

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Riparian Diversion Statement 24280

Westminster Woods Camp and Conference Center

ORDER APPROVING INSTREAM FLOW DEDICATION

SOURCE: Dutch Bill Creek tributary to Russian River thence Pacific Ocean

COUNTY: Sonoma

WHEREAS:

1. On March 30, 2015, Westminster Woods Camp and Conference Center (Petitioner) filed a petition pursuant to Water Code section 1707 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) to change the place of use and purpose of use for diversion of water under the riparian claim described in Statement of Water Diversion and Use (Statement) 24280.
2. The Petitioner has requested that:
 - a. Downstream portions of Dutch Bill Creek flow from the point of diversion (POD) identified under Statement 24280 to the point at North 1,925,039 feet and East 6,276,677 feet by California Coordinate System 1983, Zone 2, within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 17, Township 7 North, Range 10 West, Mount Diablo Base and Meridian be added to the description of the place of use (see map, dated June 06, 2016, on file with the State Water Board); and
 - b. Irrigation be replaced with fish and wildlife preservation and enhancement and recreation as purposes of use.
3. Under the California Environmental Quality Act (CEQA), the California Department of Fish and Wildlife (CDFW) is the lead agency for preparation of environmental documentation for the project. On January 21, 2015, CDFW issued a final Mitigated Negative Declaration (MND) entitled *The 2015 Fisheries Restoration Grant Program* (SCH No. 2014122048) and a Notice of Determination (NOD) for the project.
4. The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the petition that will allow the Petitioner to proceed with the proposed project. As a CEQA responsible agency, the State Water Board must consider the environmental documentation prepared by the lead agency and any other relevant evidence in the record, and reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) The State Water Board has considered the MND in deciding whether to approve the petition. There is no evidence that approval of the petition will have any adverse impacts on water resources within the State Water Board's purview for the petition. The State Water Board will issue an NOD within five days of petition approval.
5. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed change on public trust

resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].) Based on the August 11, 2016 memorandum entitled, "Public Trust Resources Consideration for Water Right Application 32372 and 1707 Petition for Change on Statement 24280 of Westminster Woods Camp and Conference Center", there is no evidence that the dedication of water for instream beneficial uses will have any adverse effects on public trust resources.

6. The State Water Board finds that the petition will neither increase the amount of water that the Petitioner is entitled to use nor unreasonably affect any legal user of water, and otherwise meets the requirements of Division 2 of the Water Code (Wat. Code, § 1707). The findings are based on: (a) A comparison of previous records of diversion rate under the riparian claim to the diversion rate dedicated to instream use; (b) An assessment of the amount of water consumptively used; (c) An examination of the availability of natural flow and (d) An assessment of legal users of water located in the requested Place of Use

- a. **Records Comparison.** The maximum diversion rate reported under Statement 24280 is 0.27 cubic feet per second (cfs) from June through October of 2011 for irrigation of two athletic fields. The Petitioner will dedicate all 0.27 cfs to instream use to improve instream flow of Dutch Bill Creek for the benefit of fish and wildlife. The Petitioner intends to remove the existing diversion pump on Dutch Bill Creek and dedicate the water used under the riparian claim to instream use. In addition, the Petitioner has stated that the athletic fields have been irrigated as little as possible in support of water conservation.
- b. **Consumptive Use.** The amount of water consumptively used was evaluated through examination losses due to runoff, subsurface return flow, and evapotranspiration. Based on the evaluation, the estimated losses due to surface water runoff, subsurface return flow, and evapotranspiration constitute a small amount of water draining back to Dutch Bill Creek. Division staff has estimated conservatively that most of the water diverted and applied for irrigation is consumptively used during the irrigation season.

1. *Surface Water Runoff.* The topography at the project site indicates the slopes are estimated to be less than five percent. The land appears to be generally flat. Because of the topography of the land and the Petitioner's irrigation practices it is unlikely surface water runoff would drain back to the creek.
2. *Subsurface Return Flow.* The average soil temperature near the project site is estimated to be 66°F from June through October¹. Based on the information from the UC Davis Soil Resource Laboratory², the project site consists of Cortina, Yolo, Cole, and Zamora soil series. Based on soil characteristics and soil temperature at the project site, Division staff has estimated that water will likely infiltrate at a high infiltration rate into the ground. Despite the soil characteristics and soil temperature contributing to a rapid infiltration rate, Division staff considers that due to the Petitioner's irrigation practices and the topography at the project site, it is unlikely that a large amount of water used for irrigation that infiltrates into the ground returns subsurface flow to the creek during the irrigation season.

¹ Data was obtained from the Santa Rosa California Irrigation Management Information Management System (CIMIS) weather station, data can be viewed at <http://www.cimis.water.ca.gov> (as of May 19, 2017).

² UC Davis Soil Resource Laboratory website can be viewed at <https://casoilresource.lawr.ucdavis.edu/gmap/> (as of May 19, 2017).

3. *Evapotranspiration.* The historical average evapotranspiration (ET_c)³ of the athletic fields at the project site was estimated by multiplying the reference crop evapotranspiration value (ET_o) by a crop coefficient (K_c) for cool-season turfgrass⁴.

According to the data from the Santa Rosa CIMIS weather station, the average evapotranspiration (ET_o) is estimated to be 0.15 inch per day from June through October 2011. The turfgrass K_c was estimated to be 0.80. Therefore, the turfgrass ET_c was determined to be 0.12 inch per day.

Additional analysis was conducted to compare the average evapotranspiration from year 2011, calculated above, to a five-year historical average evapotranspiration period (from year 2011 to 2016). The average evapotranspiration for the five-year period is estimated to be 0.12 inch per day. From the analysis, staff determined that the average turfgrass ET_c falls within the historical average evapotranspiration estimated near the project site.

- c. **Natural Flow.** To determine whether natural flow of water is available at the project site during the months from June through October of each year, Division staff examined streamflow data from the USGS gage 11467200 (Austin Creek near Cazadero). This gage is located on Austin Creek adjacent to Cazadero Highway and Austin Creek Road. The Austin Creek gage was selected because of its proximity to the POD identified under Statement 24280. Streamflows at the POD were estimated by proration of the Austin Creek gage data using the mean annual unimpaired flow equation⁵.

From the period of 1960 - 1966 and 2004 - 2016, the estimated average discharge at the identified POD using the proration method from June through October was 1 cfs, 0.4 cfs, 0.2 cfs, 0.1 cfs, and 1.8 cfs, respectively.

Natural flow in a dry year may be limited. According to adjusted streamflow data from the USGS Gage 11467200, the total monthly discharge at the POD from June through October in 2013 was 0.4 cfs, 0.14 cfs, 0.05 cfs, 0.01 cfs, and 0.03 cfs, respectively. In addition, during dry seasons there may also be high demand for irrigation. Based on the foregoing information, and considering the rain fed flashy nature of the watershed, incorporation of a condition requiring the Petitioner to furnish evidence of natural flow availability at the time of dedication is warranted to ensure the dedication will not increase the amount of water the Petitioner is entitled to use.

- d. **No Unreasonable Effect on Any Legal User of Water.** To examine effects, a list of legal users of water in the Dutch Bill Creek watershed was generated using the State Water Board eWRIMs database. According to the State Water Board's records, there are no legal users of

³ Historical average evapotranspiration equation can be viewed at:
<<http://ucanr.edu/sites/UrbanHort/>> (as of May 19, 2017).

⁴ Cool-season turfgrasses are widely used for athletic field surfaces and are described in the following source:
<http://ucanr.edu/sites/UrbanHort/Water_Use_of_Turfgrass_and_Landscape_Plant_Materials/Turfgrass_Crop_Coefficients_Kc/> (as of May 19, 2017).

⁵ $Q_{POD} = Q_{gage} \times (DA_{POD}/DA_{gage}) \times (P_{POD}/P_{gage})$, where Q_{POD} is the average discharge estimated at the POD (in cfs), Q_{gage} is the average discharge recorded at Austin Creek gage (in cfs), DA_{POD} is the drainage area at the POD (in square miles), P_{POD} is the average annual precipitation at the POD (in inches); and P_{gage} is the average annual precipitation at Austin Creek gage (in inches).

water on Dutch Bill Creek along the downstream flow path from the POD to the point at North 1,925,039 feet and East 6,276,677 feet. Accordingly, water dedicated under this petition will cause no unreasonable effect on any legal user of water.

7. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to administer the State Water Board water rights program to the Deputy Director for Water Rights. By memorandum dated July 6, 2012 the Deputy Director for Water Rights has redelegated the authority.

NOW, THEREFORE, IT IS ORDERED THAT:

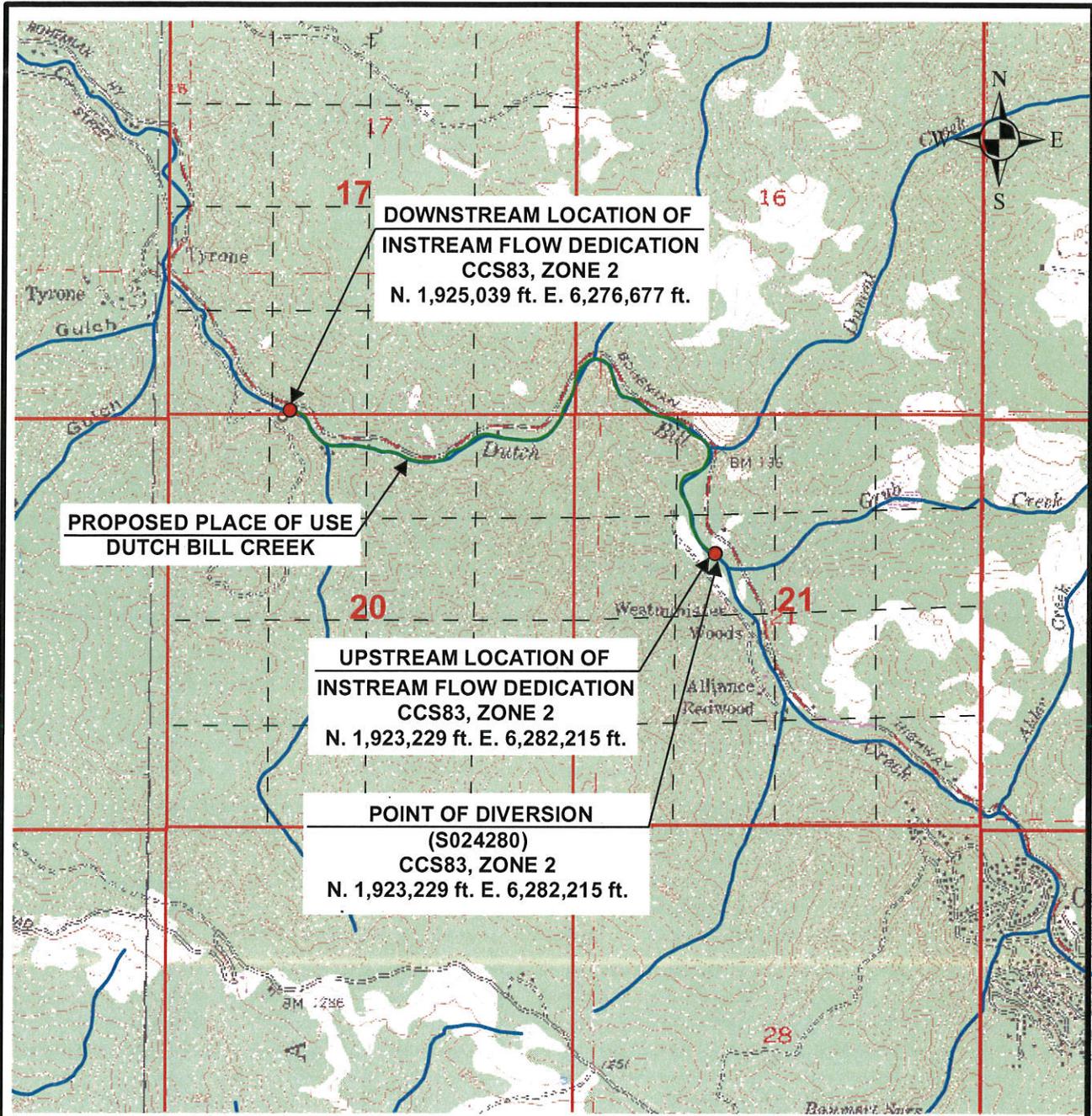
1. The place of use for Statement 24280 is changed to the portion of Dutch Bill Creek flow from the POD to the point at North 1,925,039 feet and East 6,276,677 feet, within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ within projected Section 17, Township 7 North, Range 10 West, Mount Diablo Base and Meridian.
2. The purposes of use for Statement 24280 are changed to recreation and fish and wildlife preservation and enhancement.
3. The Petitioner shall continue to submit the Supplemental Statements of Water Diversion and Use in accordance with Water Code section 5104 and shall include the quantity dedicated to instream flow resources pursuant to this order. No credit shall be given for instream flow dedication pursuant to Water Code section 1707 unless the required documentation is timely submitted and whenever requested by the Division of Water Rights.
4. If the Petitioner submits Supplemental Statements of Water Diversions and Use that include the quantity dedicated to instream flow resources pursuant to this order, then the Petitioner shall include documentation with supplemental statements to show that natural flow was available at the POD at the time of dedication and water would have been used under the riparian claim absent the project modifications.
5. The State Water Board may supervise diversion and use of water under this order for the protection of legal users of water and instream beneficial uses and for compliance with the conditions. The Petitioner shall allow representatives of the State Water Board reasonable access to project works to determine compliance with the terms of this order.
6. The conditions of this order apply to the riparian right described in Statement 24280, and shall apply to and bind all successors and assigns of that right.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
AMANDA MONTGOMERY, FOR

Leslie F. Grober, Deputy Director
Division of Water Rights

Dated: JUNE 28, 2017



OWNER WESTMINSTER WOODS CAMP AND CONFERENCE CENTER

SOURCE DUTCH BILL CREEK THENCE RUSSIAN RIVER

POINT OF DIVERSION

SE 1/4 OF NW 1/4 OF PROJECTED
SECTION 21, T7N, R10W, MDB&M.

COUNTY OF SONOMA

U.S.G.S. QUAD: **CAMP MEEKER**

DATE:

SCALE: **1:24,000**

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

STATEMENT NO. **24280**

DATE: **06/06/2016**

DRAWN: **LA**

CHECKED: **DT**

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.