

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary	)	
Permit 19311 (Application 28228)	)	ORDER: 84-13
	)	
SONOMA COUNTY WATER AGENCY	)	SOURCE: East Fork Russian River
	)	
Permittee	)	COUNTY: Sonoma and Mendocino
	)	

FINDINGS AND ORDER VALIDATING THE ISSUANCE

OF TEMPORARY PERMIT

BY VICE-CHAIRMAN NOTEWARE:

The Sonoma County Water Agency (Agency) having filed Application 28228 for a temporary urgency permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the Board having consulted with the California Department of Fish and Game; Vice-Chairman Noteware having concluded from available information that the Agency was entitled to a temporary permit to divert and use stored water, subject to review and validation by the Board as provided by Water Code Section 1425(a); the Board finds as follows:

Substance of the Application

1. Application 28228 is for a temporary permit to divert at Wohler and Mirabel intakes on Russian River in Sonoma County 2,975 acre-feet (af) of water stored in Lake Mendocino. The water will be diverted and used from September 1, 1984 to September 30, 1984 for municipal purposes within the service area of Sonoma County Water Agency, and their contracted users within Marin County. The maximum rate of diversion through the intakes will not exceed 50 cubic feet per second (cfs). The point of diversion of natural flow is at Lake Mendocino located on the East Fork Russian River within the NE¼ of

SW $\frac{1}{4}$  of Section 34, T16N, R12W, MDB&M. The points of rediversion of stored water are located on the Russian River within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 29 (Wohler) and NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 31 (Mirabel), both in T8N, R9W, MDB&M. Required instream flows for fish, wildlife, and recreation will be maintained whether or not the temporary permit is granted.

#### Agency's Project

2. The Agency currently holds water right permits to store water at Lake Mendocino, and to divert water from the East Fork Russian River and Russian River by direct diversion and to redivert water released from storage in Lake Mendocino, all at the Wohler and Mirabel intakes. Water is used in the service area in Sonoma and Marin Counties. The amount authorized for diversion under all permits is limited to 92 cfs not to exceed 37,544 acre-feet per water year from October 1 to September 30. The Agency has on file change petitions requesting that the annual diversion quantity be increased to 75,000 acre-feet. These petitions are scheduled for Board hearing in October 1984 and will be acted on in 1985.

3. At the current rate of diversion, the Agency estimates it will have diverted its full entitlement under all existing permits by about September 1, 1984. The temporary permit is necessary if the Agency is to continue to supply municipal water between that date and the beginning of the new water year on October 1.

4. The Agency proposes to release 2,975 acre-feet of water from storage in Lake Mendocino. It currently lacks authorization to redivert this water downstream. The water to be released is in excess of instream flows required to be maintained under its permit for fish, wildlife, and recreation uses. Since the Agency lacks authorization in its current permits to redivert the 2,975 acre-feet, and it appears that no water user will require this water

to satisfy rights prior to those of the Agency, the 2,975 acre-feet of water released from Lake Mendocino during the current water year is available for redirection and use under a temporary permit.

5. The effect of approving the application for a temporary permit is that the Agency will enter the storage season with 2,975 acre-feet less in Lake Mendocino than if the application were not approved. By mid-November 1984, Lake Mendocino is expected to fill to capacity even if there is no rainfall. Consequently, the requested diversion is not expected to have any carryover effects.

6. Requirements to satisfy prior right diversions during September are not expected to exceed current requirements. Agency diversion at Wohler and Mirabel, if the temporary permit is validated, will remain unchanged at about 50 cfs. Current releases from Lake Mendocino have been supplying all diversion and instream requirements. After about September 1 when the Agency entitlement is fully used, releases from Lake Mendocino will continue at approximately the current rate and will continue to satisfy instream flow and diversion requirements. The reduction in storage in Lake Mendocino of 2,975 acre-feet after September 1 will have a negligible effect on fish and wildlife.

#### Agency has an Urgent but Temporary Need to Divert and Use Water

7. The Agency is responsible for supplying water to its service area in Sonoma and Marin Counties. The domestic supply to 250,000 persons is dependent upon the diversions under the Agency's permits. The exceedingly dry first half 1984 caused an unprecedented increase in demand. The resulting increase in demand used a larger than usual share of the allowance under the permits, threatening to deplete the entire allowance by about September 1. The

occurrence was unforeseen and caused an emergency requiring a temporary permit to continue the necessary diversions for domestic use until the beginning of the new water year on October 1.

8. Therefore, the Board concludes that the needs of the Agency are urgent but temporary.

Effect of the Diversion on Any Lawful User of Water and  
the Rights of Downstream Users

9. Water authorized to be diverted under this temporary permit will be an additional 2,975 acre-feet of water. All facilities used for diversion and transportation of the water are existing and have sufficient capacity for the quantities involved. Compliance with the requirements of this temporary permit will insure that downstream rights and instream requirements will be met. It appears that the water may be diverted and used without injury to any lawful user of water.

10. On August 24, 1984, Board staff issued a public notice of the application. The notice was delivered to the Agency for publication in accordance with the provisions of Chapter 6.5, Part 2, Division 2 of the Water Code.

Effect of the Proposed Diversion on Fish, Wildlife, and  
Other Instream Uses

11. The reduction of storage in Lake Mendocino will have no significant effect upon fish and wildlife. The streamflow maintenance requirements will continue to be satisfied. Mr. Ted Wooster, a representative of the California Department of Fish and Game's Yountville office, has indicated that the temporary diversion from Russian River will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

Findings Concerning the California Environmental Quality Act

12. This Board Order authorizes diversion of water on an emergency basis through existing facilities for a period of no more than 30 days. Such activity is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 21080(b)(4) of that Act (actions necessary to prevent or mitigate an emergency).

The project involves use of existing facilities. Therefore, it is also covered by the categorical exemption for minor water right projects. On August 29, 1984, the Assistant Chief, Division of Water Rights, filed a Notice of Exemption with the Secretary, Resources Agency, pursuant to Section 2714(d), Title 23, California Administrative Code.

Action by Vice-Chairman Noteware

13. Staff explained the foregoing situation to Vice-Chairman Noteware and recommended approval of the temporary permit. Vice-Chairman Noteware concurred with the staff recommendation, and on August 29, 1984, authorized issuance of the temporary permit. On the same date, Lloy Johnson, Assistant Chief, Division of Water Rights, issued Temporary Permit 19311.

NOW THEREFORE, IT IS ORDERED THAT:

Issuance of Temporary Permit 19311 is validated.

Dated: SEP 20 1984

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 the decision duly and regularly adopted at a meeting of the State Water Resources Control Board held

Aye: Carole A. Onorato  
Warren D. Noteware  
Kenneth W. Willis  
Darlene E. Ruiz  
Edwin H. "Ted" Finster

No:

Absent:

Abstain:



Michael A. Campos  
Executive Director