



State Water Resources Control Board

FEB 10 2016

Mr. Paul Bialla
2740 River Road
Windsor, CA 95492

Dear Mr. Bialla:

ONGOING APPROVAL OF THE WATER DEMAND MANAGEMENT PROGRAM (WDMP) FOR DIVERSIONS OF WATER FOR FROST PROTECTION FROM THE MARK WEST CREEK WATERSHED, IN THE RUSSIAN RIVER WATERSHED IN SONOMA COUNTY

On March 13, 2015, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) approved the Water Demand Management Program (WDMP) you proposed pursuant to the Russian River Frost Protection Regulation (Regulation) (Cal. Code Regs., tit. 23, § 862). The program is for diversions of water for frost protection from the Mark West Creek watershed in the Russian River watershed in Sonoma County.

The State Water Board's continuing approval of the WDMP is contingent on compliance with the requirements of the Regulation. This includes submittal of an Annual Report by September 1 and ongoing consultation with National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) regarding development and implementation of a Stream Stage Monitoring Program (Monitoring Program), and conducting a Risk Assessment.

Division staff have reviewed the Annual Report you submitted on August 17, 2015, and have determined that the WDMP is in compliance with the reporting requirements described in subdivision (c)(5) of the Regulation. The Annual Report documents your diversions for frost protection during the 2015 frost protection season, and that consultation with CDFW and NMFS and development and implementation of the Monitoring Program and Risk Assessment are consistent with the schedule outlined in the initial WDMP.

This letter serves as notification that you, as the Governing Body and sole participant in this WDMP, remain in compliance with the Regulation.

Please provide an updated Inventory of Frost Diversion Systems (Frost Inventory) and an updated schedule for consultation with NMFS and CDFW by February 26, 2016. The Frost Inventory should include a description of the frost diversion system and its capacity, acres frost protected, and the source of water diverted for frost protection. The consultation schedule should include documentation of consultation with NMFS and CDFW to date, as well as a schedule for future consultation.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Since this WDMP has only one participant, the Division anticipates that you may encounter problems coordinating with nearby and downstream diverters to conduct a risk assessment and take corrective actions as necessary to satisfy all the requirements of the regulation. Please coordinate with the Governing Body for the county-wide WDMP (Russian River Watershed Conservation Council) to assess the impact that your diversions have on stream stage in the Mark West Creek watershed downstream of your diversion.

The second Annual Report must be submitted by September 1, 2016. The Division expects the report will contain updates to the Frost Inventory, stream-stage monitoring data, and documentation of the progress toward the installation of the weir bypass pipe recommended by CDFW staff. The report should also include documentation of coordination with the Russian River Watershed Council and ongoing consultation with NMFS and CDFW regarding the Monitoring Program and Risk Assessment, and an explanation of any deviation from recommendations made by NMFS or CDFW during the consultation process.

Thank you for your diligence in working towards the goals of the Russian River Frost Protection Regulation. The updated Frost Inventory and related materials should be directed to Kyle Wooldridge at kyle.wooldridge@waterboards.ca.gov. WDMP program questions may be directed to Ms. Kathy Mrowka at (916) 341-5363, or by e-mail at kathy.mrowka@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Russian River Frost Regulation, Attn.: Kathy Mrowka, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

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