

Presentation to Los Molinos Mutual Water Company Board: State Water Board's Instream Flow Efforts Related to Mill Creek Watershed

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Goal of Tonight's Presentation

- Share information about the State Water Board's current and upcoming instream flow efforts
- Learn about your challenges and efforts related to management of water in the Mill Creek watershed
- Promote ongoing dialogue and proactive action (voluntary rather than regulatory actions, when possible)

Presentation Outline

- Recognizing Los Molinos Mutual Water Company's (LMMWC) Ongoing Efforts
- State Water Board Activities Relevant to Mill Creek Watershed
- Applicable State Water Board Authorities – Water Use & Instream Flows
- Potential Local Actions and Funding to Enhance Water Use Efficiency and Stream Flow

Recognizing LMMWC Existing Efforts to Enhance Stream Flows

- Stewardship via Mill Creek Conservancy and Mill Creek Flows Group; coordination with agencies
- Fish passage improvements, old and new
- 1990s Flow-Exchange Agreements

Recognizing LMMWC Existing Efforts to Enhance Stream Flows (cont.)

- 2007 Water Exchange Program; additional water-rights exchanges with The Nature Conservancy, etc.
- 2014 and 2015 Memoranda of Understanding with California Department of Fish and Wildlife and National Marine Fisheries Service

Relevant State Water Board Activities

Phase 4 of Bay-Delta Effort

- Goal: Develop policies or regulations that establish flow requirements for 3-4 priority tributaries to the Bay-Delta watershed (focus on Sacramento River tributaries) by 2018
- California Department of Fish and Wildlife (CDFW) Mill Creek instream flow study
 - Adult spring-run Chinook salmon critical riffle analysis passage study
 - Anticipate that CDFW will provide an instream flow recommendation to State Water Board, which would inform establishment of flow requirements

California Water Action Plan

- State Water Board and CDFW to implement a suite of efforts to enhance flows statewide in at least five stream systems to support critical habitat for anadromous fish
 - Mill Creek is one of five streams (others: Mark West Creek, South Fork Eel River, Shasta River, and Ventura River)
- Short-term actions to enhance flows in Mill Creek: education, water conservation projects, water use efficiency projects, enforcement
- Long-term actions to enhance flows in Mill Creek: establishment of flow requirements (Phase 4) and other measures

Drought Emergency Regulation for Mill, Deer, and Antelope Creeks

- 2014 and 2015 Curtailment of Diversions due to Insufficient Flow for Specific Fisheries
- Establishes drought emergency minimum flow requirements for protection of specific runs of federal- and state-listed anadromous fish in Mill Creek, Deer Creek and Antelope Creek
 - Drought emergency minimum flows do not represent optimal passage conditions for Chinook salmon and steelhead
- Short-term solution

Statewide Water Conservation Emergency Regulation

- Individual end-user prohibitions apply to all Californians. Prohibits:
 - Washing of sidewalks and driveways
 - Allowing runoff when irrigating
 - Using hoses without a shutoff nozzle to wash cars
 - Decorative water features that do not recirculate water
 - Irrigating outdoors during and within 48 hours following measurable rainfall
 - Irrigation of ornamental turf on public medians
 - Irrigation outside newly constructed homes and buildings inconsistent with California Building Standards and Department of Housing and Community Development

Russian River Tributaries Emergency Regulation

- Drought emergency regulation for protection of specific fisheries
- Encompasses all of statewide end-user prohibitions and requires enhanced water conservation measures:
 - Prohibits watering of ornamental turf (lawns)
 - Limits watering of other landscapes to two days per week between 8:00 pm and 8:00 am
- Applies to four Russian River tributary watersheds: Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek

State Water Board Authorities Related to Water Use and Instream Flows

Public Trust

- State Water Board is responsible for protection of resources, such as fisheries, wildlife, aesthetics, and navigation, which are held in trust for the public
- State Water Board must consider these responsibilities when planning and allocating water resources, and protect public trust uses whenever feasible
- State Water Board must consider these public trust values in balancing all beneficial uses of water in accordance with the Water Rights Mission Statement and Water Code §1253

Water Rights Mission Statement & Water Code §1253

- Water Rights Mission Statement:
 - Establish and maintain a stable system of water rights in California to best develop, conserve, and utilize in the public interest the water resources of the State while protecting vested rights, water quality and the environment.
- Water Code §1253:
 - The board shall allow the appropriation for beneficial purposes of unappropriated water under such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest the water sought to be appropriated.

Waste and Unreasonable Use

- One of State Water Board's charges is to ensure that State's waters are put to the best possible use, and that the public interest is served
- California Constitution Article X, Section 2: *"[...] the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented [...]"*

Waste and Unreasonable Use

- California Constitution Article X, Section 2: *"[...] The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. [...]"*

Enforcement Authorities

- Administrative Civil Liability Authority: Water Code sections 1050-1055.4
- Cease and Desist Order Authority: Water Code sections 1825 through 1836
- Revocation Authority: Water Code 12401 - 1241, 1410 - 1410.2, and 1675 - 1675.2

Potential Local Actions and Funding to Address Water Use Efficiency and Improve Stream Flows

Potential Future Efforts

- Additional water conservation actions and water use efficiency measures could include:
 - Los Molinos Mutual Water Company
 - Infrastructure improvements
 - End-User Water Use Efficiency
 - Education and outreach
 - Tanks and reservoirs

Infrastructure Improvements

- Continue existing efforts and studies
 - Broaden scope of existing studies
 - Move toward to implement projects
- Implement ditch efficiency improvements
 - Convert unlined, open ditches to closed pipes
- Reduce or eliminate flood irrigation throughout LMMWC system
 - Construction of stockponds
 - Construction of sprinkler and drip irrigation systems

End-User Water Use Efficiency Components

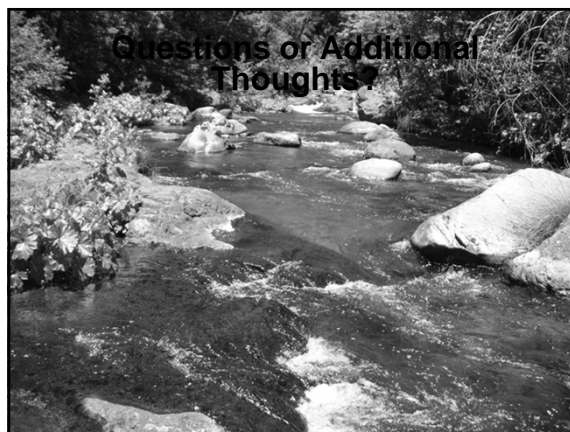
- Educate end-users on water conservation and efficient water use practices
- Construct end-user off-stream storage projects, such as small storage reservoirs or water tanks

Potential Funding Sources (see handout)

- State Water Resources Control Board
 - Groundwater Sustainability Funding Program (Proposition 1), Stormwater Management Grant Program (Proposition 1), Drinking Water State Revolving Fund, Clean Water State Revolving Fund Program
- Proposition 1 Funding: Interested parties encouraged to submit applications, and State Water Board will help determine which funding sources the project is eligible for
- US Bureau of Reclamation
 - WaterSMART Program, Bay Delta Restoration Water Use Efficiency Grants
- Department of Water Resources
 - Integrated Regional Water Management, Water Use Efficiency Grant Program Agricultural Conservation, Water Use Efficiency Grant Program CalConserve Revolving Fund

Potential Uses of Funding

- Improve water delivery efficiencies (infrastructure improvements)
 - Implement ditch efficiency improvements
 - Reduce or eliminate flood irrigation
- Improve End-User Water Use Efficiency
 - End-user off-stream storage projects, such as small storage reservoirs or water tanks
- Education and outreach activities
 - Educate end-users on water conservation and efficient water use practices



Questions or Additional Thoughts?