



State Water Resources Control Board

April 17, 2020

In reply refer to:
ZM: INV 10646

Paul Kelley
Interim General Manager
Hidden Valley Lake Community Services District
19400 Hartmann Road
Hidden Valley Lake, CA 95467
and via e-mail pkelley@hvlcsd.org

Dear Mr. Kelley:

SUBTERRANEAN STREAM INVESTIGATION OF COYOTE VALLEY, LAKE COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) conducted a staff analysis of regional and local geology of Coyote Valley to determine if the Coyote Valley Basin alluvial aquifer is a subterranean stream flowing within a known and definite channel (subterranean stream). Hidden Valley Lake Community Services District (HVLCSO) has asserted that source wells for its water right License 13527 and Permit 20770 (Applications A030049A and A030049B, respectively) are not drawing water from a subterranean stream. After conducting a review of available information, Division staff concludes that there is sufficient information to reasonably infer that the Coyote Valley aquifer is not a subterranean stream, and therefore, the water of the aquifer is percolating groundwater.

Details of Division staff's analysis are provided in the attached technical memorandum. Background information regarding this matter and Division staff conclusions and recommendations contained in the memorandum are provided below. The Division staff technical memorandum can also be found at the following web address:

https://www.waterboards.ca.gov/waterrights/water_issues/projects/coyote_valley_basin_aquifer_analysis/

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

BACKGROUND

HVLCSD was issued a water right permit by the Division in 1994 for four wells drawing water from the Coyote Valley aquifer (which was subsequently split into a water right license and a permit) based on HVLCSD's assertion at the time that the groundwater aquifer was part of the underflow (or subterranean stream) associated with Putah Creek and therefore, within the permitting authority of the State Water Board.

In October 2014 during the last drought, the State Water Board, Division of Drinking Water (DDW) issued HVLCSD a compliance order resulting in a service connection moratorium. The Division of Water Rights issued a Notice of Water Unavailability (e.g., curtailment) to HVLCSD, because HVLCSD has junior water rights. DDW found that HVLCSD's water supply was inadequate and unreliable, since future curtailments could result in inadequate supply for health and human safety.

In May 2019, HVLCSD submitted a technical report to DDW and the Division asserting that its water sources (the Coyote Valley aquifer) for two points of diversion under its water right permit and license were not part of a subterranean stream and therefore, were not under the permitting authority of the State Water Board and do not require a permit or license. Division staff reviewed the HVLCSD technical report and other available geological reports and information to conduct a basin-wide analysis for the Coyote Valley aquifer to determine if it meets the Garrapata four-part test for a subterranean stream flowing within a known and definite channel¹.

CONCLUSIONS

Based on review of available information presented within the memorandum, Division staff concludes the following:

1. The Coyote Valley aquifer is bound by rock formations that make up the banks of a channel; however, there is no evidence that these formations form a subsurface channel bed.
2. Even if Division staff presumes that the alluvium is bounded by both bed and banks, the geologic formations are not relatively impermeable when compared to the alluvium.
3. Because the bounding units are not relatively impermeable compared to the alluvium, the water within the quaternary alluvium is not bound.
4. The alluvial aquifer within Coyote Valley fails parts one and two of the Garrapata four-part test.

¹ In Decision 1639 issued in 1999, the State Water Board clarified that a subterranean stream flowing through a known and definite channel must meet the following physical conditions (commonly referred to as the Garrapata four-part test): 1) A subsurface channel must be present; 2) The channel must have relatively impermeable bed and banks; 3) The course of the channel must be known or capable of being determined by reasonable inference; and 4) Groundwater must be flowing in the channel.

5. The water within Coyote Valley is determined to be percolating groundwater and is not within the permitting authority of the State Water Board.

RECOMMENDATIONS

Based on the analysis and conclusions presented in the memorandum, the water of the Coyote Valley aquifer is percolating groundwater and not within the permitting authority of the State Water Board. Division staff recognizes that HVLCSD and other water extractors that draw water from the Coyote Valley aquifer currently have a water right permit or license from the State Water Board or have filed Statements of Diversion and Use for riparian or pre-1914 water rights claims that are not required for a percolating groundwater source. In addition, there may be other groundwater extractors in Coyote Valley currently not known to the Division. Division staff also recognizes that the continued extraction of groundwater in Coyote Valley, although not showing significant impact on groundwater levels at this time nor likely to do so in the near future, could start to significantly overdraft the basin, deplete surface water flows in Putah Creek, and adversely impact senior water rights holders and public trust resources within and downstream of Coyote Valley if groundwater extractions occur unregulated or without any oversight or sustainability plan in place. Therefore, Division staff recommends the following:

1. The appropriative surface water rights held by HVLCSD (Permit 020770B and License 013527A) should be voluntarily or statutorily revoked.
2. Other water rights permits or licenses or Statements of Diversion and Use for water from the Coyote Valley aquifer should be voluntarily or statutorily revoked or inactivated.
3. If unregulated percolating groundwater extraction results in overdraft, the Department of Water Resources should re-evaluate the Coyote Valley aquifer to determine if the current basin prioritization of "very low priority" under SGMA (Sustainable Groundwater Management Act) should be revised to a higher priority.
4. HVLCSD and others that are extracting water from the Coyote Valley aquifer should consider forming a Groundwater Sustainability Agency (GSA), or some other local management body, to monitor groundwater levels and ensure that current and future groundwater extractions are sustainable and not in jeopardy of critically overdrafting the basin and impacting downstream senior water rights holders or public trust resources.
5. HVLCSD continue to monitor instream flows at the USGS Guenoc gaging station to assure that groundwater extraction is not negatively impacting surface flows, downstream water rights users, and public trust resources.

While a water right permit or license may not be required to extract water that has been determined to be percolating groundwater, the Division and the State Water Board has other regulatory mechanisms to evaluate and address public trust and senior water

rights impacts that may occur due to unregulated groundwater extraction. The State Water Board also reserves the right to take enforcement action for waste and unreasonable use and impacts to public trust resources resulting from unregulated groundwater extractions in Coyote Valley. Additionally, should the Coyote Valley basin be determined to be a higher priority basin in the future based on groundwater extractions, groundwater use in the basin will be subject to regulations under SGMA, including the formation of a GSA.

If you have any questions, please contact Zach Mayo at (916) 322-8425 or by email at Zach.Mayo@waterboards.ca.gov. Written correspondence should be addressed as follows:

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
Attn: Zach Mayo

Sincerely,

A handwritten signature in blue ink that reads "Victor Vasquez". The signature is written in a cursive, flowing style.

Victor Vasquez, Senior Engineer
Sacramento Valley Enforcement Unit
Division of Water Rights

Enclosure: Coyote Valley Subterranean Stream Determination Memorandum

ECC:

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