

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary )  
Permit 19593 (Application 28522) )  
SONOMA COUNTY WATER AGENCY )  
Permittee )

ORDER: WR 85-7  
SOURCE: Russian River  
COUNTY: Sonoma

FINDINGS AND ORDER VALIDATING THE ISSUANCE  
OF TEMPORARY PERMIT

BY BOARD MEMBER FINSTER:

The Sonoma County Water Agency (Agency) having filed Application 28522 for a temporary urgency permit to divert and use 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; Board member Finster 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(c); the Board finds as follows:

Substance of the Application

1. Application 28522 is for a temporary permit to directly divert from the Russian River at Wohler and Mirabel intakes on Russian River in Sonoma County 92 cubic feet per second (cfs) of water not to exceed a total of 8,180 acre-feet. The water will be directly diverted from August 16, 1985 to September 30, 1985 for municipal purposes within the service area of

Sonoma County Water Agency, and their contractual users within Marin County. The points of diversion are located on the Russian River within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 29 (Wohler) and NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 31 (Mirabel), both in T8N, R9W, MDB&M. Required instream flows for fish, wildlife, and recreation will be maintained whether or not the temporary permit is granted.

Agency's Project

2. The Agency currently holds water right permits to store water at Lake Mendocino, and to divert water from the East Fork Russian River and Russian River by direct diversion and to redivert water released from storage in Lake Mendocino, all at the Wohler and Mirabel intakes. 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 increased to 75,000 acre-feet. A decision on these petitions is not expected to be considered by the Board until the end of 1985.
3. The temporary permit does not duplicate or amend the existing water rights. It is for direct diversion of water flowing in the Russian River, and is necessary if the Agency is to continue to supply municipal water between August 16 and September 30, 1985.
4. Releases past the existing Wohler and Mirabel intakes will satisfy downstream prior right diversions during the season of diversion allowed under this temporary permit. Current releases from Lake Mendocino and Lake Sonoma will continue to supply diversion and instream requirements.

Agency has an Urgent but Temporary Need to Divert and Use Water

5. The Agency is responsible for supplying water to its service area in Sonoma and Marin Counties. The domestic supply to 264,250 persons is dependent upon the diversion under the Agency's permits. This has been the third driest January 1 to August 1 period of record and it has caused an unprecedented increase in demand. The increase in demand resulted in the early use of a larger than usual share of the allowance under the Agency's existing permits. A temporary permit is necessary to allow the Agency to continue the necessary diversions for municipal use from August 16 to September 30, 1985.
6. Therefore, the Board concludes that the needs of the Agency are urgent but temporary.

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

7. Water authorized to be diverted under this temporary permit will be 92 cubic feet per second not to exceed 8,180 acre-feet. 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. It appears that the water may be diverted and used without injury to any lawful user of water.
8. On July 30, 1985, Board staff issued a public notice of the application. The notice was delivered to the Agency for publication in accordance with the provisions of Chapter 6.5, Part 2, Division 2 of the Water Code.

On August 9 objections to the temporary permit were received from the County of Mendocino, Mendocino County Flood Control & Conservation District, Mendocino County Russian River Flood Control Water Conservation and Improvement District, and the Redwood Valley County Water District. The objections all indicate that the additional water requested by the Agency should come from storage release from Lake Sonoma on Dry Creek and not from storage release from Lake Mendocino on the East Fork Russian River.

The Agency is requesting a temporary permit to divert water directly from the Russian River at Wohler and Mirabel. Storage of water and releases of stored water from Lake Sonoma and Lake Mendocino are controlled by other water right permits issued to the Agency by the Board which are not under review in this matter. The Board has no reason to question the way in which these two reservoirs are operated as long as such operation is in compliance with the terms and conditions of the permits. Nothing has been presented to the Board which would indicate noncompliance with these permits.

Effect of the Proposed Diversion on Fish, Wildlife, and

Other Instream Uses

9. There will be no significant effect upon fish and wildlife. The existing streamflow maintenance requirements will continue to be satisfied. Mr. Ted Wooster, a representative of the California Department of Fish and Game's Yountville office, has indicated that the temporary diversion from Russian River will not have an unreasonable effect upon fish and wildlife.

Findings Concerning the California Environmental Quality Act

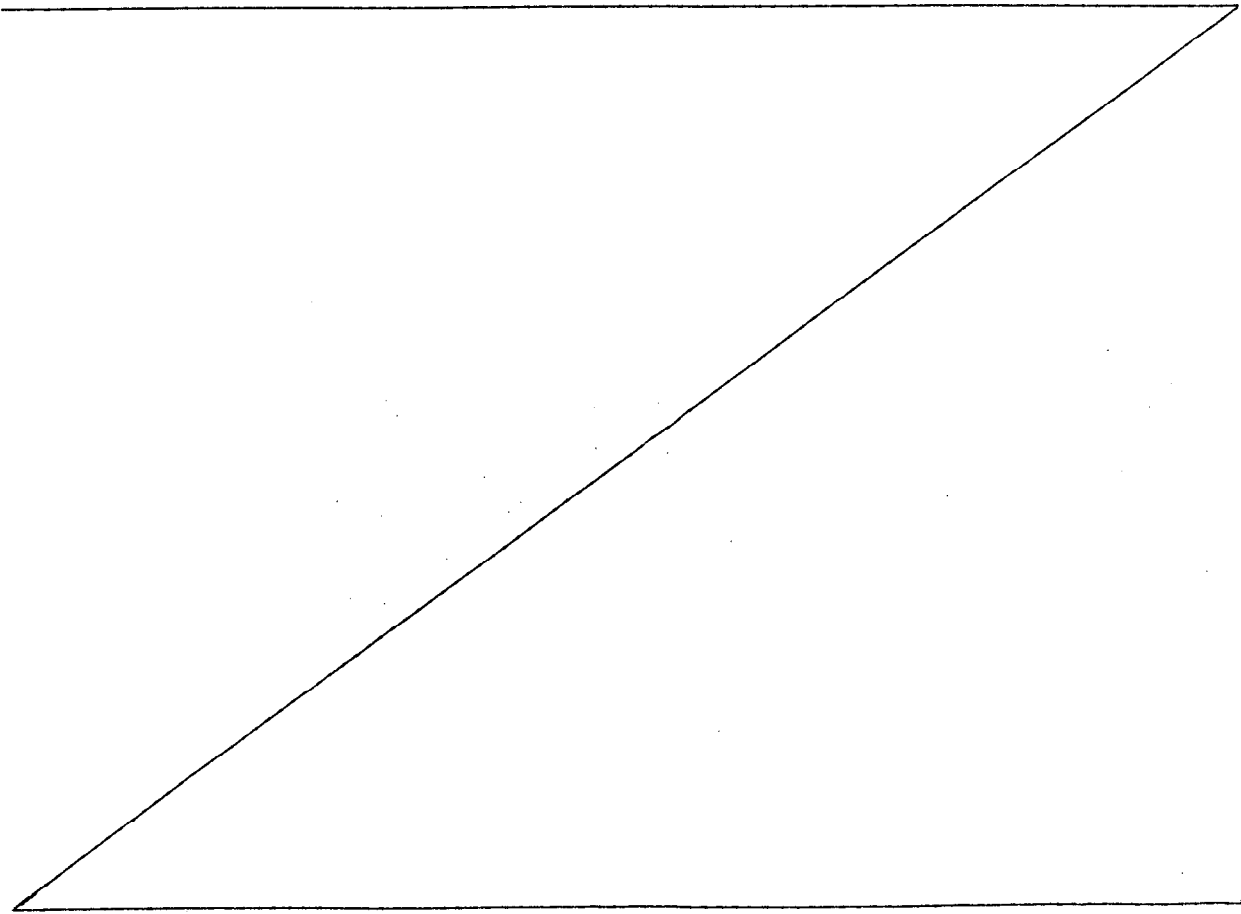
10. The Agency prepared and finalized an Environmental Impact Report on Proposed Amendments of Permits on Applications 12919A, 15736, 15737 and 19351, and a Supplemental Environmental Impact Report Covering Proposed Coordinated Use of the Water Supply of Lake Mendocino and Lake Sonoma, Russian River Project. The potential impacts of operating the Russian River project in a broad range of options were considered in the documents. The project proposed in Application 28522 was adequately discussed in the EIR and Supplemental EIR. Consideration by the Board of the information contained within these documents fulfills the Board's responsibilities under the California Environmental Quality Act.
  
11. The Agency proposes to operate the Russian River system to meet the water demand in the Agency's service area by continuing the current operation of the Russian River system. The agency will attempt to maintain for instream uses 185 cfs in Russian River at Healdsburg, 30 cfs throughout Dry Creek, and a minimum of 125 cfs in the Russian River at the Hacienda gage. By maintaining these flows, about 90 cfs are available for diversion at the Wohler and Mirabel intakes. To meet peak demand of 92 cfs an additional 2 cfs may be required. Occasional additional releases from Lake Sonoma may be necessary to meet these peak water demands.
  
12. A significant adverse impact to recreation is not anticipated. The applicant expects that the storage in Lake Mendocino will be about 60,000 af on August 16, 1985. By September 1, Labor Day weekend, the storage will be about 52,500 af. After Labor Day, Pacific Gas & Electric Company is anticipated to increase diversions to the Potter Valley powerplant and

to discharge water into Potter Valley at the tunnel capacity, 320 cfs. Given this inflow into Potter Valley, Lake Mendocino should have about 56,000 af in storage by September 30 and about 66,000 af by October 30.

The EIR identified a storage level of 50,000 af as providing a desirable recreation level at Lake Mendocino. Given the anticipated levels of Lake Mendocino, recreation at the lake should not be adversely affected.

Action by Board Member Finster

13. Staff explained the foregoing situation to Board Member Finster and recommended approval of the temporary permit. Board Member Finster concurred with the staff recommendation, and on August 13, 1985 authorized issuance of the temporary permit. On the same date, Raymond Walsh, Chief, Division of Water Rights, issued Temporary Permit 19593.



NOW THEREFORE, IT IS ORDERED THAT:

Issuance of Temporary Permit 19593 is validated.

Dated: AUG 22 1985

CERTIFICATION


The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true and correct copy of the decision duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 22, 1985.

AYE: Raymond V. Stone  
Darlene E. Ruiz  
Edwin H. Finster  
Eliseo M. Samaniego

NO: None

ABSENT: None

ABSTAIN: None

  
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Michael A. Campos  
Executive Director

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