

**STATE WATER RESOURCES CONTROL BOARD  
PROPOSED REGULATIONS**

**Draft Text of Proposed Regulations**

Amendment to Division 3 of Title 23 of the California Code of Regulations

*Add the following section:*

1 § 740 Russian River, Special.

2 (a) After March 14, 2011, any **significant** diversion of water from the Russian River stream  
3 system, ~~including the pumping of closely connected groundwater,~~ for purposes of frost  
4 protection between March 15 and June 1 ~~that the board has determined to be significant~~  
5 shall be ~~considered unreasonable and a violation of Water Code section 100,~~ unless the  
6 ~~water is diverted~~ **managed** pursuant to a board approved water demand management program. ~~Any~~  
7 ~~such water demand management program shall~~ **to** ensure that the instantaneous cumulative  
8 diversion rate does not result in a reduction in stream flow that is harmful to anadromous  
9 fish. **(B)** The **water demand management** program shall be administered by an individual or governing  
body capable of  
10 ~~resolving disputes and~~ ensuring that the goals of the program are met. In addition, the  
11 program shall include, for the March 15 through June 1 period, monitoring and reporting to  
12 the individual or governing body responsible for administering the program, and to the  
13 board of (1) **a record of** ~~instantaneous water diversion rates~~ **times and volumes** for each **significant**  
~~water diversion that the board~~  
14 ~~has determined to be significant and~~ (2) flows **stage** in the Russian River ~~mainstem and any~~  
15 ~~tributary~~ **ies** streams **with significant diversions** that support anadromous fish. The program shall  
provide for the transmission of  
16 monitoring data, in an appropriate format, ~~not less than hourly, to an internet site~~  
17 accessible to the board.

**18. Monitoring data will be provided for stream flow stations where in-stream studies have established a**

**19 required stream flow stage needed for upstream salmonid habitat.**

1 ~~(b)~~ (c) For purposes of this section, any “significant diversion” means any direct diversion, or diversion  
by well, of water from the Russian River stream

2 system, that causes or substantially contributes to an instantaneous cumulative reduction in stream stage  
that is harmful to anadromous fish. including the pumping of closely connected groundwater,  
shall be considered

3 significant, unless the diverter can establish to the satisfaction of the board that the

4 A diversion that will have a negligible effect on flows stage in any portion of the Russian River stream  
5 system that provides habitat for anadromous fish is not a significant diversion.

6 The determination of significance for a diversion shall consider the effects of all diversions and wells  
including those used for frost protection and those not used for frost protection. The board will evaluate  
and quantify the effects of non-frost water diverters who contribute to changes in stream stage during the  
March 15 to June 1 period. These non-frost water diversions include: municipal wells, residential  
diversions and wells and reservoir operations at Coyote and Warm Springs Dams that lead to rapid  
decline in river stage and stream stage in tributaries. Methods used in analyzing the effects of non-frost  
water diverters on stream stage shall be consistent with analytical methods accepted in the professions of  
civil engineering, hydrology and engineering geology.

7 (c) For purposes of this section, groundwater shall be considered closely

8 connected groundwater if it is pumped from areas described as subterranean flow or

9 mapped active stream channels and associated alluvial deposits on maps prepared by

10 Stetson Engineers, Inc. dated February 22, March 8, or March 9, 2008, unless the person

11 pumping the groundwater can demonstrate to the satisfaction of the board that the

12 groundwater is not hydraulically connected to any surface stream within the Russian River

13 stream system.

14

15 (d) Any **proposed** water demand management program developed pursuant to this section  
16 shall be submitted to the board for review and approval at least ~~thirty~~ **sixty** days **prior to the start of the**  
**first frost season that the water demand management program would operate or other date**  
**approved by the board.** ~~before the date~~  
17 ~~when approval is requested.~~ The board may ~~request~~ **require** changes to the **existing** water demand  
18 management program ~~at any time~~ **no less than 90 days prior to the beginning of the frost season and**  
**shall give the program at least 30 days to address such proposed changes.**

19

20 (e) Compliance with this section shall constitute a condition of all water right  
21 permits and licenses that authorize the diversion of water **for frost protection** from the Russian River  
stream  
22 system. The board will retain jurisdiction to revise terms and conditions **pertaining to frost protection**  
of all frost  
23 protection permits should future conditions warrant.

24

25 NOTE: Authority cited: Section 1058, Water Code.  
26 Reference: Section 2, Article X, California Constitution; and Sections 100, 275 and  
27 1051.5, Water Code.