A013217 MJM
A017121

DOWNEYBRAND

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STATE WATER RESOURCES CONTROL BOARD
2015 APR 17 AM 11:19
DIV OF WATER RIGHTS SACRAMENTO

April 17, 2015

VIA HAND DELIVERY

Katy Lee
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Temporary Urgency Change Petitions (Permit Nos. 7847 and 11039)

Dear Ms. Lee:

Enclosed are: (i) Temporary Urgency Petitions to add a point of diversion to Permit Nos. 7847 and 11039; (ii) a project map pursuant to California Code of Regulations, Title 23, section 715; (iii) check # 124370, payable to the SWRCB Fees in the amount of $1,412.50 (for Permit No. 7847); (iv) check # 124371, payable to State Water Resources Control Board in the amount of $1,555.00 (for Permit No. 11039); and (iv) check # 124255 and # 124273, each payable to the California Department of Fish & Wildlife and each in the amount of $850. The original copy of the map and petition forms will follow in a separate submittal.

The City of Healdsburg seeks to add the Dry Creek well field as a point of diversion to Permit Nos. 7847 and 11039 in the event that drinking water of suitable quality is unavailable at the City's Russian River points of diversion. This problem has been exacerbated by the ongoing drought and presented the City with an urgent need to secure water rights to an alternative source of supply. The City already uses the proposed new point of diversion to divert water under a separate water right, and there are adequate treatment facilities at that point of diversion. Thus, adding the new point of diversion will simply allow the City to continue putting water diverted pursuant to Permit Nos. 7847 and 11039 to beneficial uses.

Please contact me with any questions or concerns.

Very truly yours,

David R.E. Aladjem

Enclosures

cc: Terry Crowley, City of Healdsburg

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REC'D 4-17-2015
CHK#124255 - $850.00
CHK#124370 - $1,412.50
CHK#124273 - $850.00
CHK#124371 - $1,555.00

MJM
A013217

STATE WATER RESOURCES CONTROL BOARD
2015 APR 17 AM 11:35
DIV OF WATER RIGHTS SACRAMENTO

Please indicate County where your project is located here:

Sonoma

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

☒ **Point of Diversion** Wat. Code, § 1701
☐ **Point of Rediversion** Cal. Code Regs., tit. 23, § 791(e)
☐ **Place of Use** Wat. Code, § 1701
☐ **Purpose of Use** Wat. Code, § 1701
☐ **Distribution of Storage** Cal. Code Regs., tit. 23, § 791(e)
☒ **Temporary Urgency** Wat. Code, § 1435
☐ **Instream Flow Dedication** Wat. Code, § 1707
☐ **Waste Water** Wat. Code, § 1211
☐ **Split** Cal. Code Regs., tit. 23, § 836
☐ **Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e)
☐ **Other**

Application A013217 Permit 7847 License _____ Statement _____

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present: 6316856.5 ft. E and 1984855 ft. N, being within the SE 1/4 of the SE 1/4 of Section 21, T9N, R9W, MDB&M

Proposed: See attachment for coordinates, all being within the SW 1/4 of NE 1/4 of Section 29, T9N, R9W, MDB&M and NW 1/4 of NE 1/4 of Section 29, T9N, R9W, MDB&M

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:

Proposed:

Purpose of Use

Present:

Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:

Proposed:

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REC'D 4-17-2015
CHK #124255 $850.00
CHK #124370 $1,412.50

Temporary Urgency
This temporary urgency change will be effective from July 1, 2015 to December 28, 2015 .

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either: ☐ cubic feet per second or ☐ gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? ○ Yes ○ No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Waste Water
If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? ○ Yes ○ No

Will any legal user of the treated waste water discharged be affected? ○ Yes ○ No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? ○ Yes ◉ No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
☒ ownership ☐ lease ☐ verbal agreement ☐ written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

None known.

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated 4/16/15 at HEALDSBURG, CA .

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of $850 (Pub. Resources Code, § 10005)

A013217
MJM

STATE WATER RESOURCES CONTROL BOARD

2015 APR 17 AM 11:20

DIV OF WATER RIGHTS SACRAMENTO

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

Pursuant to Water Code section 1435, the City of Healdsburg ("Healdsburg") requires that the State Water Resources Control Board (SWRCB) authorize a temporary urgency change to the point of diversion for Permit 7847 (Application A013217). The requested change is necessary to provide Healdsburg with a safe and reliable supply of municipal and drinking water.

Diversions from the Russian River are crucial sources of Healdsburg's municipal water supply, but there are times when water quality in the Russian River is inadequate to meet safe drinking water needs. In particular, increased draw down and turbidity can substantially limit Healdsburg's ability to divert at the six wells (the "Fitch well field") Healdsburg uses pursuant to Permit 7847, which poses a threat to the City's ability to obtain municipal and drinking water of suitable quality. This problem has been exacerbated by the ongoing drought. In contrast, the quality of water at Healdsburg's Dry Creek well field is generally good throughout the year. The City has determined that the water supply problems it faces due to relatively poor water quality in the Russian River can be avoided if it diverts water under Permit 7847 at the proposed new additional point of diversion, a well field that the City has already constructed in connection with another permit. Accordingly, no additional construction is necessary for the proposed change. More information, including the reasons why the proposed change will not adversely affect any other water user or unreasonably affect fish, wildlife, or other in-stream uses, is provided in the accompanying attachment.

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Insert the attachment number here, if applicable: [ ]

REC'D 4-17-2015
CHK# 124255 CHK# 124370
$850.00 $1,412.50

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request: 4/15/2015

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? ○ Yes ◉ No

Will a waste discharge permit be required for the project? ○ Yes ◉ No

If necessary, provide additional information below:

The proposed change does not involve any new construction, as diversion facilities at the new proposed point of diversion are already in place. The only operational change involved in the proposal is that the change will allow the City to divert water pursuant to Permit 7847 at the new point of diversion. However, the City has requested consultation with the Regional Board to ensure the Regional Board has no concerns regarding the effects of the proposal.

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact:

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Terry Crowley Date of Contact: March 2015

Department: Utility Director Phone Number: 707-431-3340

County Zoning Designation: N/A

Are any county permits required for your project? If yes, indicate type below. ○ Yes ◉ No

☐ Grading Permit ☐ Use Permit ☐ Watercourse ☐ Obstruction Permit

☐ Change of Zoning ☐ General Plan Change ☐ Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. ○ Yes ○ No

If necessary, provide additional information below:

As the point of diversion to be added to Permit No. 7847 is already being used by the City pursuant to a separate water right, the City has all necessary permissions to make use of that point of diversion.

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

☐ Regional Water Quality Control Board ☐ Department of Fish and Game

☐ Dept of Water Resources, Division of Safety of Dams ☐ California Coastal Commission

☐ State Reclamation Board ☐ U.S. Army Corps of Engineers ☐ U.S. Forest Service

☐ Bureau of Land Management ☐ Federal Energy Regulatory Commission

☐ Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. ○ Yes ○ No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

As the point of diversion to be added to Permit No. 7847 is already being used by the City pursuant to a separate water right, the City has all necessary permissions to make use of that point of diversion.

Insert the attachment number here, if applicable: ☐

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? ○ Yes ◉ No

If necessary, provide additional information below:

No construction or grading is necessary because the City will make use of existing diversion facilities.

Insert the attachment number here, if applicable: ☐

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. ○ Yes ◉ No

Will another public agency be preparing an archeological report? ○ Yes ◉ No

Do you know of any archeological or historic sites in the area? If yes, explain below. ○ Yes ◉ No

If necessary, provide additional information below:

Healdsburg has already constructed the well field it proposes to add as a point of diversion to Permit 7847 and no additional construction is required, therefore no archeological resources will be affected by the proposed change.

Insert the attachment number here, if applicable: ☐

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

☒ Along the stream channel immediately downstream from each point of diversion

☒ Along the stream channel immediately upstream from each point of diversion

☐ At the place where water subject to this water right will be used
Please note that as the place of use consists of the City's entire service area, it is not feasible to provide photos of the place of use. However, the place of use is depicted on the enclosed map.

Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:
I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 4/16/15 at HEALDSBURG, CA.

Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:
- **Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)**
- **Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)**

ATTACHMENT TO PETITION FOR TEMPORARY URGENCY CHANGE TO ADD A POINT OF DIVERSION TO PERMIT NO. 7847 (APPLICATION A013217)

Requested Change

Pursuant to Water Code section 1435, the City of Healdsburg ("Healdsburg") requests that the State Water Resources Control Board (SWRCB) authorize a temporary urgency change ("TUCP") to add point of diversion to Permit 7847 (Application A013217). The requested change is necessary to provide Healdsburg with a safe and reliable supply of municipal and drinking water during the current drought.

Background

Permit 7847 authorizes Healdsburg to divert 3 cfs year round (up to an annual maximum of 3,250 acre feet) of Russian River underflow for municipal use at the City's Fitch well field. In addition to Permit 7847, Healdsburg has two other Russian River rights and one right on Dry Creek, which is tributary to the Russian River. Permit 11039 (Application 17121) authorizes Healdsburg to divert 4 cfs of Russian River underflow at the City's Gauntlett well field (up to an annual maximum of 3250 acre feet) for municipal use. Permit 13059 (Application 17632) authorizes Healdsburg to divert 1.39 cfs of Russian River underflow (up to an annual maximum of 578 acre feet) for municipal use within a Sonoma County Service Area ("CSA") to the east of Healdsburg. Permit 8594 authorizes Healdsburg to divert 1 cfs of Dry Creek flows for municipal use from April 1 through October 31. In connection with its development of its Dry Creek permit, Healdsburg built a well field consisting of five wells to divert underflow from Dry Creek (the "Dry Creek well field"). A petition to change the point of diversion of the Dry Creek permit from its authorized location to this well field has been pending before the SWRCB since 1997. More information regarding Healdsburg's use of the Dry Creek well field is set forth below.

Diversions from the Russian River are crucial sources of Healdsburg's municipal water supply, but there are times when water quality in the Russian River is inadequate to meet safe drinking water needs. In particular, increased draw down and turbidity can substantially limit Healdsburg's ability to divert at the six wells (the "Fitch well field") Healdsburg uses pursuant to Permit 7847, which poses a threat to the City's ability to obtain municipal and drinking water of suitable quality. This problem has been exacerbated by the ongoing drought. This water quality problem is most acute at the Fitch well field, which is not treated prior to delivery to the City's residents. Water diverted at the Gauntlett well field is treated but, due to the configuration of the City's distribution system, it is not possible for the City to supply all of its residents with water by diverting only at the Gauntlett well field. Some diversions are required at either the Dry Creek well field or the Fitch well field. Because the City believes that it is likely that poor water quality and low flows in the mainstem of the Russian River during 2015 will preclude diversion at the Fitch well field, the City is filing this petition for change to allow for the diversion of water under the Fitch right (Permit 7847) at the Dry Creek well field together with a petition to allow for the diversion of water under the Gauntlett right (Permit 11039) at the Dry Creek well field.

In contrast, the quality of water at Healdsburg's Dry Creek well field is generally good year throughout the year. In addition, a catastrophic event on the Russian River could eliminate the City's ability to divert from the Russian River altogether leaving Dry Creek as the City's primary

alternative source of supply. The City has determined that the water supply problems it faces due to relatively poor water quality in the Russian River can be avoided if it diverts water under Permit 7847 at the Dry Creek well field instead of the Fitch well field.

In addition to the City's own water rights, it has a contracted back up supply through Sonoma County Water Agency (the "Agency"). On November 17, 1992, the Agency and Healdsburg entered into a contract providing Healdsburg with 4,440 AFY of water ("1992 Contract"). Under the terms of the 1992 Contract, Healdsburg has authority to divert under the Agency's water right permits when the City's appropriative rights are inadequate to meet demands. In particular, the City's five wells on Dry Creek are approved points of diversion under the Agency's Permit 16596, which authorizes direct diversion of up to 180 cfs from Dry Creek and storage of 245,000 acre-feet of water behind Warm Springs Dam. Pursuant to the Agreement and Permit 16596, the City has authority to pump from its Dry Creek wells when its other water rights are unavailable.

The 1992 Contract with the Agency expires on June 30, 2015 and the Agency has extended an offer to allow the City to divert under Agency water rights at a significantly increased price. The City has been in negotiations with the Agency regarding a contract extension for over a year, but those negotiations have proven unsuccessful, giving Healdsburg until June 30, 2015 to secure its own water right authority to divert from the Dry Creek well field. As part of its efforts to secure its own right to divert water from the Dry Creek well field, the City seeks to add the Dry Creek well field as a point of diversion of Permit 7847. Due to the urgent need for this change, rather than seeking to accomplish the change through two steps, whereby the point of diversion for Permit 7847 is moved downstream to the confluence of Dry Creek and the Russian River, then moved upstream on Dry Creek to the well field, Healdsburg seeks to accomplish the change in one step by simply adding the Dry Creek well field to Permit 7847.

Present and Proposed Points of Diversion

To improve the reliability and avoid the loss of the Healdsburg's Russian River water supply, Healdsburg requests that the SWRCB add the Dry Creek well field to the authorized points of diversion for Permit 7847, as described below.

Present POD (Fitch well field): South 1,752 feet and West 820 feet from the East 1/4 corner of Section 21, T9N, R9W, MDB&M, being within the SE 1/4 of the SE 1/4 of said Section 21.

Proposed Additional POD (Dry Creek well field): The five points of diversion shown below are located on property owned by the City of Healdsburg, located at 550 Westside Rd., Sonoma County Assessor's Parcel No. 88-210-21.

Well Name	**Purpose**	**Location – NAD 83, CA Zone 2**
Dry Creek 1	Standby	N 6310262.756898 E 1,982,134.335918
Dry Creek 2	Production	N 6310494.760699 E 1,982,012.328944
Dry Creek 3	Production	N 6310201.75702 E 1,982,331.338805

Dry Creek 4	Production	N 6309962.670227 E 1,982,722.882641
Dry Creek 5	Production	N 6309762.753633 E 1,983,213.356069

Criteria for Granting Temporary Urgency Change to Permit 8594

As required by Water Code section 1435, subdivision (b), the Board must make the following findings before issuing a temporary change order:

1. The permittee or licensee has an urgent need to make the proposed change;

2. The proposed change may be made without injury to any other lawful user of water;

3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and

4. The proposed change is in the public interest.

As demonstrated below, Healdsburg's proposed change meets all four criteria.

Urgent Need for the Requested Change

Unless Permit 7847's authorized point of diversion is changed to Healdsburg's Dry Creek well field by June 30, 2015, the City is in danger of failing to meet critical municipal and safe drinking water needs. Water produced from the wells at Permit 7847's authorized point of diversion can be of poor quality. So once the 1992 Contract expires Healdsburg will not be able to produce sufficient water of acceptable quality to meet its basic municipal and drinking water needs. In 2014, Healdsburg was prevented from diverting the full quantity of water under Permit 7847, because the City's water treatment facilities at Permit 7847's point of diversion cannot consistently bring that water to potable quality. In particular, due to elevated turbidity levels, the California Department of Public Health restricts the use of the current diversion facilities at the Fitch well field under Permit 7847 to May 1 thru October 31. Additionally, increased draw down and turbidity can substantially limit Healdsburg's ability to divert the full quantity authorized under Permit 7847 prior to October 31. During 2014, water produced at the Fitch well field was inadequate for potable use for roughly 216 days. At other times during the year, production was reduced due to low ground water levels resulting from low flows in the Russian River.

In this context, it is crucial that Healdsburg be able to continue diverting water from the Dry Creek well field for municipal and drinking water purposes. The State Department of Health Services has previously concluded that "the Dry Creek well field represents a necessary supplemental drinking water source for the City of Healdsburg. The well field would also provide system reliability to ensure the continuous delivery of safe drinking water to all City consumers." Draft Environmental Impact Report for the Proposed Municipal Water Wells on Dry Creek, at 2-1 (Jan. 1996). Authorizing a temporary change in the point of diversion for Permit 7847 prior to June 30, 2015, when the contract with the Agency expires, will permit

diversions to occur at Healdsburg's important alternative point of diversion at the Dry Creek well field.

No Persons Potentially Affected by Proposed Change

The only persons who could be affected by the proposed change are those with points of diversion on Dry Creek between the Dry Creek well field and the confluence of Dry Creek with the Russian River. Persons with points of diversion on the Russian River downstream of the existing point of diversion and upstream of the confluence of Dry Creek and the Russian River cannot be adversely affected by the proposed change, because the proposed change adds a point of diversion that is downstream of those persons, and so will leave more water in the River as it flows by those persons' points of diversion, not less. Persons with points of diversion on the Russian River downstream of the confluence of Dry Creek and the Russian River also cannot be adversely affected by the proposed change, because Healdsburg's point of diversion is already upstream of those persons, and this will remain true if the change is approved – in other words, the change will make no difference to those persons.

Based on a review of records in the Board's eWRIMS database, there are two licenses and three riparian users between the Dry Creek well field and the confluence of the Russian River and Dry Creek. The names and address of those users are as follows:

eWRIMS ID	Name	Address
A023165	James D. Blankinship & Billie Jane Blankinship	2106 Westside Road Healdsburg, CA 95448
A028878	Todd D. Muir & Theresa A. Muir	1033 Westside Road Healdsburg, CA 95448
S019384	Thomas & Sandra Passalacqua	P.O. Box 455 Healdsburg, CA 95448
S024513, S024512	Bernard & Sandra Orsi	74 St. Thomas Way Tiburon, CA 94920

Although the requested change could potentially injure these legal users of water if diversions at the Dry Creek well field would take water that such users are legally entitled to, Sonoma County Water Agency has already agreed to provide water free of charge and in unrestricted amount to these users, including Healdsburg. *See* D-1416 at p. 7. In addition, the Board has required that the Agency maintain minimum flow requirements for both the Russian River and Dry Creek based on fish habitat, recreation needs, and increased future demands. *See* D-1610, at p. 21 (describing the criteria used in adopting the minimum instream flow requirements). Indeed, the Board found that the Agency's maintenance of minimum instream flows in Dry Creek would provide "a stable supply" to wells along the creek. *Id.* In light of the Agency's agreement and maintenance of minimum instream flow requirements, legal users of water between the Dry Creek well field and the confluence of Dry Creek and the Russian River will not be injured by Healdsburg's proposed change because the Agency will always be required to release sufficient water to meet Healdsburg's demand at the Dry Creek well field, the needs of the two license and riparian owners, and the instream needs of fish and wildlife.

The Change Will Not Unreasonably Affect Fish, Wildlife, or Other Instream Beneficial Uses

The City's Russian River and Dry Creek diversions occur within the flow-regulated operation of the Russian River Project pursuant to State Water Resources Control Board Decision 1610 ("D-1610"). As part of this Project, Sonoma County Water Agency stores water in Lake Mendocino on the Russian River and in Lake Sonoma on Dry Creek. In authorizing the storage of such water, the Board adopted minimum flow requirements for both the Russian River and Dry Creek based on fish habitat, recreation needs, and increased future demands. *See* D-1610, at p. 21 (describing the criteria used in adopting the minimum instream flow requirements). In particular, Term 12 of Permit 16596 requires the Agency to maintain certain minimum flows in Dry Creek above its confluence with the Russian River. The minimum instream flow requirements exist "for the protection, preservation and enhancement of fish and wildlife" pursuant to the Board's continuing authority under the public trust doctrine announced in *National Audubon Society v. Superior Court*, 33 Cal. 3d 445 (1983). D-1610, at p. 20.

The City's diversions under Permit 7847 and 11039 and the proposed additional point of diversion at Dry Creek are all above the confluence of the Russian River and Dry Creek and therefore are within the area subject to the minimum flow requirements imposed on the Agency's water right permits. As such, any incremental increase in the amount of water diverted as a result of approval of the Petitions will not decrease flow in either the Russian River or Dry Creek because minimum instream flow levels will be maintained by the Agency, as noted above.

In addition to minimum instream flow requirements, certain instream beneficial uses have been identified during times when natural flows in the Russian River and Dry Creek exceed the minimum instream flow requirements. In particular, the National Marine Fisheries Service's 2008 Biological Opinion found that channel forming flows required to maintain channel conditions are 7,000 cfs in Dry Creek and 9,500 cfs in the Russian River. BiOp at 123, 146. On Dry Creek however, high flows have not reached the channel-forming level of 7,000 cfs in at least the last 8 years and the Biological Opinion acknowledges that flows below Warm Springs Dam may be insufficient to maintain geomorphic conditions. BiOp, at 123. In any event, the City's diversion of less than 1 cfs on Dry Creek is insignificant in comparison to the volume needed for channel-forming flows and will not affect the occurrence or magnitude of these flows.

In addition, on August 30, 2006, the SWRCB granted the Agency's petition for change adding these same points of diversion to Permit 16596. In the course of that approval, the SWRCB determined that the new points of diversion "do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water." *In re Permits 12947A, 12949, 12950, and 16596*, at 1 (SWRCB, Aug. 30, 2006). In particular, the SWRCB considered the City's environmental review for the Dry Creek wells and found that the City should adopt the mitigation measures within its responsibility and "no additional mitigation measures within the responsibility of the State Water Board are available for the identified environmental impacts." *Id.* at 2-3. Thus, the SWRCB already has evaluated the impact of these points of diversion on Dry Creek and the environment and approved the new points of diversion. Therefore, adding these same points of diversion to Healdsburg's Permit 7847 would not result in any changed diversions from Dry Creek or other adverse impacts.

Therefore, any incremental decrease in flow caused by the City's diversions at the Dry Creek well field do not have the potential to impair fish, wildlife or other instream beneficial uses. In this respect, the proposed change is also consistent with SWRCB's Policy for Maintaining Instream Flows in Northern California Coastal Streams effective February 4, 2014.

The Proposed Change is in the Public Interest

Healdsburg's Russian River water rights and Dry Creek well field provide a critical supply to meet the demands of the City's approximately 12,390 residential customers and 500 businesses. Total water use in the urban service area during 2007 was approximately 2.15 MGD; approximately 13 percent was derived from the Dry Creek well field, 23 percent from the Fitch well field, and 64 percent from the Gauntlett well field.[1] In 2005, Healdsburg's average daily demand was 2.53 million gallons per day, or 2,834 acre-feet per year.[2] Based on historic demand and an expected 25% reduction due to conservation efforts, the City expects its peak summer demand to be as high as 5.7 cfs (based upon 2012 peak demand). Even with mandatory conservation, as detailed in the following section, Healdsburg cannot reliably meet municipal demands unless it can reliably divert water under Permit 7847, which it currently cannot do due to the water quality issues described above.

Public health and safety require that city residents and businesses continue to receive the safe and reliable water service they need in order to conduct their businesses and their lives. Therefore, it is in the public interest to authorize a change in Permit 7847's point of diversion on a temporary urgency basis.

Healdsburg's Current Conservation Efforts

In addition to this petition, Healdsburg has responded to drought conditions through mandatory conservation and water demand management. On January 21, 2014 the Healdsburg City Council adopted Resolution 8-2014, implementing Stage 2 of the Water Shortage Emergency Plan, part of the city's 2005 Urban Water Management Plan. Stage 2 requires a 20% reduction in water consumption compared to last year's use through mandatory conservation measures.

Specifically, Stage 2 triggers the following:

- Utilize City and other sources of information regarding water efficiency, reading water meters, repairing ordinary leaks, and water efficient landscape.
- Apply outdoor irrigation water only during the evening and early morning hours to reduce evaporation losses (8:00 p.m. to 7:00 a.m.).
- For property with an even-numbered street address, irrigate outdoors only on even days of the month.
- For property with an odd-numbered street address, irrigate outdoors only on odd days of the month.

[1] Healdsburg 2030 General Plan Update Final Environmental Impact Report, at IV.P-13 (July 6, 2009).
[2] *Id.* at Table IV.P-4.

- Routinely inspect, and repair as required, all irrigation systems for leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray and run-off.

- For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather. Reduce minutes of run-time for each irrigation cycle if water begins to pool or run off to gutters and/or ditches before the irrigation cycle is completed.

- Utilize water conservation incentives, as available, to replace inefficient plumbing fixtures and appliances with water efficient models.

- Stop the washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to prevent or eliminate materials that present a danger to public health and safety.

- Correct and repair the escape of water through breaks or leaks within the customer's plumbing or private distribution system. It shall be presumed that a period of 72 hours after the customer discovers such a break or leak, or receives notice from the City, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak.

- Stop the noncommercial washing of privately owned motor vehicles, trailers or boats excepting when utilizing a bucket and hose equipped with an automatic shut-off.

- Not use water from a fire hydrant, except for fighting fires and line flushing as required by regulatory agencies.

- The City will not accept or approve building permits for new swimming pools unless the owner agrees to obtain pool water from a source other than the City's potable water system.

- Refilling of a swimming pool except when topping off to prevent damage to pump and filter equipment is not allowed. Owners of pools should use a cover to minimize evaporation.

- Use of potable water for dust control, compaction, and other construction purposes. Only recycled water may be used for dust control, compaction, and other construction purposes as allowed by the Regional Water Quality Control Board or other governing bodies.

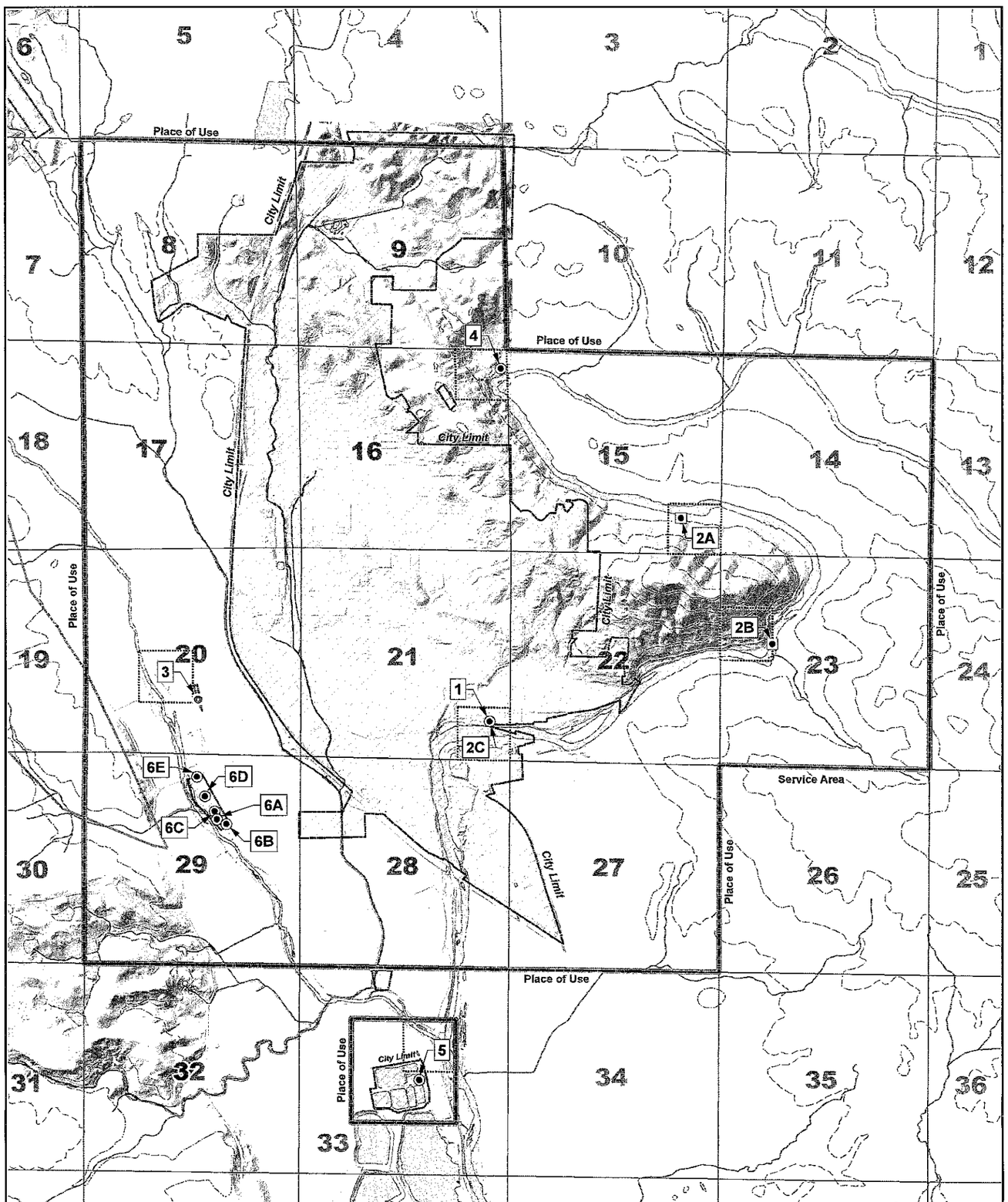
- Water use by a vehicle washing facility shall be limited to 80 percent of the water used by the facility from corresponding billing period in the prior year, unless such washing facility treats and recycles wash water, in which case this provision shall not apply.

- Water use for any nonresidential use shall be limited to 80 percent of the water used by the customer during the corresponding billing period in the prior year.

In addition, the City continues to strongly promote water conservation on its website and through flyers and inserts in customer bills.

In 2014, implementation of the City's Stage 2 measures resulted in an average reduction in water use of 17% during the period of March-July. Healdsburg is aware of and has reviewed the SWRCB's Mandatory Conservation Proposed Regulatory Framework (draft of April 7, 2015), and is preparing to meet the 25% conservation standard. To achieve a 25% reduction during 2015, Healdsburg will continue to implement Stage 2 measures, and will also consider additional steps that will improve upon the conservation it achieved in 2014. Healdsburg is implementing or considering implementing the following measures:

- Increasing educational outreach including;
    - Weekly conservation updates in the local paper.
    - Monthly updated to the City Council
    - Including water conservation messaging in our Consumer Confidence Report
    - Yard signage for recent lawn conversion programs
- Increasing enforcement measures, especially for outdoor irrigation.
- Reducing allowed outdoor irrigation to two days per week.
- Implementing an urban reuse hauling program similar to East Bay Municipal Utility District (dependent upon North Coast Regional Water Quality Control Board approval).
- Increasing the incentive for the City's lawn conversion program.
- Converting more of the City owned lawns to drought tolerant plantings.
- Providing free in home water audits and irrigation audits.
- Providing free direct install toilets for higher GPF toilets.
- Implementing direct install programs for low income housing.
- Continuing the City's appliance rebate programs (clothes washers, toilets, smart irrigation timers)
- Increasing grey water use and awareness.
- Working with hotels and restaurants to implement the executive order.
- Implementing rate structures that incentive conservation.



Map #	Map (Alpha)	Application Identifi	Status	POD Identifier	Location Description (CWQIS)	Northing (CCS83, Zone 2)	Easting (CCS83, Zone 2)
1		A013217	Permitted	A013217_01	South 1750 ft and West 820 ft from E 1/4 corner of Sect. 21, T8N, R9W, MDBM; Being within SE 1/4 of SE 1/4 of said Sect. 20.	6317125.635466	1,984,629.069167
2	A	A017632	Permitted	A017632_01	North 250' and East 1,50 ft from the W 1/4 corner of Section 23, T8N, R9W, MDBM; being withing the SW 1/4 of NW 1/4 of said Section.	6321958.397446	1,983,794.082299
2	B	A017632	Permitted	A017632_02	North 1,100 ft and West 1,1000 ft from SE corner of Sect. 15, T8N, R9W, MDBM; being withing the SE 1/4 of NE 1/4 of said Section.	6324257.014598	1,986,994.008429
2	C	A017632	Permitted	A017632_03	South 1,760 ft and West 1, 160 ft from the E 1/4 of Section 21, T8N, R9W, MDBM; being withing the SE 1/4 of NE 1/4 of said Section.	6317125.635498	1,984,629.069167
3		A014068	Permitted	A014068_01	Well #1 - West 280' and North 1215' to center of projected Sec. 20; Well #2 - West 280' and North 903' to center of projected Section 20.	6309783.747635	1,985,183.656518
4		A017121	Permitted	A017121_01	South 1750 ft and West 820 ft from E 1/4 corner of Sect. 21, T8N, R9W, MDBM; Being within SE 1/4 of SE 1/4 of said Sect. 20.	6317413.348379	1,983,993.186573
5		A0140508	Licensed	A0140508_01	South 2,400 feet and West 2,350 feet from the NE corner of projected section 33, T8N, R9W, MDB&M, being within the SW 1/4 of NE 1/4 of said Sect. 33,	6315350.839683	1,975,600.499913
6	A	A030663	Pending	A030663_01	Not issued to date (4/2015)	6310262.758898	1,982,134.335918
6	B	A030663	Pending	A030663_02	Not issued to date (4/2015)	6310494.760669	1,982,012.328944
6	C	A030663	Pending	A030663_03	Not issued to date (4/2015)	6310291.75702	1,982,331.338805
6	D	A030663	Pending	A030663_04	Not issued to date (4/2015)	6309962.670227	1,982,722.362641
6	E	A030663	Pending	A030663_05	Not issued to date (4/2015)	6309762.753633	1,983,213.356069

Healdsburg GIS

Point of Diversion (POD)

- Active
- Pending
- No Longer in Use
- Identified Point of Diversion
- Place of Use (Service Area)

Other Map Symbols

- PLSS Section Boundary
- Rancheo / Land Grant Boundary
- Elevation Contour Index (200')
- City Limits

N

CITY OF HEALDSBURG

I, MARIO LANDEROS, CITY ENGINEER FOR THE CITY OF HEALDSBURG, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THIS MAP WAS COMPILED UNDER MY SUPERVISION IN APRIL, 2015, FROM U.S. GEOLOGICAL SURVEY 7.5 MIN. HEALDSBURG, GUERNEVILLE, GEYSERVILLE, & JIM TOWN, CALIFORNIA TOPOGRAPHIC QUADRANGLES & FIELD VERIFICATION, & THAT IT CORRECTLY REPRESENTS THE WORKS DESCRIBED IN THE ACCOMPANYING APPLICATION, THE CITY LIMITS AND SERVICE AREA.

REGISTERED PROFESSIONAL ENGINEER MARIO LANDEROS No. 47511 Exp. 12-31-15 CIVIL STATE OF CALIFORNIA

SIGNATURE

4-16-2015
DATE

DRAWN BY: J.W.D.

SCALE: 1 inch = 1,250 feet