

WR 74

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 12947,
12948, 12949, and 12950
(Applications 12919A, 12920A,
15736, and 15737), and
Application 19351

SONOMA COUNTY WATER AGENCY AND
MENDOCINO COUNTY RUSSIAN RIVER
FLOOD CONTROL AND WATER CONSERVATION
IMPROVEMENT DISTRICT

Permittees

Order: WR 74-34

Sources: East Fork Russian
River, Russian
River, and Dry
Creek

Counties: Sonoma and
Mendocino

ORDER GRANTING FOR LIMITED PURPOSE
RECONSIDERATION OF BOARD ORDER WR 74-30

BY THE BOARD:

On October 17, 1974, the State Water Resources Control Board adopted Order WR 74-30 issuing separate permits to Sonoma County Water Agency (Sonoma) and Mendocino County Russian River Flood Control and Water Conservation Improvement District (Mendocino) for their respective allocations under Permit 12947, amending Permits 12949 and 12950 of Sonoma, and revoking Permits 12947 and 12948. On November 7, 1974, Sonoma petitioned the Board to reconsider Order WR 74-30.

Sonoma takes no exception to the facts upon which Order WR 74-30 is based. However, Sonoma makes four specific requests for amendments of the order and also requests opportunity to introduce further evidence to show that the requested changes are needed to provide for the beneficial use of water stored in the Coyote Project and to allow Sonoma to operate its facilities for the maximum benefit of water users in its service area. This statement

by Sonoma indicates a misconception of the limited nature of the proceeding culminating in Order WR 74-30.

Decision 1030, adopted in 1961, made specific allocations of water to Mendocino and Sonoma. The decision further directed that under certain conditions portions of the Sonoma allocation be used only in the Russian River Valley, as defined in the decision. Order WR 74-30 was adopted by the State Board due to Sonoma's failure to comply with the conditions ordered by Decision 1030 and to present an acceptable plan for accounting for use of project water as required by Board Order WR 73-15.

The allocations made in Decision 1030 are preserved by Board Order WR 74-30. The Board's authority to reconsider that decision and the permittee's right to request its reconsideration expired 30 days after its adoption on August 17, 1961. Therefore, only to the extent that Sonoma's requests relate to the division of the allocation to accomplish the limited objectives of Order WR 74-30, can those requests be considered. The Board is aware that Sonoma's present plans for export of water from Russian River Valley are not fully covered by the diversions authorized in Decision 1030. However, insofar as direct diversion is concerned, Sonoma may request opportunity to show need for additional water in accordance with the deferral of action on the direct diversion portion of Application 19351 in Decision 1416. That decision also limited use of water stored in and released from the proposed Warm

Springs Reservoir to in-stream uses, pending a showing of how water put to beneficial use will be measured and reported. Presumably, Sonoma will wish to make such showing prior to need for and availability of water stored in Warm Springs Reservoir. Keeping in mind the limited scope of Order WR 74-30, the following responses are made to the itemized requests of Sonoma.

1. Sonoma requests that the 92 cubic feet per second (cfs) rate of diversion and the maximum amount of 37,544 acre-feet per annum (afa) set forth in paragraph 2 of the order be modified with the diversion rate and quantity determined by operational criteria.

Although the total direct diversion authorized by Decision 1030 is 212 cfs, that allocation under Applications 12919A and 12920A is specifically divided in paragraph 3 of the order relating to those applications:

"3. The total quantity of water to be appropriated under permits issued pursuant to both applications shall not exceed 122,500 acre-feet per annum by storage and 212 cubic feet per second by direct diversion at the following points:

| | | | |
|------|-----------------------|----|---|
| 62.0 | cubic feet per second | at | Wohler Intake |
| 23.0 | " | " | " |
| 3.5 | " | " | " |
| 3.5 | " | " | " |
| 53.0 | " | " | " |
| | | | various points along |
| | | | East Fork Russian River and Russian River be- |
| | | | tween Coyote Valley Dam and Mendocino-Sonoma |
| | | | County line, and |
| 67.0 | cubic feet per second | at | various points along |
| | | | Russian River downstream from Mendocino- |
| | | | Sonoma County line; |

Provided, however, that there shall be neither direct diversion nor redirection of stored water pursuant to these permits, except at Wohler, Mirabel Park, Monte

Rio and Healdsburg Intakes, until a description of the location of each point of diversion and statement of the quantity of water to be diverted at each point is filed with the State Water Rights Board; and provided further that use of water diverted at other than the Wohler, Mirabel Park, Monte Rio, and Healdsburg Intakes shall not be made outside of Russian River Valley."(emphasis added)

The order in Decision 1030 also states in paragraph 4 concerning Applications 15736 and 15737:

"The total amount of water to be appropriated by direct diversion under permits issued pursuant to Applications 12919A, 12920A, 15736, and 15737 shall not exceed 212 cubic feet per second."

The intent of Decision 1030 as to the rate at which taking of water at Sonoma's pumping plants is to be allowed is also clearly set forth in the findings of the decision on page 28:

"Although there is no natural or artificial flow in the river at Guerneville during the dry season in years such as 1924, assuming that use of water is at the 1949 level, there is in most years water available for direct diversion in addition to storage. Therefore, direct diversion and rediversion of stored water should be allowed to the capacity of the following proposed diversion works of the Sonoma District:" (emphasis added)

| <u>"Intake</u> | <u>Capacity</u> |
|----------------|-----------------|
| Wohler | 62 cfs |
| Mirabel | 23 |
| Monte Rio | 3.5 |
| Healdsburg | <u>3.5</u> |
| | 92.0 cfs " |

Therefore, no change in the 92 cfs can be allowed as part of this proceeding.

Insofar as this request concerns the 37,544 acre-feet per annum, the basis for its inclusion in the order is the finding of Decision 1030 (p. 24).

"The probable annual use of water to be exported from the Russian River Valley to other parts of Sonoma County and Marin County as envisioned by the Sonoma District in its Exhibit 30 will be as follows:

| | | |
|-----------------------------------|------------|-----------|
| Santa Rosa and Petaluma Aqueducts | 31,234 | acre-feet |
| Sonoma Aqueduct | 5,230 | acre-feet |
| Windsor Aqueduct | 513 | acre-feet |
| Forestville Aqueduct | <u>567</u> | acre-feet |
| | 37,544 | acre-feet |

It was testified that the foregoing facilities are designed to provide a 20-year supply for the areas to be served (RT 9/22/60, p, 90)."

For the past several years the Board's policy has been to include in permits the quantitative allocation in addition to the flow rate to be allowed. However, that practice was not followed in 1961. Further review of Decision 1030 does not show clearly that the above requirements were intended as the limit on the export diversions. Therefore, reconsideration of this amount should be allowed to determine what the proper annual allocation to Sonoma should be.

2. Sonoma requests that the order be made more flexible to allow permittees to maximize the use of the stored water in the Coyote project to obtain the maximum beneficial use thereof, based primarily on the amount of water available from the project after depletion by upstream uses and by water releases to maintain streamflows.

This request is vague and contains insufficient information to indicate that it involves any element within the scope of this proceeding.

3 and 4. Sonoma requests that prorata dry year deficiencies be applied to the 8,000 and 10,000 acre-feet of project water reserved for use in Russian River Valley in Mendocino and Sonoma Counties, respectively.

To impose such a restriction on these reservations for use of project water would be contrary to Decision 1030 and outside the scope of this proceeding. It is clear that the partial assignment of State filings 12919 and 12920 to Sonoma by the Department of Finance of the State of California intended that these reservations have precedence over exports of water from Russian River Valley. The pertinent portions of the assignment are quoted on page 13 of Decision 1030. The intent of the assignment was recognized by the Board in its findings covering protection to valley lands (p. 35) and in its inclusion of the reservations in the order of Decision 1030. To subject these reservations to a prorata share of dry year deficiencies which might be suffered by the export diversions would, in effect, nullify the reservations, since the protection they afford is most needed and meaningful in dry years.

NOW, THEREFORE, IT IS ORDERED:

1. The petition for reconsideration of Board Order WR 74-30 is approved for the limited purpose of considering whether the maximum amount of 37,544 acre-feet per water year of October 1 to September 30 in paragraph 2 of the order should be amended.

2. Order WR 74-30 is affirmed in all other respects.

Dated: November 21, 1974

W. W. ADAMS

W. W. Adams, Chairman

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

ROY E. DODSON

Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER

Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN

W. Don Maughan, Member