
State Water Resources Control Board

APR 27 2012

Devin W. Gordan
759 S. State Street, #131
Ukiah, CA 95482

Dear Mr. Gordan:

WATER DEMAND MANAGEMENT PROGRAM SUBMITTED FOR COMPLIANCE WITH THE RUSSIAN RIVER FROST PROTECTION REGULATION, MENDOCINO COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received and reviewed the Water Demand Management Program (WDMP) that you submitted for initial compliance with California Code of Regulations, title 23, section 862 (the Regulation) commonly known as the Russian River Frost Protection Regulation. Your proposed WDMP does not contain a schedule for completing a stream stage monitoring program and conducting a risk assessment, which is a requirement of the initial WDMP. Additionally, your proposed WDMP states your source of water for frost protection is the Willow County Water District. Because the Willow County Water District diverts water directly from the Russian River and delivers that water to you through existing infrastructure for frost protection, the Willow County Water District should be a participant in the WDMP. As a user of the water for frost protection, you will also have to participate with the Willow County Water District in a State Water Board approved WDMP. Therefore, the WDMP you have submitted is not acceptable at this time because you did not provide the required schedule and you will need to jointly submit a WDMP with the Willow County Water District.

On February 2, 2012, the Mendocino County Superior Court granted a stay of enforcement of the Regulation pending resolution of two lawsuits filed against the State Water Board regarding adoption of the Regulation. This is not a ruling on the merits of the cases, it is simply a ruling on whether the Regulation is enforceable prior to the court issuing a ruling on the merits. The hearing is currently scheduled for June 4-5, 2012. This letter is being sent to provide you with a response regarding your WDMP submittal should you choose to voluntarily proceed in the interim.

You may wish to contact the Willow County Water District and other diverters whose source of water for frost protection is the Willow County Water District to review and discuss the requirements of the Regulation, before jointly submitting an initial WDMP that includes the required inventory information and a schedule for completing a stream stage monitoring program and conducting a risk assessment. In order for an initial WDMP proposal to be acceptable, you and the Willow County Water District will need to submit a schedule for developing a stream stage monitoring program and conducting a risk assessment that includes the required consultation with

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the Department of Fish and Game (DFG) and the National Marine Fisheries Service (NMFS). An acceptable schedule should identify milestone dates for: collection of required inventory

information; a determination of the number, type, and location of stream gages; a determination of the stream stage that should be maintained at each gage; installation of stream gages; and conduction of a risk assessment of cumulative frost diversions affecting stream stage.

When developing the Regulation the State Water Board's objective was to establish a regulation that will prevent salmonid stranding mortality while minimizing the impacts on the use of water for purposes of frost protection. In support of this objective, the State Water Board's goals are to: (a) promote local development and governance of programs that prevent stranding mortality during the frost season; (b) provide transparency of diversion and stream stage monitoring data; (c) ensure that the State Water Board can require any changes to WDMPs that are necessary to ensure that WDMPs are successful and implemented on a timely basis; (d) provide for State Water Board enforcement against non-compliance; and (e) develop a comprehensive regulation that includes all diverters of water for frost protection use, including diverters who pump groundwater that is hydraulically connected to the stream system. The stated purpose of a WDMP is to assess the extent to which diversions for frost protection affect stream stage and manage diversions to prevent cumulative diversions for frost protection from causing a reduction in stream stage that causes stranding mortality.

State Water Board staff have concluded that water diverters combining their efforts and establishing local development and governance of a WDMP that coordinates and manages multiple frost diversions to minimize the cumulative potential for stranding mortality will likely be the most effective means of meeting the goals of the Regulation. While nothing in the Regulation prohibits an individual diverter or property owner from establishing a WDMP, an individual WDMP on a source used by several others cannot meet the purpose or goals of the Regulation without coordination and communication with other diverters. While the Willow County Water District already encompasses multiple end users of water for frost protection, it is only one diverter for the purposes of determining the cumulative impact of diversions during the frost protection season. For this reason, it is recommended that you and the Willow County Water District consider working with the other diverters along the Russian River to develop one WDMP for the group. This approach would provide better assurance that the goals of the Regulation can be met and at the same time minimize the costs to individual diverters.

Enclosed is a mailing list of the Russian River diverters that have submitted an individual initial WDMP to the State Water Board and have received a similar response. You and the Willow County Water District should consider joining together with these diverters if you have not done so already, and with any other diverters whose source of water for frost protection is the Willow County Water District, to form a single WDMP and together develop a schedule for completing a stream stage monitoring program and conducting a risk assessment that includes consultation with DFG and NMFS regarding your proposed operations and protective levels.

Copies of initial WDMPs with schedules that have been accepted by the State Water Board are available at:

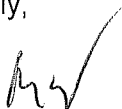
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/prtctn_reg.shtml

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Division staff will continue to be available to answer questions and discuss ways for diverters to meet the goals and terms of the Regulations while the Mendocino County Superior Court considers the lawsuits. Should you have any questions or if you would like to meet with Division staff, please contact Mr. John O'Hagan at (916) 341-5368 or by email at johagan@waterboards.ca.gov. Written correspondence should be addressed as follows:

State Water Resources Control Board
Russian River Frost Regulation
Attn: John O'Hagan
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Barbara Evoy, Deputy Director
Division of Water Rights

Enclosure: Mailing List – Main Stem of the Russian River

cc: Willow County Water District
151 Laws Avenue
Ukiah, CA 95482-6655

PARTIES THAT HAVE SUBMITTED A WATER DEMAND MANAGEMENT PROGRAM:
SOURCE: MAIN STEM OF THE RUSSIAN RIVER

Party: Mike Abba
Address: P.O. Box 395, Hopland, CA 95449

Party: Lee Bertozzi
Contact: North Coast Resource Management
Address: P.O. Box 435, Calpella, CA 95418

Party: Michael Boer
Address: 300 Stipp Lane, Ukiah, CA 95482

Party: Bart Byers
Address: 750 Watson Road, Ukiah, CA 95482

Party: Charter Oak Vineyards
Contact: Brian White
Address: 313 Henry Station Road, Ukiah, CA 95482

Party: Conrado Vineyards
Contact: Paul Conrado
Address: 4401 Old River Road, Ukiah, CA 95482

Party: Cornett Vineyard
Contact: Billy Cornett
Address: 14101 Old River Road, Hopland, CA 95449

Party: Damiano Vineyards
Contact: Mark Pardini
Address: 1204 N. State Street, Ukiah, CA 95482

Party: Dempel Ranch
Contact: Robert Dempel
Address: 4570 Brighton Drive, Santa Rosa, CA 95403

Party: Downey Vineyards
Contact: Mark Downey
Address: 3400 Old River Road, Ukiah, CA 95482

Party: Dry Creek Vineyard
Contact: Bevill Vineyard Management LLC
Attn: Amy Raymond
Address: 4724 Dry Creek Road, Healdsburg, CA 95448

Party: Meredith Edwards & Kenneth Coppersmith
Contact: Bevill Vineyard Management LLC
Attn: Amy Raymond
Address: 4724 Dry Creek Road, Healdsburg, CA 95448

Party: Fetzer Vineyards
Contact: David Koball
Address: P.O. Box 611, Hopland, CA 95449

Party: Mary Fetzer Skade
Address: 700 Larkspur Landing Cir, Ste 199, Larkspur, CA 94939

Party: Flight Rail Corporation (dba River Bend Vineyards)
Contact: Max P. Schlienger
Address: 250 Henry Station Road, Ukiah, CA 95482

Party: Garbocci Ranch
Contact: Eric Garbocci
Address: 2980 Redemeyer Road, Ukiah, CA 95482

Party: Ghianda Rose Vineyard
Contact: Chevalier Vineyard Management, Inc.
Attn: Peter Chevalier
Address: P.O. Box 362, Calpella, CA 95418

Party: Giannecchini Ranch
Contact: Steven Giannecchini
Address: 1485 Howell Creek Road, Ukiah, CA 95482

Party: Gobbi Steet Vineyards, LLC
Contact: Chevalier Vineyard Management, Inc.
Address: P.O. Box 362, Calpella, CA 95418

Party: Devin W. Gordan
Address: 759 S. State Street, #131, Ukiah, CA 95482

Party: H & W Vineyard
Contact: North Coast Resource Management
Address: P.O. Box 435, Calpella, CA 95418

Party: Hansen Ranch
Contact: Richard Henwood
Address: 14500 Old River Road, Hopland, CA 95449

Party: Hildreth Farms Inc.
Contact: Michael L. Hildreth
Address: 1520 Ruddick-Cunningham Road, Ukiah, CA 95482

Party: HSK, LLC
Contact: Bevill Vineyard Management LLC
Attn: Amy Raymond
Address: 4724 Dry Creek Road, Healdsburg, CA 95448

Party: Jepson Vineyards
Contact: Fred Nickel
Address: 10400 South Highway 101, Hopland, CA 95449

Party: Jeriko Vineyards LLC
Contact: Daniel Fetzer
Address: P.O. Box 489, Hopland, CA 95449

Party: Johnson Orchards, Inc.
Contact: William Johnson and Francis Johnson
Address: 801 Babcock Lane, Ukiah, CA 95482

Party: K2 Farming LLC
Contact: David Koball
Address: 3493 Taylor Drive, Ukiah, CA 95482

Party: La Malfa Ranch
Contact: Richard La Malfa
Address: 8501 East Road, Potter Valley, CA 95469

Party: Lakeview Vineyards Partnership
Contact: Kurt Ashurst
Address: 1320 University Road, Hopland, CA 95449

Party: William Larramendy
Address: 5040 Burke Hill Dr., Ukiah, CA 95482

Party: Clyde and Maria Martinson
Address: P.O. Box 2, Calpella, CA 95418

Party: Glenn McGourty
Address: County Agriculture Center , 890 N. Bush Street, Ukiah, CA 95482

Party: Milovina Vineyards
Contact: James and John Milovina
Address: Box 302, Hopland, CA 95449

Party: Norgard Farms, Inc.
Contact: Timothy Norgard
Address: 2070 Old River Road, Ukiah, CA 95482

Party: Orr's Creek Vineyard
Address: 301 West Lake Mendocino Drive, Ukiah, CA 95482

Party: Patianna Organic Vineyard
Contact: Kathy Dogali
Address: P.O. Box 760, Hopland, CA 95449

Party: Pauli Ranch
Address: 12507 Hawn Creek Road, Potter Valley, CA 95469

Party: Rb Wine Associates, LLC
Contact: Bruce Lundquist
Address: P.O. Box 397, Hopland, CA 95449

Party: Rosetti Bros.
Contact: Terry Rosetti
Address: 701 Highway 175, Hopland, CA 95449

Party: Morgan & Pauline Ruddick
Contact: Chris Ruddick
Address: 2400 Ruddick-Cunningham Road, Ukiah, CA 95482

Party: Ruddick Ranch, Inc.
Contact: Chris Ruddick
Address: 2400 Ruddick-Cunningham Road, Ukiah, CA 95482

Party: Sanel Valley Vineyard
Contact: Jim Milone
Address: 14200 Mountain House Road, Hopland, CA 95449

Party: Shadowbrook Farms
Contact: Kurt Ashurst
Address: 1320 University Road, Hopland, CA 95449

Party: Shrader Ranch
Contact: Eric Garbocci
Address: 4001 Cox Schrader Road, Ukiah, CA 95482

Party: George W. & Judith H. Somers Trust
Contact: Bevill Vineyard Management LLC
Attn: Amy Raymond
Address: 4724 Dry Creek Road, Healdsburg, CA 95448

Party: Kathryn M. Testa Grieve
Address: P.O. Box 169, Calpella, CA 95418

Party: Keith and Angela Thornton
Address: P.O. Box 517, Talmage, CA 95481

Party: Vau Investments
Contact: Charles Vau
Address: 940 Bel Arbres, Redwood Valley, CA 95470

Party: Warnecke Ranch & Vineyards
Contact: Margo Warnecke Merk
Address: 13427 Chalk Hill Road, Healdsburg, CA 95448

Party: Whaler Vineyard
Contact: Capt. Russell M. Nyborg
Address: 6201 Old River Road, Ukiah, CA 95482