

State Water Resources Control Board

MAR 23 2012

To Parties that have submitted a Water Demand Management Program for the Main Stem of the Russian River:

WATER DEMAND MANAGEMENT PROGRAM SUBMITTED FOR COMPLIANCE WITH THE RUSSIAN RIVER FROST PROTECTION REGULATION, MENDOCINO AND SONOMA COUNTIES

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

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

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

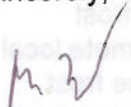
hydraulically connected to the stream system. The stated purpose of a WDMP is to assess the extent to which diversions for frost protection affect stream stage and manage diversions to prevent cumulative diversions for frost protection from causing a reduction in stream stage that causes stranding mortality.

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

Enclosed is a mailing list of other diverters who divert along the main stem of the Russian River in Mendocino and Sonoma Counties that have submitted an individual initial WDMP to the State Water Board and are receiving this response or have received similar responses. You should consider joining together with these diverters if you have not done so already, and with any other diverters along the main stem Russian River or within the watershed, to form a WDMP. Working together to develop a *schedule* for completing a stream stage monitoring program and conducting a risk assessment that includes consultation with DFG and NMFS is probably a more efficient and less costly option. Copies of initial WDMPs with schedules that have been accepted by the State Water Board are available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/prtctn_reg.shtml.

Division staff will continue to be available to answer questions and discuss ways for diverters to meet the goals and terms of the Regulations while the Mendocino County Superior Court considers the lawsuits. Should you have any questions or if you would like to meet with Division staff, please contact Mr. John O'Hagan of my staff at (916) 341-5368 or by email at johagan@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Russian River Frost Regulation, Attn: John O'Hagan, P.O. Box 2000, Sacramento, CA 95812-2000

Sincerely,



Barbara Evoy, Deputy Director
Division of Water Rights

Enclosure: Mailing List

State Water Resources Control Board

PARTIES THAT HAVE SUBMITTED A WATER DEMAND MANAGEMENT PROGRAM: SOURCE: MAIN STEM OF THE RUSSIAN RIVER

Party: Mike Abba
Address: P.O. Box 395, Hopland, CA 95449

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

Party: Michael Boer
Address: 300 Stipp Lane, Ukiah, CA 95482

Party: Bart Byers
Address: 750 Watson Road, Ukiah, CA 95482

Party: Charter Oak Vineyards
Contact: Brian White
Address: 313 Henry Station Road, Ukiah, CA 95482

Party: Conrado Vineyards
Contact: Paul Conrado
Address: 4401 Old River Road, Ukiah, CA 95482

Party: Cornett Vineyard
Contact: Billy Cornett
Address: 14101 Old River Road, Hopland, CA 95449

Party: Damiano Vineyards
Contact: Mark Pardini
Address: 1204 N. State Street, Ukiah, CA 95482

Party: Dempel Ranch
Contact: Robert Dempel
Address: 4570 Brighton Drive, Santa Rosa, CA 95403

Party: Downey Vineyards
Contact: Mark Downey
Address: 3400 Old River Road, Ukiah, CA 95482



Party: Dry Creek Vineyard
Contact: Bevill Vineyard Management LLC
Attn: Amy Raymond
Address: 4724 Dry Creek Road, Healdsburg, CA 95448

Party: Meredith Edwards & Kenneth Coppersmith
Contact: Bevill Vineyard Management LLC
Attn: Amy Raymond
Address: 4724 Dry Creek Road, Healdsburg, CA 95448

Party: Fetzer Vineyards
Contact: David Koball
Address: P.O. Box 611, Hopland, CA 95449

Party: Mary Fetzer Skade
Address: 700 Larkspur Landing Cir, Ste 199, Larkspur, CA 94939

Party: Flight Rail Corporation (dba River Bend Vineyards)
Contact: Max P. Schlienger
Address: 250 Henry Station Road, Ukiah, CA 95482

Party: Garbocci Ranch
Contact: Eric Garbocci
Address: 2980 Redemeyer Road, Ukiah, CA 95482

Party: Ghianda Rose Vineyard
Contact: Chevalier Vineyard Management, Inc.
Attn: Peter Chevalier
Address: P.O. Box 362, Calpella, CA 95418

Party: Giannecchini Ranch
Contact: Steven Giannecchini
Address: 1485 Howell Creek Road, Ukiah, CA 95482

Party: Gobbi Steet Vineyards, LLC
Contact: Chevalier Vineyard Management, Inc.
Address: P.O. Box 362, Calpella, CA 95418

Party: Devin W. Gordan
Address: 759 S. State Street, #131, Ukiah, CA 95482

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

Party: Hansen Ranch
Contact: Richard Henwood
Address: 14500 Old River Road, Hopland, CA 95449

Russian River Main Stem
Mailing list

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Party:	Hildreth Farms Inc.	Party:
Contact:	Michael L. Hildreth	Contact:
Address:	1520 Ruddick-Cunningham Road, Ukiah, CA 95482	Address:
Party:	HSK, LLC	Party:
Contact:	Bevill Vineyard Management LLC	Contact:
Address:	Attn: Amy Raymond 4724 Dry Creek Road, Healdsburg, CA 95448	Address:
Party:	Jepson Vineyards	Party:
Contact:	Fred Nickel	Contact:
Address:	10400 South Highway 101, Hopland, CA 95449	Address:
Party:	Jeriko Vineyards LLC	Party:
Contact:	Daniel Fetzer	Contact:
Address:	P.O. Box 489, Hopland, CA 95449	Address:
Party:	Johnson Orchards, Inc.	Party:
Contact:	William Johnson and Francis Johnson	Contact:
Address:	801 Babcock Lane, Ukiah, CA 95482	Address:
Party:	K2 Farming LLC	Party:
Contact:	David Koball	Contact:
Address:	3493 Taylor Drive, Ukiah, CA 95482	Address:
Party:	La Malfa Ranch	Party:
Contact:	Richard La Malfa	Contact:
Address:	8501 East Road, Potter Valley, CA 95469	Address:
Party:	Lakeview Vineyards Partnership	Party:
Contact:	Kurt Ashurst	Contact:
Address:	1320 University Road, Hopland, CA 95449	Address:
Party:	William Larramendy	Party:
Address:	5040 Burke Hill Dr., Ukiah, CA 95482	Address:
Party:	Clyde and Maria Martinson	Party:
Address:	P.O. Box 2, Calpella, CA 95418	Address:
Party:	Glenn McGourty	Party:
Address:	County Agriculture Center , 890 N. Bush Street, Ukiah, CA 95482	Address:
Party:	Milovina Vineyards	Party:
Contact:	James and John Milovina	Contact:
Address:	Box 302, Hopland, CA 95449	Address:
Party:	Norgard Farms, Inc.	Party:
Contact:	Timothy Norgard	Contact:
Address:	2070 Old River Road, Ukiah, CA 95482	Address:

Party: Orr's Creek Vineyard
Address: 301 West Lake Mendocino Drive, Ukiah, CA 95482

Party: Patianna Organic Vineyard
Contact: Kathy Dogali
Address: P.O. Box 760, Hopland, CA 95449

Party: Pauli Ranch
Address: 12507 Hawn Creek Road, Potter Valley, CA 95469

Party: Rb Wine Associates, LLC
Contact: Bruce Lundquist
Address: P.O. Box 397, Hopland, CA 95449

Party: Rosetti Bros.
Contact: Terry Rosetti
Address: 701 Highway 175, Hopland, CA 95449

Party: Morgan & Pauline Ruddick
Contact: Chris Ruddick
Address: 2400 Ruddick-Cunningham Road, Ukiah, CA 95482

Party: Ruddick Ranch, Inc.
Contact: Chris Ruddick
Address: 2400 Ruddick-Cunningham Road, Ukiah, CA 95482

Party: Sanel Valley Vineyard
Contact: Jim Milone
Address: 14200 Mountain House Road, Hopland, CA 95449

Party: Shadowbrook Farms
Contact: Kurt Ashurst
Address: 1320 University Road, Hopland, CA 95449

Party: Shrader Ranch
Contact: Eric Garbocci
Address: 4001 Cox Schrader Road, Ukiah, CA 95482

Party: George W. & Judith H. Somers Trust
Contact: Bevill Vineyard Management LLC
Attn: Amy Raymond
Address: 4724 Dry Creek Road, Healdsburg, CA 95448

Party: Kathryn M. Testa Grieve
Address: P.O. Box 169, Calpella, CA 95418

Party: Keith and Angela Thornton
Address: P.O. Box 517, Talmage, CA 95481

Party: Vau Investments
Contact: Charles Vau
Address: 940 Bel Arbres, Redwood Valley, CA 95470

Party: Warnecke Ranch & Vineyards
Contact: Margo Warnecke Merk
Address: 13427 Chalk Hill Road, Healdsburg, CA 95448

Party: Whaler Vineyard
Contact: Capt. Russell M. Nyborg
Address: 6201 Old River Road, Ukiah, CA 95482