

GSB/JDM
A015736

STATE WATER RESOURCES CONTROL BOARD
2016 AUG 17 AM 11:28
DIVISION OF WATER RIGHTS
SACRAMENTO

Please indicate County where your project is located here:

Sonoma / Mendoc.

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

PETITION FOR CHANGE

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

Point of Diversion Wat. Code, § 1701
 Point of Rediversion Cal. Code Regs., tit. 23, § 791(e)
 Place of Use Wat. Code, § 1701
 Purpose of Use Wat. Code, § 1701
 Distribution of Storage Cal. Code Regs., tit. 23, § 791(e)
 Temporary Urgency Wat. Code, § 1435
 Instream Flow Dedication Wat. Code, § 1707
 Waste Water Wat. Code, § 1211
 Split Cal. Code Regs., tit. 23, § 836
 Terms or Conditions Cal. Code Regs., tit. 23, § 791(e)
 Other Term 17; see Attachment 2
 Application
 Permit
 License
 Statement

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

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:

Proposed:

Purpose of Use

Present:

Proposed:

Split

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

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

Distribution of Storage

Present:

Proposed:

REC'D 8-17-2016 CHECK #1569881 - \$850.00 CHECK #1569892 - \$27,132.80 GC

Temporary Urgency

This temporary urgency change will be effective from to

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

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

Upstream Location:
Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

--	--	--	--	--	--	--	--	--	--	--	--

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

Waste Water

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

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

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

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

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

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

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

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

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


Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

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

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

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

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

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

The petitions for changes request modifications to the minimum instream flow requirements and the methodology used to classify water supply conditions, which sets the specific flow requirements based on current seasonal conditions. The impact of these changes are evaluated in the upcoming Fish Habitat Flows and Water Rights Project Draft Environmental Impact Report that is scheduled for release in August 2016.

The petitions for time extensions request more time to beneficially put to use the full permitted amounts. Since 1959, the Water Agency has constructed its Water Transmission system, which provides water to over 600,000 people in Sonoma and Marin counties. The completed water infrastructure includes: 1) six collector wells on the Russian River located near Forestville with a nominal production capacity of approximately 129 million gallons per day (mgd); 2) seven emergency standby production wells on the Russian River near Forestville with an approximate capacity of 10 mgd; 3) three groundwater production wells in the Santa Rosa Plain groundwater basin with a nominal capacity of 6.0 mgd; 4) more than 85 miles of transmission pipelines that range in diameter from 16 to 54 inches; 5) eighteen finished water storage tanks located throughout the service area that have a combined total storage of 129 million gallons; 6) six booster pump stations located throughout the service area; and 7) two water supply reservoirs in the Russian River watershed, Lake Sonoma located northwest of Healdsburg and Lake Mendocino located northeast of Ukiah.

Based on the projected system deliveries most recently evaluated in the Sonoma County Water Agency's 2015 Urban Water Management Plan, construction of additional Transmission System facilities is estimated to begin in about 2025. This estimated schedule is based on the current understanding of how Water Agency customers will meet their projected water demands based on their respective anticipated portfolios of water supplies that include local surface water and groundwater supplies, recycled water, and water use efficiency and conservation programs in addition to the water provided by the Water Agency. The environmental effects of these potential future facilities will be analyzed in future, project-specific Water Agency CEQA documents.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

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

Date of Request

August 16, 2016

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

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

[Empty text box for additional information]

Insert the attachment number here, if applicable:

Local Permits

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

Date of Contact

[Empty text box for Date of Contact]

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

Person Contacted: Date of Contact:

Department: Phone Number:

County Zoning Designation:

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

- Grading Permit Use Permit Watercourse Obstruction Permit
- Change of Zoning General Plan Change Other (explain below)

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

If necessary, provide additional information below:

No permits are needed for the changes requested in the accompanying petitions.

Insert the attachment number here, if applicable:

Federal and State Permits

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

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

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

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

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

If necessary, provide additional information below:

The current petitions for request to modify minimum instream flow requirements are being made to comply with a biological opinion issued by the National Marine Fisheries Service in 2008 and with a California Department of Fish and Wildlife consistency determination issued in 2009. No additional permits are needed for the accompanying petitions.

Insert the attachment number here, if applicable:

Construction or Grading Activity

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Archeological or historic sites are known within the project area and will be evaluated in the Draft Environmental Impact Report.

Insert the attachment number here, if applicable:

Photographs

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

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

Maps

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

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

All Water Right Holders Must Sign This Form:

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

Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

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

Exhibit A

**Requested amendments to Sonoma County Water Agency's water-right Permit 12949
(amended permit issued on August 30, 2006)**

Revised version submitted on September 22, 2016

Proposed changes to terms in Sonoma County Water Agency water right Permit 12949

Amended Permit 12949 (Application 15736), issued on August 30, 2006, shall be amended as follows:

1. Term 7 is deleted.

2. Term 8 is amended to read as follows:

Complete application of the water to the authorized use shall be made by December 31, 2040.

3. Term 17 is amended to read as follows:

For the protection of fish and wildlife in the Russian River and for the maintenance of recreation in the Russian River, permittee shall not divert any water under this permit unless the following minimum flows are present at the points of diversion downstream of the Russian River's confluence with Dry Creek to the Pacific Ocean:

(1) When Flow Schedule 1, 2 or 3 applies:

From May 1 through October 15	70 cfs*
From October 16 through April 30	135 cfs

(2) When Flow Schedule 4 applies:

From May 1 through October 15	50 cfs
From October 16 through April 30	80 cfs

(3) When Flow Schedule 5 applies: 35 cfs

*cubic feet per second

(A) For the purposes of determining the applicable Flow Schedule number for each month, the following definitions and rules shall apply:

(1) The cumulative inflow into Lake Mendocino (cumulative inflow) shall be calculated from October 1 of the previous year through the start (midnight) of the first day of each month from January through October as the sum of the following daily amounts: 1) releases from Lake Mendocino; 2) increases in storage in Lake Mendocino; and 3) evaporation from Lake Mendocino. For the months of January, February and March, the cumulative inflow calculated by this method shall be constrained to the maximum value listed below for each month as the Cumulative Inflow Limit. If the calculated cumulative inflow exceeds the Cumulative Inflow Limit value listed below for the applicable month, then the cumulative inflow shall be adjusted and set equal to the Cumulative Inflow Limit for that month. The Cumulative Inflow Limits are:

January 1:	22,100 acre-feet
February 1:	37,500 acre-feet
March 1:	54,500 acre-feet

Any adjustments made to the cumulative inflow by the Cumulative Inflow Limit shall carry forward and be applied to the calculations of cumulative inflows for subsequent months.

The following rules shall be applied to determine the Lake Mendocino Inflow Condition (Inflow Condition) number for each month:

(a) Inflow Condition 1 exists when cumulative inflow is equal to or greater than the following amount for the applicable month:

- 22,100 acre-feet as of January 1
- 37,500 acre-feet as of February 1
- 54,500 acre-feet as of March 1
- 64,100 acre-feet as of April 1
- 73,200 acre-feet as of May 1
- 80,600 acre-feet as of June 1
- 87,100 acre-feet as of July 1
- 93,500 acre-feet as of August 1
- 99,800 acre-feet as of September 1
- 105,000 acre-feet as of October 1

(b) Inflow Condition 2 exists when cumulative inflow is less than the following amount for the applicable month and greater than or equal to the applicable amount for Inflow Condition 3:

- 22,100 acre-feet as of January 1
- 37,500 acre-feet as of February 1
- 54,500 acre-feet as of March 1
- 64,100 acre-feet as of April 1
- 73,200 acre-feet as of May 1
- 80,600 acre-feet as of June 1
- 87,100 acre-feet as of July 1
- 93,500 acre-feet as of August 1
- 99,800 acre-feet as of September 1
- 105,000 acre-feet as of October 1

(c) Inflow Condition 3 exists when cumulative inflow is less than the following amount for the applicable month and greater than or equal to the applicable amount for Inflow Condition 4:

- 13,000 acre-feet as of January 1
- 24,900 acre-feet as of February 1
- 42,100 acre-feet as of March 1
- 56,400 acre-feet as of April 1
- 63,200 acre-feet as of May 1
- 70,200 acre-feet as of June 1
- 74,600 acre-feet as of July 1
- 79,400 acre-feet as of August 1
- 82,600 acre-feet as of September 1
- 86,700 acre-feet as of October 1

(d) Inflow Condition 4 exists when cumulative inflow is less than the following amount for the applicable month and greater than or equal to the applicable amount for Inflow Condition 5:

- 10,800 acre-feet as of January 1
- 18,000 acre-feet as of February 1
- 31,900 acre-feet as of March 1
- 50,200 acre-feet as of April 1
- 55,700 acre-feet as of May 1
- 62,200 acre-feet as of June 1
- 66,600 acre-feet as of July 1
- 70,700 acre-feet as of August 1
- 74,900 acre-feet as of September 1
- 78,600 acre-feet as of October 1

(e) Inflow Condition 5 exists when cumulative inflow is less than the following amount for the applicable month:

- 10,500 acre-feet as of January 1
- 13,700 acre-feet as of February 1
- 19,500 acre-feet as of March 1
- 23,900 acre-feet as of April 1
- 32,700 acre-feet as of May 1
- 37,700 acre-feet as of June 1
- 40,000 acre-feet as of July 1
- 42,000 acre-feet as of August 1
- 44,000 acre-feet as of September 1
- 44,000 acre-feet as of October 1

(f) The Inflow Condition number for November and December shall be the same as the Inflow Condition number for the preceding October.

(2) The Flow Schedule number for each month shall be set equal to the Inflow Condition number for that month.

Attachment 2

In this petition, the Sonoma County Water Agency (Agency) requests that the State Water Resources Control Board (State Board) issue an order approving these changes with finding that implementing these changes will: 1) provide rearing habitat for juvenile coho salmon and steelhead in the Russian River watershed that will be superior to that which occurs with the present minimum instream flow requirements, which were adopted by the State Board's Water Right Decision 1610 (D-1610) in 1986; 2) provide migration flows to support the fall-run Chinook salmon that are superior to the present D-1610 minimum instream flow requirements; and 3) provide a more accurate and reliable methodology to classify water supply conditions in the Russian River Watershed.

The Agency requests that the State Board make these changes to the minimum instream flow requirements in the Agency's water-right permits to implement the reasonable and prudent alternative (RPA) specified by the National Marine Fisheries Service (NMFS) in its *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed*, which was issued on September 24, 2008. The Biological Opinion was issued after a formal consultation by NMFS on the actions carried out by the U.S. Army Corps of Engineers, the Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District under section 7(a)(2) of the federal Endangered Species Act of 1973.

In its Biological Opinion, NMFS concluded that present activities in the Russian River watershed jeopardize the survival of the Central California Coast Steelhead (*Oncorhynchus mykiss*) and Central California Coast Coho Salmon (*Oncorhynchus kisutch*), and that implementation of the RPA is necessary to avoid this jeopardy. Specifically, NMFS concluded that, with current minimum instream flow requirements, the flow management for water supply during the late spring, summer, and fall that was proposed by the Corps to NMFS would continue to have an adverse effect on rearing habitat. The artificially elevated flows in the Russian River that are required by the current minimum instream flow requirements result in high water velocities that contribute to limiting the quality and quantity of the rearing habitat. Additionally, maintaining these flows disrupts lagoon formation in the Russian River estuary, and allowing this lagoon to develop would likely enhance juvenile steelhead and salmon habitat.

In D-1610, the State Board amended the Agency's water-right permits and also reserved jurisdiction 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, . . ." This reservation of jurisdiction is specified in the Agency's amended water-right permits. (See Amended Permit 12947A, p. 8, term 31; Amended Permit 12949, p. 5, term 19; Amended Permit 12950, p. 5, term 19; Amended Permit 16596, pp. 5-6, term 22.) The NMFS' Biological Opinion is such a fisheries study, and, through these petitions, the Agency asks the State Board to exercise this reserved jurisdiction.

The minimum flow requirements in the Water Agency's water-right permits currently are specified in the three sets of requirements established by D-1610. The current methodology for classifying the water supply conditions to determine which of these sets of requirements applies at any time uses the cumulative inflow into Lake Pillsbury in the Eel River as the primary index criterion. Because Lake Mendocino inflow historically received a significant contribution from the diversions of Lake Pillsbury water through Pacific Gas & Electric's operation of the Potter Valley Project hydroelectric facility, this index for water supply conditions, or 'hydrologic index', was established in D-1610. However, since 2006 when changes in the Federal Energy Regulatory Commission license of the Potter Valley Project hydroelectric plant began to be implemented, the influence of these water diversions on Russian River watershed conditions has diminished considerably. In these petitions, the Water Agency requests changes to the hydrologic index that were developed and analyzed in conjunction with the proposed changes to the minimum instream flow requirements. The Water Agency proposes a hydrologic index that is a 5-schedule classification based primarily on monthly evaluations of cumulative inflow into Lake Mendocino and secondarily on its storage volume.

Attachment 2

Since the 2008 NMFS Biological Opinion, which concluded that modifications to the minimum instream flow requirements were necessary to avoid the likelihood of jeopardy to the steelhead and coho salmon, the Water Agency has performed significant analyses of alternative flow requirement schedules and has had on-going discussions with representatives of NMFS and the California Department of Fish and Wildlife (DFW). Review of the results by Water Agency, NMFS and DFW has resulted in a new set of proposed minimum instream flow requirements and new hydrologic index that is regarded as preferable to the RPA recommendations. Specifically, the proposed changes are expected to more effectually achieve the RPA goals of augmenting usable rearing habitat, improving salmonid population growth rates, and improving the spatial structure of the populations.

For these reasons, the requested changes to the present minimum instream flow requirements will provide a level of protection for fish that will be superior to that provided by the present requirements. Because the Russian River mainstem and Dry Creek still will be maintained as perennial live streams, water still will be available for diversions to the extent authorized by other water rights, and the requested changes therefore will not injure any legal user of water.

The Water Agency is the lead agency under the California Environmental Quality Act (CEQA), and the State Board will be a CEQA responsible agency, for this petition. As the Water Agency prepares its CEQA document for this petition, the Water Agency will provide the notices and submissions to the State Board that are required by CEQA.