

CF/42-6.1-1 District Application 19351 (Dry Creek)
(ID 1146)

August 16, 2016

Sent via FedEx Priority Overnight

Ms. Barbara Evoy, Deputy Director for Water Rights
State Water Resources Control Board
1001 I Street, Room 2-114
Sacramento, California 95814

**RE: Sonoma County Water Agency's Water Right Application 30981 and 1999 and 2009
Petitions to Change Water Right Permits 12947A, 12949, 12950 and 16596
(Applications 12919A, 15736, 15737 and 19351); New Petitions to Change and New
Petitions for Extensions of Time; 2002 and 2004 Petitions to Add Points of Diversion**

Dear Ms. Evoy:

This letter discusses the actions that the Sonoma County Water Agency (Water Agency) requests the Division to take regarding the above application and petitions.

Application 30981 and October 1999 Notice Group II Petitions for Water Agency's Water Supply and
Transmission System Project and New Petitions for Extensions of Time

On, October 11, 1999, the Water Agency filed petitions to change water right Permits 12947A, 12949, 12950 and 16596. On November 15, 1999, the Water Agency filed water right Application 30981. This application and these petitions were for the Water Agency's Water Supply and Transmission System Project. If approved and implemented, this project would have allowed the Water Agency to increase its diversions of water from the Russian River at its Wohler and Mirabel Diversion Facilities from the instantaneous limit of 180 cubic-feet per second (cfs) and the annual limit of 75,000 acre-feet per year (af/yr) to new limits of 252 cfs and 101,000 af/yr. The petitions also requested the December 1, 1999 deadline for applying water to beneficial use in Permits 12949, 12950 and 16596 be extended to December 1, 2020.

On July 14, 2000, the Division of Water Rights issued its public notice (referred to as "Notice Group II") for this application and these petitions. Since 2000, the Water Agency and its water contractors have taken numerous water-conservation actions and developed substantial additional recycled-water and groundwater supplies. As a result, the demands on the Water Agency's Water

Transmission System currently are well below the 75,000 af/yr and 180 cfs limits and are projected to remain below these limits until approximately 2035. As a result, the Water Agency is not pursuing the Water Supply and Transmission System Project at this time. The Water Agency therefore requests that the SWRCB cancel Application 30981 and the October 11, 1999 petitions to change the above permits that are described in the Division's July 14, 2000 public notice for Notice Group II. The Water Agency is filing new petitions for extensions of time for Permits 12949, 12950 and 16596, which request extensions of the 1999 beneficial-use deadlines in these permits to 2040, and the Water Agency requests that the SWRCB process these new petitions. If it becomes necessary sometime in the future to address projected demand increases, the Water Agency will then file appropriate new petitions and applications to increase the 75,000 af/yr and 180 cfs limits.

September 2009 Petition to Change Minimum Instream Flow Requirements and Hydrologic Index and New Petitions for Change

On September 29, 2009, the Water Agency filed a petition to modify the minimum instream-flow requirements in the above water right permits. The Water Agency filed this petition to implement the Reasonable and Prudent Alternative (RPA) specified by the National Marine Fisheries Service (NMFS) in its *Biological Opinion for the Water Supply, Flood Control Operations, and Channel Maintenance by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed*, which was issued on September 24, 2008. The SWRCB issued its public notice of this petition on January 13, 2010.

The Biological Opinion was issued after a formal consultation by NMFS on the actions carried out by the U.S. Army Corps of Engineers, the Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District under section 7(a)(2) of the federal Endangered Species Act of 1973. In its Biological Opinion, NMFS concluded that present activities in the Russian River watershed jeopardize the survival of the Central California Coast Steelhead (*Oncorhynchus mykiss*) and Central California Coast Coho Salmon (*Oncorhynchus kisutch*), and that implementation of the RPA is necessary to avoid this jeopardy. Specifically, NMFS concluded that, with current minimum instream flow requirements, the flow management for water supply during the late spring, summer, and fall that was proposed by the Corps to NMFS would continue to have an adverse effect on rearing habitat. The artificially elevated flows in the Russian River that are required by the current minimum instream flow requirements result in high water velocities that contribute to limiting the quality and quantity of the rearing habitat. Additionally, maintaining these flows disrupts lagoon formation in the Russian River estuary, and allowing this lagoon to develop would likely enhance juvenile steelhead and salmon habitat.

Since 2009, the Water Agency has had numerous additional discussions with representatives of NMFS and the California Department of Fish and Wildlife (CDFW) regarding the appropriate minimum

instream flow requirements for the Russian River and Dry Creek, and the Water Agency has used the results of these discussions and related analyses to develop the Fish Flow Project Draft EIR, which is due to be released for public review in August 2016. As discussed in detail in this Draft EIR, the Water Agency, NMFS and CDFW have developed a new set of proposed minimum instream-flow requirements and a proposed new hydrologic index for these requirements that they all believe are preferable to the RPA. The Water Agency is filing the enclosed new petitions for change, which ask the SWRCB to change the relevant provisions of the above permits to specify the proposed new requirements and index. The Water Agency therefore requests that the SWRCB cancel the Water Agency's September 29, 2009 petition to change these requirements, and that the SWRCB process the enclosed new petitions for change.

October 2002 Petition to Add Occidental Community Services District and May 2004 Petition to Add Town of Windsor Points of Diversion

On October 14, 2002, the Water Agency filed a petition to change the above permits to add the Occidental Community Services District's well adjacent to the Russian River to the authorized points of diversion in these permits. The SWRCB issued its public notice of this petition on March 30, 2007.

On May 7, 2004, the Water Agency filed a petition to change the above permits to add three new Town of Windsor wells adjacent to the Russian River to the authorized points of diversion in these permits. The SWRCB issued its public notice of this petition on March 31, 2007.

These two petitions are included in the proposed project that is analyzed in the Fish Flow Draft EIR. The Water Agency requests that the SWRCB continue to process these petitions.

Sincerely,



Grant Davis
General Manager

Enc. Petition for Change for Permit 12947A
Petition for Change and Petition for Extension of Time for Permit 12949
Petition for Change and Petition for Extension of Time for Permit 12950
Petition for Change and Petition for Extension of Time for Permit 16596 v
Checks for filing fees

Please indicate County where
your project is located here:

Sonoma / Mendo.

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
<http://www.waterboards.ca.gov/waterrights>

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- ☐ **Point of Diversion** Wat. Code, § 1701 ☐ **Point of Rediversion** Cal. Code Regs., tit. 23, § 791(e) ☐ **Place of Use** Wat. Code, § 1701 ☐ **Purpose of Use** Wat. Code, § 1701
- ☐ **Distribution of Storage** Cal. Code Regs., tit. 23, § 791(e) ☐ **Temporary Urgency** Wat. Code, § 1435 ☐ **Instream Flow Dedication** Wat. Code, § 1707 ☐ **Waste Water** Wat. Code, § 1211
- ☐ **Split** Cal. Code Regs., tit. 23, § 836 ☒ **Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e) ☒ **Other** Term 13; see Attachment 2

Application

19351

Permit

16596

License

Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation; list number of acres irrigated.

Present:

Proposed:

Purpose of Use

Present:

Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:

Proposed:

Temporary Urgency

This temporary urgency change will be effective from to .

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either: ☐ cubic feet per second or ☐ gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? ☐ Yes ☐ No

If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? ☐ Yes ☐ No

Will any legal user of the treated waste water discharged be affected? ☐ Yes ☐ No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? ☐ Yes ☒ No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:

☐ ownership ☐ lease ☐ verbal agreement ☐ written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated 8-16-16 at Santa Rosa, CA.



Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:

- (1) the form Environmental Information for Petitions, including required attachments, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
- (2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Please indicate County where
your project is located here:

Sonoma

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
<http://www.waterboards.ca.gov/waterrights>

PETITION FOR EXTENSION OF TIME

Cal. Code Regs., tit. 23, § 842

Application Permit

Separate petitions are required for each water right. Incomplete forms may not be accepted. Complete this form if the time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire and you require additional time. Provide attachments if necessary.

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (State Water Board) will review the facts presented to determine whether: (a) due diligence has been exercised, (b) failure to comply with previous time requirements has been occasioned by obstacles which could not reasonably be avoided, and (c) that satisfactory progress will be made if an extension of time is granted. (Cal. Code Regs., tit. 23, § 844.) If an extension of time is not granted, the State Water Board may initiate formal action to either: (a) issue a license for the amount of water heretofore placed to beneficial use under the terms of the permit, or (b) revoke the permit.

If this is your first extension of time, answer the questions below for the permitted construction and water use development period. If previous extensions have been approved, answer these questions for the most recently approved extension period (for example, if a ten-year extension was previously granted, list the activities completed during the ten-year period).

I (we) request a year extension of time to complete construction work and/or beneficial use of water.

Construction

Estimate the date construction work will begin, list the actions taken toward commencing or completing construction, and list the reasons why construction of the project was not completed.

Construction of Sonoma County Water Agency (Water Agency) Transmission System facilities and the U. S. Army Corps of Engineers Lake Sonoma (for which the Water Agency is the local sponsor) has occurred at various times since 1959. Based on the projected system deliveries most recently evaluated in the Water Agency's 2015 Urban Water Management Plan, the Water Agency anticipates that construction of additional Transmission System facilities will begin in about 2025. This estimated schedule is based on the Water Agency's current estimates of how Water Agency customers will meet their projected water demands using their respective anticipated portfolios of water supplies, which include local surface water and groundwater supplies, recycled water, and water use efficiency and conservation programs in addition to the water provided by the Water Agency. The current deadline for completion of construction work for this permit is December 1, 1995. Consistent with the State Water Resources Control Board's current practice, the Water Agency requests that this construction deadline be deleted from this permit and that the new beneficial-use deadline discussed in the following section be added to this permit.

Insert the attachment number here, if applicable:

Complete Use of Water

List reasons why use of water was not completed within time previously allowed.

Water use under this permit has not reached the full authorized amount due to decreased demands for surface water because of the significant expansions of water-use efficiency programs, the development of a recycled water program that offsets potable water demand, and the construction of local groundwater supply production facilities by the Water Agency and its customers.

The deadline for full beneficial use of water for this permit is December 1, 1999. Because the growth rate in potable water demands for Water Agency customers was less than expected, the Water Agency filed a petition on October 11, 1999, which requested an extension of this deadline to December 1, 2020. The State Water Resources Control Board never issued any order on that petition. Based on current projections of water demand accounting for the latest analysis of water conservation and alternate water supplies completed for the 2015 Urban Water Management Plan (*Water Demand Analysis and Water Conservation Measures Update* reports were finalized by Maddaus Water Management Inc. in July 2015 for each contractor and Marin Municipal Water District), the Water Agency now requests a time extension to December 31, 2040.

Insert the attachment number here, if applicable:

Quantities Diverted

For direct diversion projects, list the cubic feet per second (cfs) or gallons per day (gpd) diverted during the maximum month of use, and the acre-feet per annum (afa) and identify the year this occurred. For storage projects, identify the maximum amount collected to storage and withdrawn for beneficial use in afa and identify the year this occurred.

	Year	Maximum Diversion Rate (cfs or gpd)	Maximum Annual Amount (afa)
Direct Diversion	1986	-	-
Storage	2004		186,274
Beneficial Use			19,867

Insert the attachment number here, if applicable: 1

Information on Beneficial Uses

Number of Acres Irrigated

Number of Houses or People Served

Per Capita Residential Water Use During the Maximum 30-day Period (gpd)

Extent of Past Use of Water for Any Other Purpose (identify gpd, cfs or afa)

Insert the attachment number here, if applicable:

0
619,000

Approximate Amount Spent on Project \$ 800,000,000

Water Conservation – If water conservation is required by your permit, provide the information below.

Water Conservation Measures In Effect

List the water conservation measures that are in effect within the place of use.

As a member of the Sonoma-Marín Saving Water Partnership, the Water Agency collaborates with its wholesale customers to ensure the California Urban Water Conservation Council Best Management Practices are implemented, to meet statewide conservation targets, and to actively promote the efficient use of water in our region. Since 2005, the members of the Sonoma Marin Saving Water Partnership have achieved a 30% reduction in per capita water use.

Insert the attachment number here, if applicable:

Water Conservation Measures Planned

List the water conservation measures that are feasible within the place of use and the date the measures will be implemented. Identify the quantities estimated to be conserved when the measures are implemented.

The Sonoma-Marín Saving Water Partnership anticipates continuing many of the established water use efficiency programs in the region, with a continued focus on minimizing system water loss, installing indoor water-efficient fixtures, and transforming landscapes to be locally, climate appropriate.

Insert the attachment number here, if applicable:

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief. Dated 8-16-16 at Santa Rosa, CA

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:

- (1) the form Environmental Information for Petitions, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
- (2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

The petitions for changes request modifications to the minimum instream flow requirements and the methodology used to classify water supply conditions, which sets the specific flow requirements based on current seasonal conditions. The impact of these changes are evaluated in the upcoming Fish Habitat Flows and Water Rights Project Draft Environmental Impact Report that is scheduled for release in August 2016.

The petitions for time extensions request more time to beneficially put to use the full permitted amounts. Since 1959, the Water Agency has constructed its Water Transmission system, which provides water to over 600,000 people in Sonoma and Marin counties. The completed water infrastructure includes: 1) six collector wells on the Russian River located near Forestville with a nominal production capacity of approximately 129 million gallons per day (mgd); 2) seven emergency standby production wells on the Russian River near Forestville with an approximate capacity of 10 mgd; 3) three groundwater production wells in the Santa Rosa Plain groundwater basin with a nominal capacity of 6.0 mgd; 4) more than 85 miles of transmission pipelines that range in diameter from 16 to 54 inches; 5) eighteen finished water storage tanks located throughout the service area that have a combined total storage of 129 million gallons; 6) six booster pump stations located throughout the service area; and 7) two water supply reservoirs in the Russian River watershed, Lake Sonoma located northwest of Healdsburg and Lake Mendocino located northeast of Ukiah.

Based on the projected system deliveries most recently evaluated in the Sonoma County Water Agency's 2015 Urban Water Management Plan, construction of additional Transmission System facilities is estimated to begin in about 2025. This estimated schedule is based on the current understanding of how Water Agency customers will meet their projected water demands based on their respective anticipated portfolios of water supplies that include local surface water and groundwater supplies, recycled water, and water use efficiency and conservation programs in addition to the water provided by the Water Agency. The environmental effects of these potential future facilities will be analyzed in future, project-specific Water Agency CEQA documents.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

August 16, 2016

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

☐ Yes

☒ No

Will a waste discharge permit be required for the project?

☐ Yes

☒ No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

☐ Yes

☐ No

☐ Grading Permit

☐ Use Permit

☐ Watercourse

☐ Obstruction Permit

☐ Change of Zoning

☐ General Plan Change

☐ Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.

☐ Yes

☐ No

If necessary, provide additional information below:

No permits are needed for the changes requested in the accompanying petitions.

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- ☐ Regional Water Quality Control Board ☐ Department of Fish and Game
- ☐ Dept of Water Resources, Division of Safety of Dams ☐ California Coastal Commission
- ☐ State Reclamation Board ☐ U.S. Army Corps of Engineers ☐ U.S. Forest Service
- ☐ Bureau of Land Management ☐ Federal Energy Regulatory Commission
- ☐ Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. ☐ Yes ☒ No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

The current petitions for request to modify minimum instream flow requirements are being made to comply with a biological opinion issued by the National Marine Fisheries Service in 2008 and with a California Department of Fish and Wildlife consistency determination issued in 2009. No additional permits are needed for the accompanying petitions.

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? ☐ Yes ☒ No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. ☐ Yes ☒ No

Will another public agency be preparing an archeological report? ☐ Yes ☒ No

Do you know of any archeological or historic sites in the area? If yes, explain below. ☐ Yes ☐ No

If necessary, provide additional information below:

Archeological or historic sites are known within the project area and will be evaluated in the Draft Environmental Impact Report.

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- ☒ Along the stream channel immediately downstream from each point of diversion
- ☒ Along the stream channel immediately upstream from each point of diversion
- ☒ At the place where water subject to this water right will be used

Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 8-16-16 at Santa Rosa, CA.


Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

Attachment 1**Table 1. Amounts of Diversions and Beneficial Use for Individual Permits**

	12949 (A015736)	Water Year	12950 (A015737)	Water Year	16596 (A019351)	Water Year
Prior to December 1, 1999						
Direct Diversion	10,831	1974	13,348	1989	-	-
Collection to Storage	-	-	-	-	186,274	1986
Beneficial Use	-	-	-	-	15,325	1994
Full Period of Operation						
Direct Diversion	11,014	2002	13,348	1989	-	-
Collection to Storage	-	-	-	-	186,274	1986
Beneficial Use	-	-	-	-	19,867	2004

Table 2. Aggregate Beneficial Use Amounts for All Permits: Permit 12947a, 12949, 12950, and 16596

	Annual Combined (ac-ft)	Water Year	Max Month Combined (cfs)	Month
Prior to December 1, 1999				
Beneficial Use	65,110	1997	138.9	Jun-97
Beneficial Use + Credits	72,798	1999	-	-
Full Period of Operation				
Beneficial Use	68,994	2004	147.6	Aug-04
Beneficial Use + Credits	85,472	2004	-	-

Note: Amounts in 'Beneficial Use + Credits' include claimed credits for water conservation, use of urban-offset recycled water, and the conjunctive use of groundwater supplies as reported in annual permittee progress reports.

Attachment 2

In this petition, the Sonoma County Water Agency (Agency) requests that the State Water Resources Control Board (State Board) issue an order approving these changes with finding that implementing these changes will: 1) provide rearing habitat for juvenile coho salmon and steelhead in the Russian River watershed that will be superior to that which occurs with the present minimum instream flow requirements, which were adopted by the State Board's Water Right Decision 1610 (D-1610) in 1986; 2) provide migration flows to support the fall-run Chinook salmon that are superior to the present D-1610 minimum instream flow requirements; and 3) provide a more accurate and reliable methodology to classify water supply conditions in the Russian River Watershed.

The Agency requests that the State Board make these changes to the minimum instream flow requirements in the Agency's water-right permits to implement the reasonable and prudent alternative (RPA) specified by the National Marine Fisheries Service (NMFS) in its *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed*, which was issued on September 24, 2008. The Biological Opinion was issued after a formal consultation by NMFS on the actions carried out by the U.S. Army Corps of Engineers, the Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District under section 7(a)(2) of the federal Endangered Species Act of 1973.

In its Biological Opinion, NMFS concluded that present activities in the Russian River watershed jeopardize the survival of the Central California Coast Steelhead (*Oncorhynchus mykiss*) and Central California Coast Coho Salmon (*Oncorhynchus kisutch*), and that implementation of the RPA is necessary to avoid this jeopardy. Specifically, NMFS concluded that, with current minimum instream flow requirements, the flow management for water supply during the late spring, summer, and fall that was proposed by the Corps to NMFS would continue to have an adverse effect on rearing habitat. The artificially elevated flows in the Russian River that are required by the current minimum instream flow requirements result in high water velocities that contribute to limiting the quality and quantity of the rearing habitat. Additionally, maintaining these flows disrupts lagoon formation in the Russian River estuary, and allowing this lagoon to develop would likely enhance juvenile steelhead and salmon habitat.

In D-1610, the State Board amended the Agency's water-right permits and also reserved jurisdiction to ". . . modify, delete or add minimum flow requirements or related criteria for the protection of fish and wildlife and the maintenance of recreation in the Russian River should (1) additional fishery studies be conducted in the Russian River," This reservation of jurisdiction is specified in the Agency's amended water-right permits. (See Amended Permit 12947A, p. 8, term 31; Amended Permit 12949, p. 5, term 19; Amended Permit 12950, p. 5, term 19; Amended Permit 16596, pp. 5-6, term 22.) The NMFS' Biological Opinion is such a fisheries study, and, through these petitions, the Agency asks the State Board to exercise this reserved jurisdiction.

The minimum flow requirements in the Water Agency's water-right permits currently are specified in the three sets of requirements established by D-1610. The current methodology for classifying the water supply conditions to determine which of these sets of requirements applies at any time uses the cumulative inflow into Lake Pillsbury in the Eel River as the primary index criterion. Because Lake Mendocino inflow historically received a significant contribution from the diversions of Lake Pillsbury water through Pacific Gas & Electric's operation of the Potter Valley Project hydroelectric facility, this index for water supply conditions, or 'hydrologic index', was established in D-1610. However, since 2006 when changes in the Federal Energy Regulatory Commission license of the Potter Valley Project hydroelectric plant began to be implemented, the influence of these water diversions on Russian River watershed conditions has diminished considerably. In these petitions, the Water Agency requests changes to the hydrologic index that were developed and analyzed in conjunction with the proposed changes to the minimum instream flow requirements. The Water Agency proposes a hydrologic index that is a 5-schedule classification based primarily on monthly evaluations of cumulative inflow into Lake Mendocino and secondarily on its storage volume.

Attachment 2

Since the 2008 NMFS Biological Opinion, which concluded that modifications to the minimum instream flow requirements were necessary to avoid the likelihood of jeopardy to the steelhead and coho salmon, the Water Agency has performed significant analyses of alternative flow requirement schedules and has had on-going discussions with representatives of NMFS and the California Department of Fish and Wildlife (DFW). Review of the results by Water Agency, NMFS and DFW has resulted in a new set of proposed minimum instream flow requirements and new hydrologic index that is regarded as preferable to the RPA recommendations. Specifically, the proposed changes are expected to more effectually achieve the RPA goals of augmenting usable rearing habitat, improving salmonid population growth rates, and improving the spatial structure of the populations.

For these reasons, the requested changes to the present minimum instream flow requirements will provide a level of protection for fish that will be superior to that provided by the present requirements. Because the Russian River mainstem and Dry Creek still will be maintained as perennial live streams, water still will be available for diversions to the extent authorized by other water rights, and the requested changes therefore will not injure any legal user of water.

The Water Agency is the lead agency under the California Environmental Quality Act (CEQA), and the State Board will be a CEQA responsible agency, for this petition. As the Water Agency prepares its CEQA document for this petition, the Water Agency will provide the notices and submissions to the State Board that are required by CEQA.

Attachment 3

Figure 1. Water Transmission System – Existing and Proposed Facilities

Figure 2. Location of Water Supplies and Associated Water Rights Permits

Figure 3. Russian River Watershed Instream Flow Requirement Reaches

Figure 1. Water Transmission System – Existing and Proposed Facilities

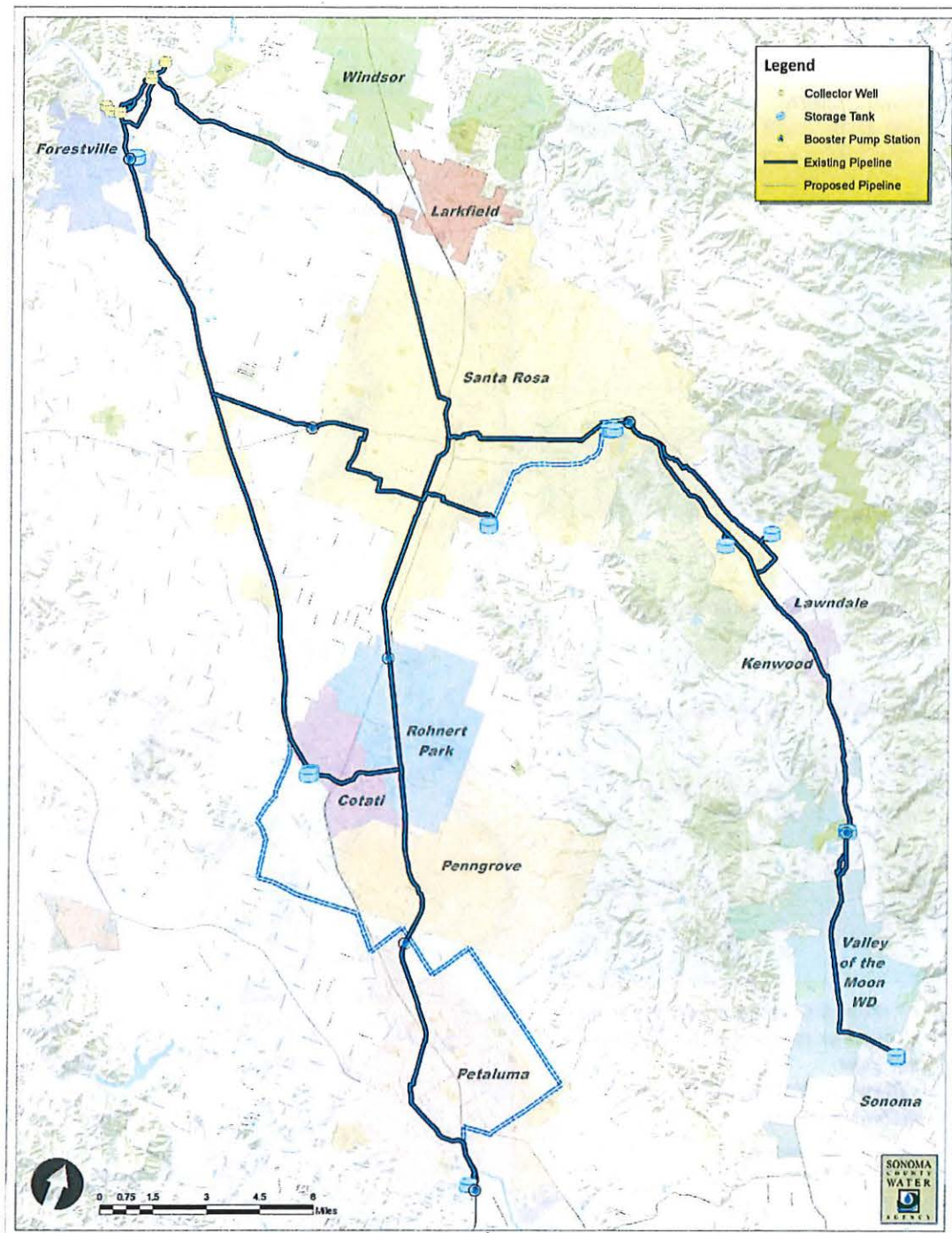


Figure 2. Location of Water Supplies and Associated Water Rights Permits

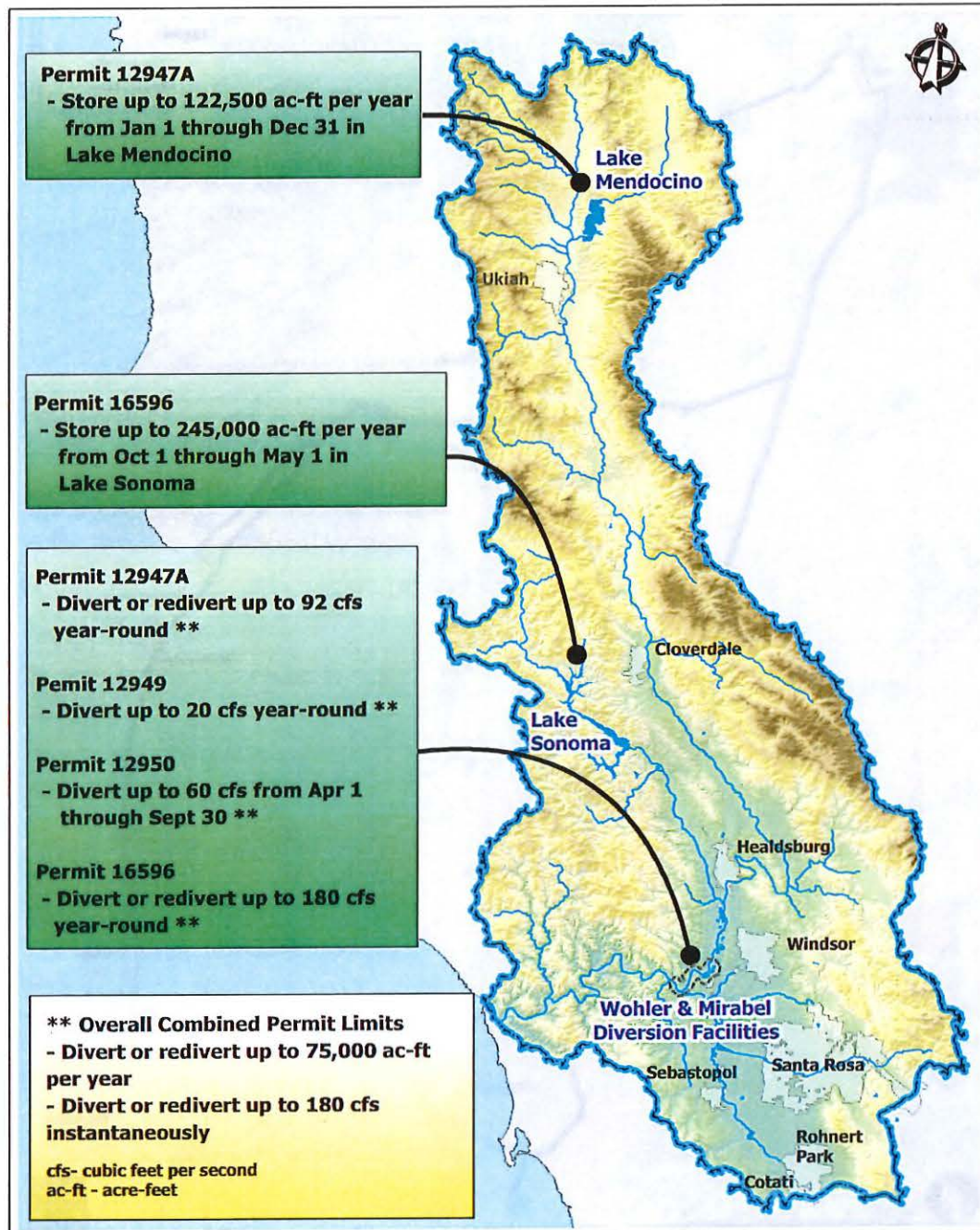


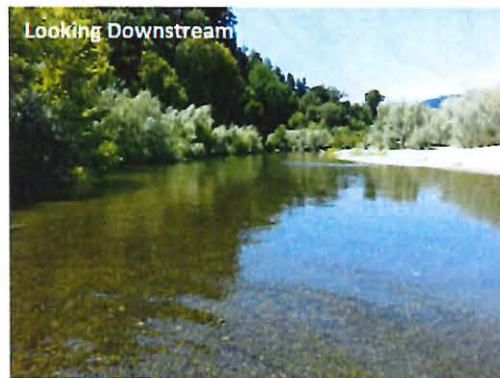
Figure 3. Russian River Watershed Instream Flow Requirement Reaches



Attachment 4

Sonoma County Water Agency Photographs in Vicinity of Main Diversion Facilities at Wohler and Mirabel Park

Russian River Between at Mirabel Park on July 25, 2014



Russian River Watershed

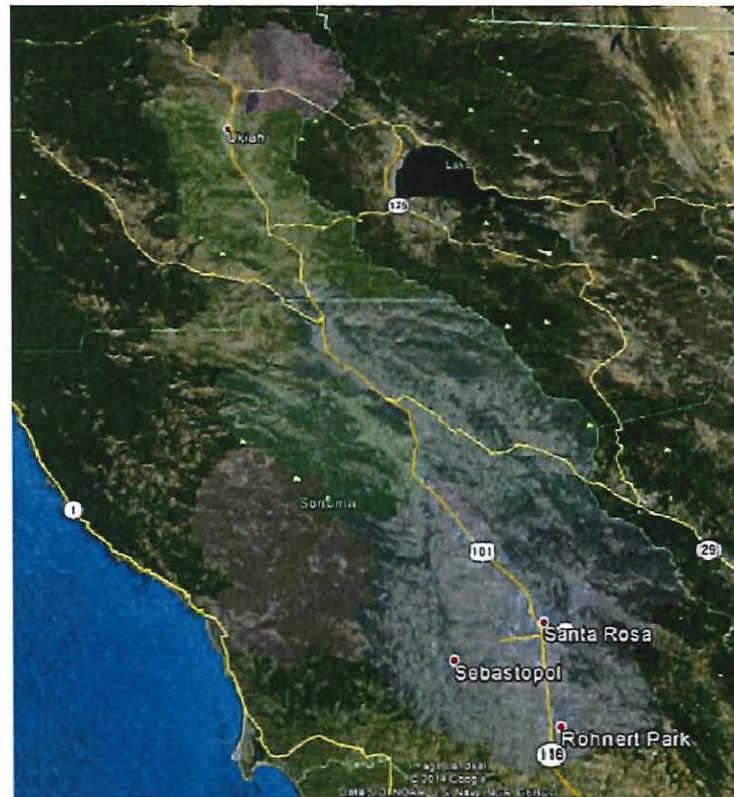


Exhibit A

**Requested amendments to Sonoma County Water Agency's water-right Permit 16596
(Application 19351) (all amended permits issued on August 30, 2006)**

Proposed changes to terms in Sonoma County Water Agency water right Permit 16596

Amended Permit 16596 (Application 19351), issued on August 30, 2006, shall be amended as follows:

1. Term 7 is deleted.

2. Term 8 is amended to read as follows:

Complete application of the water to the authorized use shall be made by December 31, 2040.

3. Term 13 is amended to as follows:

For the protection of fish and wildlife in Dry Creek and the Russian River and for the maintenance of recreation in the Russian River, permittee shall pass through or release from storage at Lake Sonoma sufficient water to maintain:

(A) The following minimum flows in Dry Creek between Warm Springs Dam and its confluence with the Russian River:

(1) When Flow Schedule 1 or 2 applies:

75 cfs* from January 1 through April 30

50 cfs from May 1 through October 15

105 cfs from October 16 through December 31

(2) When Flow Schedule 3, 4, or 5 applies:

50 cfs from April 1 through October 15

75 cfs from November 1 through March 31

* cubic feet per second

(B) The following minimum flows in the Russian River between its confluence with Dry Creek and the Pacific Ocean, unless the water level in Lake Sonoma is below elevation 292.0 feet with reference to the National Geodetic Vertical Datum of 1929, or unless prohibited by the United States Government:

(3) When Flow Schedule 1, 2 or 3 applies:

70 cfs from May 1 through October 15

135 cfs from October 16 through April 30

(4) When Flow Schedule 4 applies:

50 cfs from May 1 through October 15

85 cfs from October 16 through April 30

(5) When Flow Schedule 5 applies: 35 cfs

For the purposes of the requirements in this term, the following definitions and rules shall apply:

(1) To determine the appropriate Inflow Condition under the following paragraphs, the cumulative inflow into Lake Mendocino first must be calculated. Cumulative inflow into Lake Mendocino shall be calculated as the daily accumulation beginning on October 1 of the sum for each day of the

releases from Lake Mendocino, increases in storage in Lake Mendocino and evaporation from Lake Mendocino that occurred on that day. Under certain circumstances, the calculation of cumulative inflow shall be adjusted on January 1, February 1 or March 1 of each year. Such adjustments shall be made if the calculated cumulative inflow into Lake Mendocino exceeds the Cumulative Inflow Limit value listed below for the applicable date:

January 1: 22,100 acre-feet
February 1: 37,500 acre-feet
March 1: 54,500 acre-feet

If any such exceedance occurs, then cumulative inflow into Lake Mendocino for that date that is used to determine the appropriate Inflow Condition number shall be set to equal for the Cumulative Inflow Limit value listed above for that date.

(2) Inflow Condition 2 exists when cumulative inflow to Lake Mendocino beginning on October 1 of each year is less than the following amount for the applicable month and greater than the applicable amount for Inflow Condition 3:

22,100 acre-feet as of January 1
37,500 acre-feet as of February 1
54,500 acre-feet as of March 1
64,100 acre-feet as of April 1
73,200 acre-feet as of May 1
80,600 acre-feet as of June 1
87,100 acre-feet as of July 1
93,500 acre-feet as of August 1
99,800 acre-feet as of September 1
105,000 acre-feet as of October 1

(3) Inflow Condition 3 exists when cumulative inflow to Lake Mendocino beginning on October 1 of each year is less than the following amount for the applicable month and greater than the applicable amount for Inflow Condition 4:

13,000 acre-feet as of January 1
24,900 acre-feet as of February 1
42,100 acre-feet as of March 1
56,400 acre-feet as of April 1
63,200 acre-feet as of May 1
70,200 acre-feet as of June 1
74,600 acre-feet as of July 1
79,400 acre-feet as of August 1
82,600 acre-feet as of September 1
86,700 acre-feet as of October 1

(4) Inflow Condition 4 exists when cumulative inflow to Lake Mendocino beginning on October 1 of each year is less than the following amount for the applicable month and greater than the applicable amount for Inflow Condition 5:

10,800 acre-feet as of January 1
18,000 acre-feet as of February 1
31,900 acre-feet as of March 1

50,200 acre-feet as of April 1
55,700 acre-feet as of May 1
62,200 acre-feet as of June 1
66,600 acre-feet as of July 1
70,700 acre-feet as of August 1
74,900 acre-feet as of September 1
78,600 acre-feet as of October 1

(5) Inflow Condition 5 exists when cumulative inflow to Lake Mendocino beginning on October 1 of each year is less than the following amount for the applicable month:

10,500 acre-feet as of January 1
13,700 acre-feet as of February 1
19,500 acre-feet as of March 1
23,900 acre-feet as of April 1
32,700 acre-feet as of May 1
37,700 acre-feet as of June 1
40,000 acre-feet as of July 1
42,000 acre-feet as of August 1
44,000 acre-feet as of September 1
44,000 acre-feet as of October 1

(6) Inflow Condition 1 exists whenever Inflow Condition 2, 3, 4 or 5 does not exist.

(7) The Inflow Condition number for November and December shall be the same as the Inflow Condition number for the preceding October.

(8) Cumulative inflow to Lake Mendocino is the calculated algebraic sum of releases from Lake Mendocino, increases in the storage in Lake Mendocino, and evaporation from Lake Mendocino.

(9) The Flow Schedule number for each month shall equal the Inflow Condition number for the same month.