

**STATE WATER RESOURCES CONTROL BOARD  
PROPOSED REGULATIONS**

**Draft Text of Proposed Regulations**

Amendment to Division 3 of Title 23 of the California Code of Regulations

*Add the following section:*

1 § 740 Russian River, Special.

2 \_\_\_\_\_ (a) After March 14, 2011, any diversion of water from the Russian River stream  
3 system, including the pumping of closely connected groundwater, for purposes of frost  
4 protection between March 15 and June 1 that the board has determined to be significant  
5 shall be considered unreasonable and a violation of Water Code section 100, unless the  
6 water is diverted pursuant to a board approved water demand management program. Any  
7 such water demand management program shall ensure that the instantaneous cumulative  
8 diversion rate does not result in a reduction in stream flow that is harmful to anadromous  
9 fish. The program shall be administered by an individual or governing body capable of  
10 resolving disputes and ensuring that the goals of the program are met. In addition, the  
11 program shall include, for the March 15 through June 1 period, monitoring and reporting to  
12 the individual or governing body responsible for administering the program, and to the  
13 board of (1) instantaneous water diversion rates for each water diversion that the board  
14 has determined to be significant and (2) flows in the Russian River mainstem and any  
15 tributaries that support anadromous fish. The program shall provide for the transmission of  
16 monitoring data, in an appropriate format, not less than hourly, to an internet site  
17 accessible to the board.

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1 (b) For purposes of this section, any diversion from the Russian River stream  
2 system, including the pumping of closely connected groundwater, shall be considered  
3 significant, unless the diverter can establish to the satisfaction of the board that the  
4 diversion will have a negligible effect on flows in any portion of the Russian River stream  
5 system that provides habitat for anadromous fish.

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7 (c) For purposes of this section, groundwater shall be considered closely  
8 connected groundwater if it is pumped from areas described as subterranean flow or  
9 mapped active stream channels and associated alluvial deposits on maps prepared by  
10 Stetson Engineers, Inc. dated February 22, March 8, or March 9, 2008, unless the person  
11 pumping the groundwater can demonstrate to the satisfaction of the board that the  
12 groundwater is not hydraulically connected to any surface stream within the Russian River  
13 stream system.

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15 (d) Any water demand management program developed pursuant to this section  
16 shall be submitted to the board for review and approval at least thirty days before the date  
17 when approval is requested. The board may require changes to the water demand  
18 management program at any time.

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20 (e) Compliance with this section shall constitute a condition of all water right  
21 permits and licenses that authorize the diversion of water from the Russian River stream  
22 system. The board will retain jurisdiction to revise terms and conditions of all frost  
23 protection permits should future conditions warrant.

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25 NOTE: Authority cited: Section 1058, Water Code.  
26 Reference: Section 2, Article X, California Constitution; and Sections 100, 275 and  
27 1051.5, Water Code.