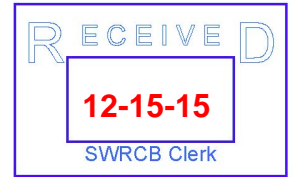


## WQ Consultants

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December 14, 2015

Board of Directors  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814



Re: Proposed Regulations for SB 88

Directors

The Division of Water Rights (especially Kathy Mrowka) should be complimented on its proposed draft regulations for SB 88. Although the measuring and reporting of diversion amounts is an important step in effective water management, there are other metrics that should become a mandatory part of the Division of Water Rights management tools.

In addition to managing diversions, SWRCB is also charged with protecting the fishery resources of the State, especially anadromous salmonids. This fishery concern is reaffirmed in both the Division of Water Rights Emergency Action for the four tributaries to the Russian River and again in the Policy for Maintaining Instream Flows in Northern California Coastal Streams.

Clearly, stream stage is important but so is stream temperature. The State should establish minimum threshold stream stage and maximum water temperature levels to conserve habitat for endangered cold freshwater fish. Diversion withdrawals should not be permitted when stream conditions do not meet these defined thresholds. Additionally, as SWRCB is aware, low flows and high water temperatures magnify the adverse effects of important pollutants such as nutrients and harmful algal blooms.

Diversions should not be operated simultaneously by all landowners in a given reach, but rather in a timed sequence among adjoining landowners. This prudent water management system is currently being tested by SWRCB in the Russian River Watershed under your Frost Control Regulations. However, the approach being tested is only for the period of March 15 to May 15 of each year and solely for the Russian River. A sequential diversion policy should be in place for all streams during the California dry season.

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We recommend that the reporting by diverters should be on a quarterly basis, not annually. More frequent reporting would be of benefit in adapting to rapidly changing stream flow conditions. It might also be helpful for your forecasting model if the stream flow of the water source from which the water is being diverted was measured just prior to the diversion.

Respectfully submitted

*Robert Pincus*

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