 68 or its predecessor terms from existing post-January 28, 1949 permits and licenses.

15.11 Accounting for Water Use

Term 5 of Permit 19351 provides that before the Board will authorize use of stored water from Lake Sonoma except for in-channel purposes, SCWA must show how the water will be measured and reported. SCWA has submitted a proposal for the accounting of all water appropriated and rediverted under the four permits and under the unapproved portion of

Application 19351 considered herein. However, SCWA's proposal contains technical inconsistencies and does not fully comply with the relative water right priorities of the permits. The water right priorities for the permits are very complex, and the parties disagree as to which waters should be accounted as meeting the minimum flows in different parts of the river. Also, the Board does not need to account water to specific permits until it licenses the underlying water rights. Instead, it needs only to be provided certain data. Accordingly, we will order SCWA as a condition of the approval of its petitions, to collect and maintain certain data which the Board can use in the future to decide how much water should be provided in SCWA's water right licenses. Because the collection and maintenance of data is a technical operation, we will delegate to the Chief of the Division of Water Rights authority to modify the data collection requirements as necessary to further the purpose of obtaining adequate data for licensing SCWA's water rights.

15.12 Public Trust Considerations

As we stated in Paragraph 14.7.1, we have balanced the benefits of the proposed project against its environmental risks. In doing so, we have also balanced the public trust interests associated with the proposed project against the public interest in using water outside of the stream.

In this case the public trust protects fishery, riparian, instream, avian, wildlife, and recreational uses of all of the waters of the Russian River system, including Lake Mendocino, Lake Sonoma, Dry

Creek, and the Russian River. Consequently, we have, in the entire system, balanced the public trust uses against the public interest in having a reliable supply of water for delivery to consumptive uses, and against one another. We find the result is reasonable, is in the public interest, and protects public trust uses to the extent feasible.

In Redwood Valley, we have approved a new place of use which may have a significant effect on river flows and reservoir levels. In balancing the competing uses we have decided that SCWA should be allowed, in the public interest, to deliver a certain amount of water to Redwood Valley County Water District for irrigation use. Redwood Valley has an inadequate water supply for its developing uses, and at this time has no feasible source other than Lake Mendocino. Although it needs a firm supply of water, inadequate water is available to supply it every year under Permit 12947A without further impairing public trust uses in Lake Mendocino or in the Russian River, particularly fishery uses. However, the water authorized herein for delivery will help in most years, particularly if Redwood Valley supplements it by further water development measures and conservation.

15.13 Request for Review of Data Analysis

Several parties requested at the end of the hearing that we allow them to review and comment on any computer analyses prepared by our staff, before we announced a draft decision. These requests are denied. We have not released our staff's computer analyses in advance because

they are part of our deliberations and analysis of the record, and until a draft of this decision was released, they were confidential.

If the parties wish to critique the analyses that were used in this decision, they will have an opportunity to do so and ask for changes based on their critique by petitioning for reconsideration within the allowed time.

15.14 Riparian Water Rights in Mendocino County

Mendocino Improvement District asserted in the hearing that landowners within its service area have non-appropriative or riparian water rights. We note that all of SCWA's permits herein are subject to any prior water rights. Consequently, if the landowners have any water rights in addition to those appropriative rights issued by this Board that are senior to SCWA's, such rights are not impaired by this decision.

16.0 CONCLUSIONS

We conclude that SCWA's petitions should be approved as follows:

1. The time to complete construction of the project under Permits 12947A, 12949, 12950 and 16596 should be extended to December 1, 1995, and the time to complete beneficial use of water under these permits should be extended to December 1, 1999.
2. The maximum combined rate and quantity of direct diversion and rediversion of stored water under Permit 12947A at the Wohler and Mirabel Park pumping facilities should remain at 92 cfs and 37,544 afa.

The maximum combined rate and quantity of direct diversion and rediversion of stored water under Permits 12947A, 12949, 12950, and 16596 at the Wohler and Mirabel Park pumping facilities should be limited to 180 cfs and 75,000 afa.

3. The unapproved portion of Application 19351 should be approved for the direct diversion of 180 cfs, year round, at the Wohler and Mirabel Park pumping facilities for municipal, industrial, domestic, irrigation and recreational uses within SCWA's service area. This authorization should be added to Permit 16596.
4. The service area of the Redwood Valley County Water District should be added to the place of use under Permit 12947A. The withdrawal from Lake Mendocino storage for this place of use should be limited to a maximum of 7,500 afa, and should be subject to a 50 percent reduction or to ceasing withdrawals when water is inadequate for senior uses.
5. The restriction on use of stored water in term 5 of Permit 16596 should be deleted.
6. The following permit conditions should be deleted and replaced with new minimum flow requirements as applicable to each permit:

Permit 12947A, term 18

Permit 12949, term 10

Permit 12950, term 11

Permit 16596, terms 12 and 13

7. The remaining unapproved 110 cfs of direct diversion under Application 19351 should be denied.

ORDER

IT IS HEREBY ORDERED that the unapproved direct diversion portion of Application 19351 be approved in part subject to prior water rights, and that the authorized direct diversion be added to Permit 16596.

IT IS FURTHER ORDERED that amended Permits 12947A, 12949, 12950, and 16596 shall be issued which shall contain all existing terms and conditions, as amended, except as modified herein; standard permit terms 6, 10, 11, 12 and 13 (a copy of the Board's standard permits terms is available upon request); and the following amendments:

A. Permit 16596 shall be amended as follows:

1. Term 5 is amended to read:

"The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 180 cfs by direct diversion from the Russian River between January 1 and December 31 of each year, and 245,000 afa by storage to be collected from Dry Creek between October 1 of each year and May 1 of the succeeding year.

"The total rate and quantity of direct diversion and rediversion of stored water at the Wohler and Mirabel Park pumping facilities under this permit, together with that directly diverted and rediverted from storage under Permits 12947A, 12949, and 12950 issue on Applications 12919A, 15936, and 15937 shall not exceed 180 cfs and 75,000 acre-feet per water year of October 1 to September 30."

2. Term 7 is amended to read:

"Construction work shall be completed by December 1, 1995."

3. Term 8 is amended to read:

"Complete application of the water to the authorized use shall be made by December 1, 1999."

4. Term 12 is amended to read:

"For the protection of fish and wildlife in Dry Creek and the Russian River and for the maintenance of recreation in the Russian River, permittee shall pass through or release from storage at Lake Sonoma sufficient water to maintain:

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

(1) During normal water supply conditions:

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

(2) During dry or critical water supply conditions:

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

\* cubic feet per second

(B) The following minimum flows in the Russian River between its confluence with Dry Creek and the Pacific Ocean, unless the water level in Lake Sonoma is below elevation 292.0 feet with reference to the National Geodetic Vertical Datum of 1929, or unless prohibited by the United States Government:

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

For the purposes of the requirements in this term, the following definitions shall apply:

- (1) Dry water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:

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

- (2) Critical water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:

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

- (3) Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.

- (4) The water supply condition designation for the months of July through December shall be the same as the designation for the previous June. Water supply conditions for January through June shall be redetermined monthly.

- (5) Cumulative inflow to Lake Pillsbury is the calculated algebraic sum of releases from Lake Pillsbury, increases in storage in Lake Pillsbury, and evaporation from Lake Pillsbury."

5. Term 13 is deleted.

6. Term 14 is amended to read:

"Permittee shall install a measuring device at or near the mouth of Dry Creek to determine compliance with fish release requirements."



7. A new term is added to read:

"The priority date for the authorized direct diversion under this permit shall be January 12, 1968."

8. A new term is added to read:

"Permittee shall impose a mandatory thirty percent deficiency in deliveries from the Russian River to its service area whenever the quantity of water in storage at Lake Sonoma drops below 100,000 acre-feet before July 15 of any year. The deficiency shall be based on permittee's average monthly deliveries to its service area during the same month of the previous three years. The deficiency shall remain in effect until (1) storage in Lake Sonoma rises to greater than 70,000 acre-feet subsequent to December 31 after having fallen below that level, or (2) permittee has projected, to the satisfaction of the Chief, Division of Water Rights, that storage at Lake Sonoma will not fall below 70,000 acre-feet, or (3) hydrologic conditions result in sufficient flow to satisfy permittee's demands at Wohler and Mirabel Park and minimum flow requirements in the Russian River at Guerneville."

9. A new term is added to read:

"Permittee shall collect and maintain daily data on: (1) the quantity of water pumped at its Wohler and Mirabel Park facilities, including to offstream settling ponds, (2) the average flow in the Russian River at the U. S. Geological Survey streamflow gage near Guerneville, (3) the average flow in Dry Creek below Warm Springs Dam, (4) the average flow at the mouth of Dry Creek, and (5) the operation of Lake Sonoma including the calculated quantities of inflow, discharge to Dry Creek, discharge to the fish hatchery, change in lake volume, lake evaporation, and precipitation on the lake if not included in inflow. Collection and maintenance of streamflow and operational data under this permit is subject to modification, deletion, or replacement by other requirements as ordered by the Chief, Division of Water Rights."

10. A new term is added to read:

"Permittee shall consult with the Division of Water Rights and, within one year from the date of this amended permit, develop a plan satisfactory to the Chief, Division of Water Rights, for submittal of data to the State Water Resources Control Board on the quantities of direct diversion and rediversion of stored water beneficially used under this permit."

11. A new term is added to read:

"Permittee shall consult with the Division of Water Rights and develop and implement a master water conservation plan for its service area. The proposed plan shall be presented to the State Water Resources Control Board for approval within one year from the date of issuance of this amended permit or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of the master water conservation plan may be required by the Board at any time within this period.

"All cost effective measures identified in the master water conservation plan shall be implemented in accordance with the schedule for implementation found therein."

12. A new term is added to read:

"The State Water Resources Control Board reserves jurisdiction over this permit to modify, delete, or add minimum flow requirements or related criteria for the protection of fish and wildlife and the maintenance of recreation in the Russian River should (1) additional fishery studies be conducted in the Russian River, (2) unforeseen adverse impacts occur to the fishery or recreation in the Russian River, or (3) the Federal Energy Regulatory Commission final action on the relicensing of Pacific Gas and Electric Company's Potter Valley hydroelectric project result in modified minimum flow requirements in the Eel River.

"Action by the Board will be taken only after notice to interested parties and opportunity for hearing."

B. Permit 12947A shall be amended as follows:

1. Term 5 is amended to read:

"The water appropriated shall be limited to water of the East Fork Russian River which can be beneficially used and shall not exceed 92 cfs by direct diversion and 122,500 afa by storage from January 1 to December 31 of each year. The total amount stored in Lake Mendocino under this permit and Permit 12947B issued on Application 12919A shall not exceed 122,500 afa.

"The maximum combined rate of direct diversion and rediversion of stored water under this permit,

together with that under Permits 12949 and 12950 issued on Applications 15736 and 15737 shall not exceed 92 cfs.

"Combined direct diversion and redirection of stored water under this permit shall be limited to the Wohler and Mirabel Park pumping facilities, and shall not exceed 92 cfs or a maximum amount of 37,544 acre-feet per water year of October 1 to September 30.

"Withdrawals from storage under this permit for use in the service area of the Redwood Valley County Water District shall not exceed 7,500 acre-feet per water year of October 1 to September 30."

2. Term 7 is amended to read:

"Construction work shall be completed by December 1, 1995."

3. Term 8 is amended to read:

"Complete application of the water to the authorized use shall be made by December 1, 1999."

4. Term 18 is amended to read:

"For the protection of fish and wildlife, and for the maintenance of recreation in the Russian River, permittee shall pass through or release from storage at Lake Mendocino sufficient water to maintain:

(A) A continuous streamflow in the East Fork Russian River from Coyote Dam to its confluence with the Russian River of 25 cfs (cfs) at all times.

(B) The following minimum flows in the Russian River between the East Fork Russian River and Dry Creek:

(1) During normal water supply conditions and when the combined water in storage, including dead 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) During normal water supply conditions and when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year is between 150,000 acre-feet or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less, and 130,000 acre-feet or 80 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

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

If from October 1 through December 31, storage in Lake Mendocino is less than 30,000 acre-feet

	75 cfs
--	--------

- (3) During normal water supply conditions and when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year is less than 130,000 acre-feet or 80 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:

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

- (4) During dry water supply conditions 75 cfs
- (5) During critical water supply conditions 25 cfs

- (C) The following minimum flows in the Russian River between its confluence with Dry Creek and the Pacific Ocean to the extent that such flows cannot be met by releases from storage at Lake Sonoma under Permit 16596 issued on Application 19351:

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

For the purposes of the requirements in this term, the following definitions shall apply:

- (1) Dry water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:
  - 8,000 acre-feet as of January 1
  - 39,200 acre-feet as of February 1
  - 65,700 acre-feet as of March 1
  - 114,500 acre-feet as of April 1
  - 145,600 acre-feet as of May 1
  - 160,000 acre-feet as of June 1
- (2) Critical water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:
  - 4,000 acre-feet as of January 1
  - 20,000 acre-feet as of February 1
  - 45,000 acre-feet as of March 1
  - 50,000 acre-feet as of April 1
  - 70,000 acre-feet as of May 1
  - 75,000 acre-feet as of June 1
- (3) Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.
- (4) The water supply condition designation for the months of July through December shall be the same as the designation for the previous June. Water supply conditions for January through June shall be redetermined monthly.
- (5) Cumulative inflow to Lake Pillsbury is the calculated algebraic sum of releases from Lake Pillsbury, increases in storage in Lake Pillsbury, and evaporation from Lake Pillsbury.
- (6) Estimated water supply storage space is the calculated reservoir volume below elevation 1,828.3 feet in Lake Pillsbury and below elevation 749.0 feet in Lake Mendocino. Both elevations refer to the National Geodetic Vertical Datum of 1929. The calculation shall use the most recent two reservoir volume surveys made by the U. S. Geological Survey, U. S. Army Corps of Engineers, or other responsible agency to determine the rate of sedimentation to be assumed from the date of the most recent reservoir volume survey."

5. A new term is added to read:

"The total rate and quantity of direct diversion and rediversion of stored water at the Wohler and Mirabel Park pumping facilities under this permit, together with that directly diverted and rediverted from storage under Permits 12949, 12950, and 16596, issued on Applications 15736, 15737, and 19351, shall not exceed 180 cfs and 75,000 acre-feet per water year of October 1 to September 30."

6. A new term is added to read:

"Withdrawals from storage under this permit for use within the service area of the Redwood Valley County Water District shall be subject to the following restrictions:

- (a) Said withdrawals shall be discontinued whenever cumulative inflow to Lake Pillsbury during the current water year is less than 50,000 acre-feet on April 1, or less than 90,000 acre-feet on May 1. Withdrawals shall not resume until storage in Lake Mendocino rises to more than 30,000 acre-feet subsequent to October 31 after having fallen below that level, or until permittee has projected, to the satisfaction of the Chief, Division of Water Rights, that storage at Lake Mendocino will not fall below 30,000 acre-feet.
- (b) Said withdrawals, if not already discontinued under condition (a) above, shall be restricted to a monthly quantity no greater than fifty percent of the average monthly use in the service area of the Redwood Valley County Water District during the same month of the previous three years, whenever storage in Lake Mendocino is below 30,000 acre-feet."

7. A new term is added to read:

"Any agreement between permittee and the Redwood Valley County Water District for withdrawals from storage at Lake Mendocino under this permit shall be subject to discontinuation, curtailment, or special conditions placed on said withdrawals pursuant to this permit, as this permit is now or may be amended in the future. A copy of any such contract shall be submitted to the State Water Resources Control Board."

8. A new term is added to read:

"The State Water Resources Control Board reserves jurisdiction over this permit to modify, delete, or impose additional conditions concerning the withdrawal of storage from Lake Mendocino for use within the service area of the Redwood Valley County Water District. Action by the Board will be taken only after notice to interested parties and opportunity for hearing."

9. A new term is added to read:

"Permittee shall collect and maintain average daily flow data for the following U.S. Geological Survey streamflow gaging stations:

Potter Valley Powerhouse Tailrace  
East Fork Russian River near Ukiah  
Russian River near Ukiah  
The summation of the above two (flow at the Forks)  
Russian River near Hopland  
Russian River near Cloverdale  
Russian River near Healdsburg  
Russian River near Guerneville

"In addition, permittee shall collect and maintain daily data on the quantity of water pumped at its Wohler and Mirabel Park facilities, including water pumped to offstream settling ponds, and on the operation of Lake Mendocino including the calculated quantities of inflow, discharge, change in lake volume, lake evaporation, precipitation on the lake if not included in inflow, direct diversion by Redwood Valley County Water District, and withdrawals from storage for use in Redwood Valley.

"Requirements for collection and maintenance of streamflow and operational data under this permit are subject to modification, deletion, or replacement by other requirements as ordered by the Chief, Division of Water Rights."

10. A new term is added to read:

"Permittee shall consult with the Division of Water Rights and, within one year from the date of this amended permit, develop a plan, satisfactory to the Chief, Division of Water Rights, for submittal of data to the State Water Resources Control Board on the

quantities of direct diversion and redirection of stored, water beneficially used under this permit."

11. A new term is added to read:

"Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions for the service area of Redwood Valley County Water District. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the execution of an agreement to deliver water to the service area of the Redwood Valley County Water District or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

"All cost effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein."

12. A new term is added to read:

"The State Water Resources Control Board reserves jurisdiction over this permit to modify, delete, or add minimum flow requirements or related criteria for the protection of fish and wildlife and the maintenance of recreation in the Russian River should (1) additional fishery studies be conducted in the Russian River, (2) unforeseen adverse impacts occur to the fishery or recreation in the Russian River, or (3) the Federal Energy Regulatory Commission final action on the relicensing of Pacific Gas and Electric Company's Potter Valley hydroelectric project result in modified minimum flow requirements in the Eel River.

"Action by the Board will be taken only after notice to interested parties and opportunity for hearing."

C. Permit 12949 shall be amended as follows:

1. Term 1 is amended to read:

"The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 20 cfs to be diverted at the Wohler and Mirabel Park pumping facilities from January 1 to December 31 of each year."



2. Term 3 is amended to read:

"The maximum combined rate of diversion under this permit, together with the rate of direct diversion and rediversion of stored water under Permits 12947A and 12950 issued on Applications 12919A and 15737, shall not exceed 92 cfs.

"The total rate and quantity of direct diversion under this permit, together with that directly diverted and rediverted from storage under Permits 12947A, 12950, and 16596 issued on Applications 12919A, 15737, and 19351, shall not exceed 180 cfs and 75,000 acre-feet per water year of October 1 to September 30."

3. Term 5 is amended to read:

"Construction work shall be completed by December 1, 1995."

4. Term 6 is amended to read:

"Complete application of the water to the authorized use shall be made by December 1, 1999."

5. Term 10 is amended to read:

"For the protection of fish and wildlife, and the maintenance of recreation in the Russian River, permittee shall allow sufficient water to bypass the points of diversion to maintain the following minimum flows to the Pacific Ocean:

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

\*cubic feet per second

For the purposes of the requirements in this term, the following definitions shall apply:

- (1) Dry water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:

8,000 acre-feet as of January 1  
39,200 acre-feet as of February 1  
65,700 acre-feet as of March 1

114,500 acre-feet as of April 1  
145,600 acre-feet as of May 1  
160,000 acre-feet as of June 1

- (2) Critical water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:

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

- (3) Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.
- (4) The water supply condition designation for the months of July through December shall be the same as the designation for the previous June. Water supply conditions for January through June shall be redetermined monthly.
- (5) Cumulative inflow to Lake Pillsbury is the calculated algebraic sum of releases for Lake Pillsbury, increases in storage in Lake Pillsbury, and evaporation from Lake Pillsbury."

6. A new term is added to read:

"Permittee shall consult with the Division of Water Rights and, within one year from the date of this amended permit, develop a plan satisfactory to the Chief, Division of Water Rights, for submittal of data to the State Water Resources Control Board on the quantities of direct diversion beneficially used under this permit."

7. A new term is added to read:

"The State Water Resources Control Board reserves jurisdiction over this permit to modify, delete, or add minimum flow requirements or related criteria for the protection of fish and wildlife and the maintenance of recreation in the Russian River should (1) additional fishery studies be conducted in the Russian River, (2) unforeseen adverse impacts occur to the fishery or recreation in the Russian River, or (3) the Federal

Energy Regulatory Commission final action on the relicensing of Pacific Gas and Electric Company's Potter Valley hydroelectric project result in modified minimum flow requirements in the Eel River.

"Action by the Board will be taken only after notice to interested parties and opportunity for hearing."

D. Permit 12950 shall be amended as follows:

1. Term 1 is amended to read:

"The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 60 cfs to be diverted at the Wohler and Mirabel Park pumping facilities from April 1 to September 30 of each year."

2. Term 3 is amended to read:

"The maximum combined rate of diversion under this permit, together with the rate of direct diversion and rediversion of stored water under Permits 12947A and 12949 issued on Applications 12919A and 15736, shall not exceed 92 cfs.

"The total rate and quantity of direct diversion under this permit, together with that directly diverted and rediverted from storage under Permits 12947A, 12949, and 16596 issued on Applications 12919A, 15736, and 19351, shall not exceed 180 cfs and 75,000 acre-feet per water year of October 1 to September 30."

3. Term 5 is amended to read:

"Construction work shall be completed by December 1, 1995."

4. Term 6 is amended to read:

"Complete application of the water to the authorized use shall be made by December 1, 1999."

5. Term 11 is amended to read:

"For the protection of fish and wildlife, and the maintenance of recreation in the Russian River,

permittee shall allow sufficient water to bypass the points of diversion to maintain the following minimum flows to the Pacific Ocean:

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

\*cubic feet per second

For the purposes of the requirements in this term, the following definitions shall apply:

- (1) Dry water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:

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

- (2) Critical water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:

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

- (3) Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.

- (4) The water supply condition designation for the months of July through December shall be the same as the designation for the previous June. Water supply conditions for January through June shall be redetermined monthly.

- (5) Cumulative inflow to Lake Pillsbury is the calculated algebraic sum of releases for Lake Pillsbury, increases in storage in Lake Pillsbury, and evaporation from Lake Pillsbury."

6. A new term is added to read:

"Permittee shall consult with the Division of Water Rights and, within one year from the date of this amended permit, develop a plan satisfactory to the Chief, Division of Water Rights, for submittal of data to the State Water Resources Control Board on the quantities of direct diversion beneficially used under this permit."

7. A new term is added to read:

"The State Water Resources Control Board reserves jurisdiction over this permit to modify, delete, or add minimum flow requirements or related criteria for the protection of fish and wildlife and the maintenance of recreation in the Russian River should (1) additional fishery studies be conducted in the Russian River, (2) unforeseen adverse impacts occur to the fishery or recreation in the Russian River, or (3) the Federal Energy Regulatory Commission final action on the relicensing of Pacific Gas and Electric Company's Potter Valley hydroelectric project result in modified minimum flow requirements in the Eel River.

"Action by the Board will be taken only after notice to interested parties and opportunity for hearing."

E. Except as specifically changed by this Order and by any previous orders of this Board concerning these permits, all terms and conditions contained in permits 12947A, 12949, 12950 and 16596 remain in full force and effect.

#### CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a decision duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 17, 1986.

AYE: Darlene E. Ruiz  
E. H. Finster  
Eliseo M. Samaniego  
Danny Walsh

NO: None

ABSENT: None

ABSTAIN: None



Raymond Walsh  
Interim Executive Director