



GSB/JDM
AO12919A et al

CF/42-4.1-1 District Applications 12919A and
12920A (ID 1124)

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

STATE WATER RESOURCES
CONTROL BOARD
2016 AUG 17 AM 11:21
SACRAMENTO

**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

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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
- Checks for filing fees ✓