

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary )  
Permit (Application 26991) )  
SONOMA COUNTY WATER AGENCY )  
Permittee )

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Order: WR 81-12  
Source: Russian River  
County: Sonoma

FINDINGS AND ORDER VALIDATING THE ISSUANCE  
OF TEMPORARY PERMIT

BY BOARD MEMBER DUNLAP:

The Sonoma County Water Agency (Agency) having filed Application 26991 for a temporary urgency permit to divert and use unappropriated water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the Board having consulted with the California Department of Fish and Game, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District; Board Member Dunlap having concluded from available information that the Agency was entitled to a temporary permit to divert and use water, subject to review and validation by the Board as provided by Water Code Section 1425; the Board finds as follows:

Substance of the Application

1. Application 26991 is for a temporary permit to divert and use 75 cubic feet per second (cfs) by direct diversion from Russian River in Sonoma County from September 15, 1981 to September 30, 1981 for municipal purposes within the service area of the Sonoma County Water Agency, North Marin Water District and Marin Municipal Water District. The maximum amount to be diverted is 2,250 acre-feet. The points of diversion are located within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 29, T8N, R9W, MDB&M (Wohler) and within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 31, T8N, R9W, MDB&M (Mirabel).

## Agency's Project

2. The Agency currently holds water right permits issued by the State Water Resources Control Board to store water at Lake Mendocino on the East Fork Russian River and to divert water from the Russian River by direct diversion and water released from storage in Lake Mendocino at the Wohler and Mirabel diversions. Water is used in the service area in Sonoma and Marin Counties. The amount authorized for diversion under all permits is limited to 92 cfs not to exceed 37,544 acre-feet per water year from October 1 to September 30. The Agency has on file change petitions requesting that the annual diversion quantity be doubled. These petitions are pending but will not be considered by the Board until the Agency completes an adequate Environmental Impact Report.

3. At the current rate of diversion, the Agency estimated it will have diverted its full entitlement under all permits by about September 15, 1981. If it is to continue its municipal operation between that date and the beginning of the new water year on October 1, it must have its application for a temporary permit approved. However, instream use flows for fish, wildlife, and recreation of 150 cfs or more above Wohler and Mirabel, and 125 cfs or more below those points will be maintained whether or not the temporary permit is validated.

## Availability of Unappropriated Water

4. Lake Pillsbury is a facility operated by Pacific Gas and Electric Company on the Eel River. The lake currently has over 50,000 acre-feet in storage. Pacific Gas and Electric Company plans to release about 320 cfs until the minimum pool of 10,000 acre-feet is reached, probably in November. That power release enters Lake Mendocino via the Potter Valley Tunnel. Lake Mendocino currently holds over 41,000 acre-feet and about 240 cfs

will be released during the last half of September. Thus the water level of Lake Mendocino will rise during that period. However, the effect of approving the application for a temporary permit is that the Agency will enter the storage season with about 2,250 acre-feet less in Lake Mendocino than if the application were not approved. Unless the 1981-82 runoff year is very low, Lake Mendocino should have no trouble reaching its normal level by April 1, 1982.

5. Prior right diversion requirements during the last half of September should not exceed current diversion requirements. Agency diversion at Wohler-Mirabel, if a temporary permit is issued, will remain unchanged at about 75 cfs. Current releases from Lake Mendocino have been supplying all diversion and instream requirements. After about September 15 when the Agency entitlement is fully used, nearly all stream flow in excess of 125 cfs for instream use will be available for appropriation until the start of the next water year on October 1. Therefore, the Board finds that unappropriated water is available for the duration of the temporary Permit.

Agency has a Need to Divert and Use Water  
Under Unforeseen Emergency Conditions

6. The Agency is responsible for supplying water to its service areas in Sonoma and Marin Counties. The domestic supply to 250,000 persons is dependent upon the diversions under the Agency's permits. The exceedingly dry fall of 1980 caused an unprecedented increase in demand. The following winter had about 75 percent normal precipitation and about 50 percent normal spring runoff. The spring and summer of 1981 were again hot and dry. The resulting increase in demand used a larger than usual share of the allowance under the permits, threatening to deplete the entire allowance

by about September 15. The occurrence was unforeseen and caused an emergency requiring a temporary permit to continue the necessary diversions until the beginning of the new water year on October 1.

7. Therefore, the Board concludes that the needs of the Agency are urgent and have arisen under unforeseen emergency conditions.

8. It seems clear that had the Agency had a contingency conservation plan, some portion of the present need could have been avoided. The Agency did not require conservation measures in its service area once it became aware of the emergency conditions. The temporary permit requires such a plan be prepared.

Effect of the Diversion on Any Lawful User of Water and the Rights of Downstream Users

9. Water diverted under this temporary permit will be for an additional 2,250 acre-feet of water. All facilities used for diversion and transportation of the water are existing and have sufficient capacity for the quantities involved. Compliance with the requirements of this temporary permit will insure that downstream rights and instream requirements will be met. Any possible reduction in storage in Lake Mendocino after Labor Day will have a negligible effect upon recreation. Before the temporary permit was signed, Mr. Gary Akerstrom, consulting engineer for Mendocino County Russian River Flood Control and Water Conservation Improvement District was contacted. He indicated that the proposed temporary permit will not cause any problems for the District.

10. On September 10, 1981, Board staff issued a public notice of the application. The notice was delivered to the Agency for posting in accordance with the provisions of Chapter 6.5, Part 2, Division 2 of the Water Code.

Effect of the Proposed Diversion on Fish, Wildlife, and  
Other Instream Uses

11. The reduction of storage in Lake Mendocino will have no significant effect upon fish and wildlife. The existing streamflow maintenance requirements of 150 cfs above the diversion points and 125 cfs below the diversion points will continue to be satisfied. Mr. William Cox, a representative of the California Department of Fish and Game Yountville office, has indicated that the temporary diversion from Russian River will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

Findings Concerning the California Environmental Quality Act

12. This Board Order authorizes diversion of water on an emergency basis through existing facilities for a period of no more than 16 days. Such activity is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 21080(b)(4) of that Act (actions necessary to prevent or mitigate an emergency).

The project involves use of existing facilities. Therefore, it is also covered by the categorical exemption adopted by the Board for minor water right projects. On September 14, 1981, the Chief, Division of Water Rights, filed a Notice of Exemption with the Secretary, Resources Agency, pursuant to Section 2714(d), Title 23, California Administrative Code.

Action by Board Member Dunlap

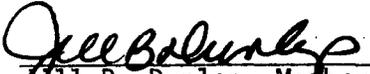
13. Staff explained the foregoing situation to Board Member Dunlap and recommended approval of the temporary permit. Board Member Dunlap concurred with the staff recommendation, and on September 11, 1981, authorized issuance of the temporary permit. On the same date, Division of Water Rights Chief, Raymond Walsh, issued Temporary Permit 18336.

NOW, THEREFORE, IT IS ORDERED THAT:

Issuance of Temporary Permit 18336 is validated.

Dated: September 17, 1981

WE CONCUR:

  
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Bill B. Dunlap, Member

  
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Carla M. Bard, Chairwoman

  
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L. L. Mitchell, Vice-Chairman

**ABSENT**

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F. K. Aljibury, Member