



State Water Resources Control Board

March 6, 2026

CERTIFIED MAIL

Up The Creek Vineyard, LLC
Michael Kramer
2740 River Road
Windsor, CA 95492

CERTIFIED MAIL NO: 9589 0710 5270 1501 9816 66

Dear Mr. Kramer:

ONGOING APPROVAL OF THE WATER DEMAND MANAGEMENT PROGRAM (WDMP) FOR DIVERSIONS OF WATER FOR FROST PROTECTION FROM THE MARK WEST CREEK WATERSHED IN SONOMA COUNTY

On March 13, 2015, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) approved the Water Demand Management Program (WDMP) Mr. Bialla proposed pursuant to the Russian River Frost Protection Regulation (Regulation) (Cal. Code Regs., tit. 23, § 862). The program is for diversions of water for frost protection from the Mark West Creek watershed in Sonoma County.

The State Water Board's continuing approval of the WDMP is contingent on compliance with the requirements of the Regulation. This includes submittal of an Annual Report by September 1 and ongoing consultation with National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) regarding development and implementation of a Stream Stage Monitoring Program (Monitoring Program) and conducting a Risk Assessment when necessary.

Division staff have reviewed the Annual Report you submitted on August 8, 2025 and have determined that the WDMP is in compliance with the reporting requirements described in subdivision (c)(5) of the Regulation. The Annual Report documents your diversions for frost protection during the 2025 frost protection season, and that consultation with CDFW and NMFS and development and implementation of the Monitoring Program and Risk Assessment are consistent with the schedule outlined in the initial WDMP.

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

This letter serves as notification that you, as the Governing Body and sole participant in this WDMP, remain in compliance with the Regulation.

Please submit an updated inventory of frost diversion systems (frost inventory) to the Division by **March 14, 2026**.

The updated frost inventory should include detailed information about each participating member's frost protection diversion system(s), including:

1. Name of the diverter (or a unique identifier with an attached table identifying each diverter's name and unique identifier);
2. Source of the water used for frost protection and any associated water rights;
3. Location of the diversion (latitude/longitude);
4. Description of the diversion system and its capacity;
5. Acreage frost protected with water diverted from the Russian River stream system;
6. Acreage frost protected by means other than with water diverted from the Russian River stream system; and
7. Assessor's Parcel Numbers (APNs) for each parcel frost protected by the diversion system;

The next annual report is due on **September 1, 2026**. The annual report should include any updates to the frost inventory, including items 1 through 7 above for all participants, the rate of diversion, hours of operation, and the volume of water diverted during each frost event for each diversion system in the WDMP. The annual report should also include documentation of ongoing consultation with NMFS and CDFW when necessary.

Since this WDMP has only one participant, the Division anticipates that you may encounter problems coordinating with nearby and downstream diverters to conduct a risk assessment and take corrective actions as necessary to satisfy all the requirements of the regulation. Please coordinate with the Governing Body for the county-wide WDMP (Russian River Watershed Conservation Council) to assess the impact that your diversions have on stream stage in the Mark West Creek watershed downstream of your diversion.

Thank you for your diligence in working towards the goals of the Russian River Frost Protection Regulation. Questions about the regulation and the updated participation list

and frost inventory submittals should be directed to our Russian River Frost Protection Regulation Program email address RussianRiverFrostProtection@waterboards.ca.gov. Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn. Russian River Frost Protection Program, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,



Robert P. Cervantes, PE
Assistant Deputy Director
Division of Water Rights

ec:

Julie Lile, California Department of Fish and Wildlife
Julie.Lile@wildlife.ca.gov

Joshua Fuller, National Oceanic and Atmospheric Administration
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Russian River Frost Protection Program
RussianRiverFrostProtection@Waterboards.ca.gov