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## State Water Resources Control Board

### CERTIFIED MAIL

To Whom It May Concern:

**This matter requires your immediate attention.**

You are being contacted because the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received information indicating that there may be ongoing violations of the Russian River Frost Protection Regulation occurring [ADDRESS] in on APN(s) [PARCEL NUMBER] in Mendocino County.

On September 20, 2011 the State Water Board adopted a Frost Protection Regulation for the Russian River watershed (Title 23 Division 3, Chapter 2, Article 22, Section 862). Water use for frost protection in the Russian River watershed (except for diversions upstream of Warm Springs Dam in Sonoma County or Coyote Dam in Mendocino County) is subject to the regulation.

Anyone diverting water for frost protection from March 15 through May 15 is subject to the regulation and they must participate in a Board approved Water Demand Management Program (WDMP), including groundwater wells hydraulically connected to the Russian River stream system. The regulation requires any WDMP to manage the instantaneous demand on the Russian River stream system during frost events to prevent stranding and mortality of salmonids. Diversion of water for frost protection without participating in a WDMP is a violation of the regulation.

The Division conducted an analysis of publicly available water diversion data and property ownership databases. The Division's preliminary review indicates that you have filed a statement, hold a water right, have a reservoir, or own a hydraulically connected groundwater well within the Russian River Watershed, and that you likely divert water for frost protection from March 15 through May 15. It appears you are required to be enrolled in a WDMP but are not yet participating in one, or you are enrolled within a WDMP, but you are not paying fees or reporting your frost protection water use.

If you are diverting water for frost protection in 2026 and future years, you must enroll and comply with requirements of an approved WDMP. If you receive water solely from

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

the Redwood Valley County Water District (now Ukiah Valley Water Authority), you may not need to enroll within a WDMP (see FAQ link below, Item 15). The Division may conduct an onsite inspection of your property to determine compliance and can follow up with formal enforcement action if necessary.

### **Enforcement**

The State Water Board has the authority to initiate enforcement action at its discretion for alleged unauthorized diversion or use of water. Failure to provide the required information is considered a violation of the adopted regulations by the Board. Water Code section 1846 grants the Board the authority to impose an administrative civil liability in amount not to exceed one thousand dollars (\$1000) for each day of violation of a regulation adopted by the Board. Furthermore, Water Code section 1831 grants the State Water Board authority to issue Cease and Desist Orders (CDO) when it determines a person is violating or threatening to violate a regulation adopted by the Board. A person who violates a CDO may be subject to an administrative civil liability of up to three thousand dollars (\$3000) per day.

### **Corrective Action**

Within 15 days of the date of this letter you must submit a response indicating the course of action you intend to take and include an implementation schedule. If you are already enrolled in an approved WDMP, provide proof of your enrollment. If you have other means of frost protection that do not require water diversion, please provide the frost protection method with your response. If you use water for frost protection, but do not directly divert water during the period of March 15 – May 15, please provide a diversion schedule, the capacity of your reservoir, and any other information pertaining to your frost diversion water use. The State Water Board retains the authority and discretion to take enforcement action for unauthorized diversions.

For a list of frequently asked questions (FAQ) and additional information about the Russian River Frost Protection Regulation, please see:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/russian\\_river\\_frost/faq.shtml](https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/faq.shtml)

For diversions in the Russian River Watershed in Mendocino County, the Board approved WDMP is managed by the California Land Stewardship Institute's Fish Friendly Farming Program. Please see <https://www.fishfriendlyfarming.org>. For information related to billing and reporting, please contact Connor Bennett at [connorb@fishfriendlyfarming.org](mailto:connorb@fishfriendlyfarming.org) or at 707-363-1639.

If you have any questions, please refer to our website for general water right information or written correspondence should be addressed and submitted as follows:

State Water Resources Control Board  
Division of Water Rights

«Site\_Name»

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Attention: Russian River Frost Protection Program – Lee Barclay  
P.O. Box 100  
Sacramento, CA 95812-0100

If you have questions concerning the investigation or the contents of this letter, please contact the Division via email at [RussianRiverFrostProtection@waterboards.ca.gov](mailto:RussianRiverFrostProtection@waterboards.ca.gov) or by phone at (916) 341-5411.

Sincerely,

*Sahil Pathak*

Sahil Pathak, Supervisor  
North Coast Enforcement  
Division of Water Rights