



Mendocino County Farm Bureau

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Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation



October 15, 2014

Chair and Members of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Via Email: commentletters@waterboards.ca.gov

RE: Dry Year Report Comments

Dear Chair Marcus and Members of the Board,

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB currently represents approximately 1300 members. MCFB wishes to submit written recommendations and information to the State Water Resources Control Board (SWRCB) on actions that should be taken to most effectively implement and enforce the water rights priority system in future dry years.

- 1) What actions, if any, should the State Water Board take to improve the Board's information and analyses to support determinations on water availability relative to water right priority, including, but not limited to, improvements to supply, demand and watershed specific information and water right priority information?**

Actions: The analyses and bases for curtailment determinations were not clear. The SWRCB should provide additional information to define the overall goal for the curtailment process. It is not possible to judge success if it is not clear what is trying to be achieved. Any future dry year actions should include analysis of short and long term goals and if the curtailment process as implemented achieved those goals. The SWRCB also needs to look at watershed management as a whole and not just look at how a select set of curtailments contribute toward water savings.

The SWRCB sent out curtailment notices to all water rights holders in the Russian River with a priority date later than February 19, 1954. It was not clear why this date was chosen. How were calculations made to determine the curtailment cut off dates? Were calculations made to estimate how much water would be conserved by the curtailment of the pre 1954 water rights?

To be more effective, the analyses for water availability should have defined a goal for the curtailment process or demonstrate what was ultimately trying to be accomplished. Has the 2014 curtailment process on the Russian River demonstrated to improve water availability or supply?

2) What actions should the Board take to better communicate information about limited water availability relative to water right priorities, including the need and basis for curtailments of water diversions?

Actions: Based on operation of the Russian River since curtailment notices were issued, it did not appear that there was limited water availability in the system and therefore a need for curtailments. To maintain collaborative efforts amongst stakeholders and water rights holders, the SWRCB should engage with the local water management entities so that a watershed approach is taken to conserve water during a drought declaration.

The SWRCB issued Water Diversion Curtailment Notices to water rights holders within watersheds, including the Russian River, that were determined to be in a critically dry state. The Russian River watershed, due to the water levels in Lake Mendocino and operational criteria under D1610, was operated under Dry Year conditions from June through August, which meant that flow levels remained higher than they would be for a “Critically Dry” drought declaration. It was difficult for water rights holders that were subjected to curtailment, under the guise of lack of water availability, to see an increase in water being released out of Lake Mendocino and have it flow by their properties at the same rate as previous years that were not subject to curtailments. This caused considerable consternation and did not instill confidence in the process.

3) What, if any, changes should be made to enhance the effectiveness of the State Water Board’s curtailment process, including measures to protect the public interest, health and safety and public trust resources?

Change: The curtailment process started at the same time as flow releases increased out of Lake Mendocino under SWRCB approved criteria for D1610. If future actions are taken in dry year situations, the SWRCB needs to look at the management of the Russian River by working with the Russian River Flood Control and Water Conservation Improvement District and the Sonoma County Water Agency to grant change petitions under D1610 early in the process in order to conserve water in the reservoir. If the curtailment process was intending to conserve water and improve future availability, MCFB suggests that the SWRCB give consideration to overall watershed management and not just to the curtailment of a select group of water rights holders.

On May 27, 2014 the State Water Resources Control Board sent curtailment notices to appropriate water rights holders within the upper Russian River watershed (upstream of the confluence with Dry Creek in Sonoma County) that hold water rights dated after February 19, 1954. At the same time that water rights holders were receiving curtailment notices, during the last week of May and into the beginning of June, the Sonoma County Water Agency (operating under the terms of D1610) increased the flows being released out of Lake Mendocino from approximately 35 Cubic Feet per Second (CFS) to roughly 125 CFS. Due to the increased out flows the lake level has dropped from 50,930 Acre Feet on June 1st to 29,334 Acre Feet as of October 14th which is a decrease of 21,596 Acre Feet. The County of Mendocino and the Russian River Flood Control and Water Conservation Improvement District worked with the Sonoma County Water Agency to file a change petition with the SWRCB in August. This has since reduced flow releases out of Lake Mendocino and will hopefully provide for some added certainty that water storage levels will remain steady as we go into another potential dry year in 2015.

4) What, if any changes should be made to enhance the effectiveness of the State Water Board's complaint process?

MCFB believes that water right holders are entitled to due process if a complaint is filed against them and that this process should be upheld in the SWRCB's complaint process. Water rights holders should be given an opportunity to be heard and to present their own evidence in defense so that they are innocent until proven guilty and not vice versa.

5) Should the State Water Board pursue any additional authorities or policies to more effectively implement and enforce the water rights priority system?

The SWRCB currently has the authority through existing code and policies to implement and enforce the water rights priority system. Therefore, additional authorities and policies are not necessary.

6) How can the Board better assist water users in planning for upcoming dry periods?

Storage is an essential part of the solution for water users during dry periods. The SWRCB can assist water users by removing road blocks from the water rights process to add storage to an existing appropriative water right. The current process is cumbersome, expensive and uncertain, which deters water rights holders from wanting to look into future storage projects. The SWRCB can also improve coordination through streamlined permitting with the other agencies (NMFS, CDFW, etc) involved with the approval of water rights changes (e.g. adding storage) so that an applicant does not receive conflicting information.

7) What additional actions, if any, should the Board take to prepare for the next dry year or series of dry years?

MCFB would like to see improved planning and management of urban water supplies so that there are equitable applications of water conservation during dry year conditions. It is difficult to see a large number of agricultural water rights holders being cut off 100% by curtailment while the majority of urban water purveyors were only subjected to a 20% voluntary conservation requirement. MCFB agrees with the need for basic human water uses (consumption/ sanitation) in an emergency, but it is difficult to watch water running down the sidewalks in urban neighborhoods to maintain landscaping or golf courses when farmers and ranchers have made significant decisions to push out orchards or sell off livestock due to lack of water supply.

MCFB appreciates the opportunity to submit recommendations and information to the State Water Resources Control Board (SWRCB) on actions that should be taken to most effectively implement and enforce the water rights priority system in future dry years. MCFB encourages the Board to consider the comments above prior to taking any future action related to water rights curtailments.

Sincerely,



Michael J. Braught
President