

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

In the Matter of Permit 21198  
(Application 31055)

Camp Meeker Recreation and Park District

**ORDER APPROVING TEMPORARY URGENCY CHANGES  
INCLUDING INSTREAM FLOW DEDICATION**

SOURCE: Russian River underflow tributary to the Pacific Ocean

COUNTY: Sonoma County

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

**SUBSTANCE OF TEMPORARY URGENCY CHANGE PETITION**

On June 25, 2019, Camp Meeker Recreation and Park District (Camp Meeker or Petitioner) filed a temporary urgency change petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting approval of temporary changes to allow for instream flow dedication of water under water right Permit 21198 (Application 31055) pursuant to California Water Code sections 1435 and 1707. Camp Meeker previously filed similar TUCPs for instream flow dedication with the Division in August 2015, August 2016, and August 2018. With the TUCP, Camp Meeker requests the following temporary changes to Permit 21198:

- (1) Purpose of Use: Addition of Fish and Wildlife Preservation and Enhancement use;
- (2) Place of Use: Addition of a portion of Dutch Bill Creek.

The upstream limit is located at  
California Coordinate System 1983 (CCS83), Zone 2, North 1,921,868 feet and  
East 6,282,809 feet,  
being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T7N, R10W, Mount Diablo Base &  
Meridian (MDB&M), and

The downstream limit is located at the confluence of Dutch Bill Creek and the  
Russian River at CCS83, Zone 2, North 1,932,731 feet and East 6,272,591 feet,  
being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 7, T7N, R10W, MDB&M; and

- (3) Instream Flow Dedication of up to 30 acre-feet (af) of water at a maximum diversion rate of 0.2 cubic foot per second (cfs) for Fish and Wildlife Preservation and Enhancement use in Dutch Bill Creek. Camp Meeker has indicated a target flow rate in Dutch Bill Creek of 0.1 cfs.

The intent of the TUCP for instream flow dedication is to enable voluntary stream flow augmentation in Dutch Bill Creek to support survival of state and federally endangered coho salmon (*Oncorhynchus kisutch*) and federally threatened steelhead (*Oncorhynchus mykiss*) during low summer and fall flows.

## **2.0 BACKGROUND**

### **2.1 Water Right Permit 21198 and Project Components**

Water right Permit 21198 was issued to Camp Meeker on April 27, 2007, pursuant to Application 31055. Permit 21198 authorizes direct diversion at a rate of 0.23 cfs, not to exceed 90 acre-feet per annum (afa) from Russian River Underflow, tributary to the Pacific Ocean, in Sonoma County. Water is authorized to be diverted from January 1 to December 31 of each year for municipal and fire protection purposes within the boundaries of Camp Meeker's authorized place of use, including 365 residences. Camp Meeker's place of use is identified on the project map as filed with the State Water Board, being within portions of Sections 21, 22, 27, and 28, T7N, R10W, MDB&M. Permit 21198 includes a deadline of December 31, 2017, for Camp Meeker to complete construction and use of water pursuant to the water right. As of the date of the filing of the 2019 TUCP, Camp Meeker has not filed with the Division a petition for extension of time to maximize diversion and use under Permit 21198.

The Dutch Bill Creek watershed encompasses the area of the towns of Occidental and Camp Meeker as well as rural residences. Camp Meeker operates an offset well on the Russian River near Monte Rio (Monte Rio well), a transmission main, pump station, and storage tanks. The Monte Rio well is located CCS83, Zone 2, North 1,932,975 feet and East 6,272,895 feet, being within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 7, T7N, R10W, MDB&M. Once diverted at the Monte Rio well, water is transported approximately four miles via a 6-inch transmission main to a water filtration facility in Camp Meeker (near Alliance Redwoods) where it is treated, stored, and subsequently delivered to residences. The transmission main lies within the right-of-way for the Bohemian Highway, which roughly follows Dutch Bill Creek and connects with storage facilities in Camp Meeker and the town of Occidental.

Russian River Utility manages the Camp Meeker and Occidental Community Services District (Occidental CSD) public water systems.

### **2.2 Proposed Dutch Bill Creek Streamflow Augmentation**

In August 2015, staff from the National Marine Fisheries Services (NMFS) approached Camp Meeker regarding the possibility of using Camp Meeker's existing water delivery infrastructure to augment flows in Dutch Bill Creek. Camp Meeker agreed to augment flows in Dutch Bill Creek as recommended by NMFS and subsequently on August 8, 2015, filed a TUCP with the Division for instream flow dedication that proposed to divert water from the Monte Rio well at a rate ranging from 0.05 to 0.2 cfs under Permit 21198 for release, untreated, from its pipeline into Dutch Bill Creek. The Division approved the TUCP on September 3, 2015 (2015 TUCP). Water diverted from the Monte Rio well was directed to an existing 7,500-gallon storage tank at the water treatment facility on Alliance Redwood

Conference Grounds, approximately four miles upstream of the well. Water from the tank was then released into a rock-lined culvert drainage channel where it then flowed into Dutch Bill Creek. Releases of water into Dutch Bill Creek under the 2015 TUCP occurred until December 9, 2015. That year, Camp Meeker reported that 16.1 af of water was released as part of the project.

Camp Meeker filed a second TUCP on August 1, 2016, which proposed the same instream flow dedication as with the 2015 TUCP. The Division approved the TUCP on August 11, 2016 (2016 TUCP). The instream flow dedication occurred from August 19 through November 3, 2016. Camp Meeker estimated the total volume of water released to Dutch Bill Creek was 11.95 af under the 2016 TUCP.

Camp Meeker's third TUCP requesting the same instream flow dedication was filed on August 27, 2018 and approved on September 7, 2018 (2018 TUCP). Camp Meeker's 2018 discharge into Dutch Bill Creek occurred from August 27 through November 30, with an average discharge of 0.09 cfs. Camp Meeker indicated that the discharge improved stream connectivity and maintained pool volume for almost two miles downstream of the point of discharge into the creek. Based on information provided in Camp Meeker's monitoring summary of the 2018 TUCP, approximately 15.23 af of water was released to Dutch Bill Creek.

For 2019 TUCP, Camp Meeker proposes to repeat the project this summer and fall using the same infrastructure at the same range of diversion rates as requested with the previous TUCPs. Camp Meeker maintains an agreement with Alliance Redwoods Conference Grounds to allow the conveyance of water between the storage tank and Dutch Bill Creek. The target rate of release is 0.1 cfs, but actual diversion rates and release of water to Dutch Bill Creek will be based upon instream flow conditions, facilities constraints, and the terms of Permit 21198. The instream flow dedication will continue up to the first substantial rain event or until flow conditions in Dutch Bill Creek recover to a minimum of 0.1 cfs, but not after December 31, 2019. NMFS staff estimates 0.1 cfs to be the minimum necessary flow to maintain hydrologic conductivity between pools in the stream.

### **2.3 Russian River Tributaries Flow Conditions**

During the 2013-2015 drought, the California Department of Fish and Wildlife (CDFW) and NMFS recommended to the State Water Board to have Dutch Bill Creek, Green Valley Creek, Mark West Creek, and Mill Creek, which are all tributaries to the Russian River, be protected by the Emergency Drought Regulations because they are high conservation priorities for California Central Coast (CCC) coho salmon. These four tributary watersheds provide critical spawning and rearing habitat for wild populations of state and federally endangered CCC coho salmon, and for the Russian River Coho Salmon Captive Broodstock Program. Dutch Bill Creek was identified as a Core Focus Area for coho protection and restoration in NMFS's Final Recovery Plan for CCC coho salmon. Federally threatened juvenile CCC steelhead also use these four Russian River tributaries and require similar rearing habitat and water quality conditions as juvenile CCC coho salmon during the summer months. Juvenile CCC coho salmon and CCC steelhead can survive

very dry conditions in pools in the upper watersheds, provided the pools have sufficient water and stream connectivity to maintain appropriate temperature, dissolved oxygen (DO), and other water quality conditions. During the 2013-2015 drought, the four tributaries sustained some of the last remaining spring and summer rearing habitat for coho salmon and steelhead in the Russian River watershed.

The 2017/2018 water year was relatively dry in Sonoma County. Camp Meeker indicated in the 2018 TUCP that Dutch Bill Creek and the other three tributaries were likely to continue to experience insufficient streamflow to support rearing of juvenile salmonids and other aquatic species throughout the 2018 summer season. Low stream flows resulted in a combination of desiccated and intermittent stream reaches with surface water remaining only in isolated pools and DO levels in the isolated pools quickly declined to levels harmful or lethal to juveniles attempting to rear in the pools.

In the current 2019 TUCP, Camp Meeker indicated that although the winter of 2018/2019 was a relatively wet winter compared to recent drought years, they still anticipate that the lower reaches of Dutch Bill Creek will become unsuitable for rearing salmonids as early as July 2019.

### **3.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The State Water Board must comply with applicable requirements of the California Environmental Quality Act (CEQA) prior to issuance of any order approving a TUCP, pursuant to Water Code section 1435. (See Cal. Code Regs. tit. 23, § 805.) On June 18, 2019, Camp Meeker, as lead agency, certified a Notice of Exemption for this project. The changes requested in the 2019 TUCP are consistent with the following Categorical CEQA exemptions as described below:

1. A Class 1 categorical exemption, “consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” (Cal. Code Regs., tit. 14 § 15301.) The proposed action makes use of an existing offset well, pipeline, storage tank and treatment plant, with no expansion of the capacity of those structures, and negligible expansion of operations.
2. A Class 3 categorical exemption, “consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” (Cal. Code Regs., tit. 14 § 15303.) The proposed action involves addition of a 2-inch, temporary above-ground pipe running from an existing connection at the treatment facility storage tank at Alliance Redwoods to Dutch Bill Creek. The installation involves no earthwork or clearing of vegetation.
3. A Class 4 categorical exemption, “consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of

healthy, mature, scenic trees except for forestry and agricultural purposes.” (Cal. Code Regs., tit. 14 § 15304.) The proposed dedication of instream flow would temporarily improve the condition of the water in Dutch Bill Creek but would not consume any additional water. The rate and volume of water diverted from the Russian River would not exceed that already authorized under Permit 21198.

4. A Class 33 categorical exemption, “consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife,” given certain conditions. (Cal. Code Regs., tit. 14, § 15333.) The proposed action’s purpose is to assure the protection of habitat for fish and otherwise meets the conditions for the exemption.

The project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The Division will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this Order.

#### **4.0 PROCEDURAL REQUIREMENTS CONCERNING THE TUCP**

The State Water Board will issue and deliver to Camp Meeker, as soon as practicable, a notice of the temporary urgency change order pursuant to Water Code section 1438(a). Pursuant to Water Code section 1438 (b)(2), Camp Meeker is required to post the notice in at least two conspicuous places in the locality to be affected by the changes no later than two days after receipt. The State Water Board will send a copy of the notice by registered mail to each person who, in the judgment of the board, could be adversely affected by the temporary changes. The State Water Board also will distribute the notice through an electronic notification system. Pursuant to Water Code section 1438(a), the State Water Board may issue a temporary urgency change order in advance of the required notice.

#### **5.0 CRITERIA FOR APPROVING THE PROPOSED TUCP**

Water Code section 1435 provides that a permittee or licensee who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. Further, Water Code section 1707 authorizes the temporary urgency change provisions of Water Code section 1435 et seq. for a change for the purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water. The State Water Board's regulations set forth the filing and other procedural requirements applicable to TUCPs. (Cal. Code Regs., tit. 23, §§ 805, 806.) The State Water Board’s regulations also clarify that requests for changes to permits or licenses other than changes in point of diversion, place of use, or purpose of use may be filed, subject to the same filing and procedural requirements that apply to changes in point of diversion, place of use, or purpose of use. (*Id.*, § 791, subd. (e).)

Before approving a temporary urgency change under Water Code section 1435, the State Water Board must make the following findings (Wat. Code, § 1435, subd. (b)(1-4)):

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 part of the 2019 TUCP for Permit 21198, Camp Meeker is proposing to dedicate up to 30 af of water for instream flow dedication pursuant to Water Code section 1707. Before approving an instream flow petition, the State Water Board must also make the following findings (Wat. Code, § 1707, subd. (b)(1-3)):

1. the proposed change will not increase the amount of water Camp Meeker is entitled to use;
2. the proposed change will not unreasonably affect any legal user of water; and
3. the proposed change otherwise meets the requirements of Division 2 of the Water Code.

### **5.1 Urgency of the Proposed Change**

Under Water Code section 1435, subdivision (c), an “urgent need” means “the existence of circumstances from which the board may in its judgment conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented...” However, the State Water Board shall not find the need urgent if it concludes that the petitioner has failed to exercise due diligence in petitioning for a change pursuant to other appropriate provisions of the Water Code.

In this case, there is an urgent need for the proposed changes. Information included in the TUCP indicated that during the winter of 2018/19, several salmonid redds were observed in the lower reaches of Dutch Bill Creek, and juvenile fish hatching from these redds will require sufficient streamflow (a minimum of 0.5 cfs) to survive this summer. The last several years of mapping surveys have shown that the lower reaches of Dutch Bill Creek have become intermittent or dry and unsuitable for rearing fish. Previously gaged streamflow in the lower reach of Dutch Bill Creek shows that flows quickly recede to low flow, disconnected, and dry conditions following the last rain event of the season. Camp Meeker indicated in the 2019 TUCP that although the winter of 2018/2019 was a relatively wet winter compared to recent drought years, they still anticipate that the lower reaches of Dutch Bill Creek will become unsuitable for rearing salmonids as early as July 2019. Camp Meeker is seeking approval of the 2019 TUCP to again potentially benefit salmonid fisheries in Dutch Bill Creek based on the positive results from previous years’ flow enhancements and the anticipated drying conditions in the lower reaches of the creek.

Information provided by Camp Meeker showed that as of June 20, 2019, flow in Dutch Bill Creek had dropped below two (2) cfs and would continue to trend lower. Camp Meeker indicated that it anticipated the lower reaches of the creek would become unsuitable for

rearing salmonids by late July and they were targeting the week of July 22 to start the flow releases this year.

Camp Meeker is in the process of pursuing a long-term instream flow dedication to continue the project when necessary in future years and filed a change petition with the State Water Board on May 31, 2018.

## **5.2 No Unreasonable Affect or Injury to Any Other Lawful User of Water**

Absent approval of the proposed changes, the water to be made available by Camp Meeker for the proposed instream dedication would either be put to consumptive use within the boundaries of Camp Meeker's place of use as identified in Permit 21198 or would continue to flow down the Russian River. The instream flow dedication proposed by the petitioner is a non-consumptive use of water. Water diverted for instream flow purposes from Camp Meeker's Monte Rio well will re-enter the Russian River approximately 285 feet downstream after flowing down Dutch Bill Creek, less natural stream conveyance losses. Consequently, only lawful users on the Russian River downstream of the Monte Rio well but upstream of the confluence with Dutch Bill Creek could experience any significant effect or injury from the proposed action. Per Division records, Occidental CSD, pursuant to Permit 21214, constitutes the only user that could meet these criteria. Permit 21214, which is junior in priority to Camp Meeker's permit, authorizes year-round direct diversion of 0.16 cfs, up to 65 afa, of Russian River underflow from an offset well approximately 50 feet downstream of Camp Meeker's Monte Rio well.

However, as Permit 21214 is junior to Permit 21198, Camp Meeker has the right to divert flow consistent with its permitted limitations before Occidental CSD can claim injury to its ability to divert water. Also, Sonoma County Water Agency (SCWA) is required per Decision 1610 to maintain flows in the lower Russian River. The amount of this dedication (maximum rate of 0.2 cfs) is insignificant compared to flow levels maintained by SCWA.

There is a risk of riparian water right holders on Dutch Bill Creek diverting the water intended for instream flow for their own use. According to the Division's records, Westminster Woods Camp and Conference Center (Westminster Woods) filed Statement of Water Diversion and Use 24280 (Statement 24280) and constitutes the only water right holder of record on Dutch Bill Creek downstream of the proposed point of release.

Westminster Woods, however, has recently implemented a water conservation and tank storage project to improve summer instream flow in Dutch Bill Creek, and in June 2017, the Division approved Westminster Woods' petition to dedicate to instream flow water formerly diverted at its riparian point of diversion (POD) under Statement 24280 on Dutch Bill Creek. Consequently, Westminster Woods is not currently diverting from the POD on Dutch Bill Creek during the summer and fall and will not impact the flows released to the creek pursuant to the 2019 TUCP filed by Camp Meeker.

Accordingly, granting the 2019 TUCP will not result in unreasonable affect or injury to any other lawful user of water. Pursuant to Water Code section 1439, the State Water Board shall supervise diversion and use of water under this temporary change order for the protection of all other lawful users of water and instream beneficial uses.

### **5.3 No Unreasonable Effect upon Fish, Wildlife, or Other Instream Beneficial Uses**

As noted herein, the action would enhance fish habitat and other instream beneficial uses in Dutch Bill Creek by temporarily augmenting flows for rearing habitat for salmonids. Data from instream flow releases pursuant to the 2015, 2016, and 2018 TUCP Orders showed that increased summer flows consistently improved DO concentrations and reconnected pool habitat, benefitting juvenile coho salmon and steelhead survival and growth.

The 2015, 2016, and 2018 TUCP instream flow releases were monitored extensively. California Sea Grant (CSG) and SCWA regularly mapped wetted habitat, measured riffle crest depths, and took measurements of DO and water temperature in Dutch Bill Creek downstream of the release point during the 2015, 2016, and 2018 TUCP release periods. Also, Russian River Utility gathered water temperature and DO data at the pipe outlet, and the Russian River Coho Partnership operated a streamflow gauge at Westminster Woods, downstream of the release point.

In 2015, the gauge showed that flow augmentation from the instream flow releases to Dutch Bill Creek substantially improved surface flow. The effort was also a significant contributing factor to maintaining rearing habitat in a wetted condition, despite it being the worst drought condition in recent history. CSG's Russian River Salmon and Steelhead Monitoring program concluded that 76 percent of the juvenile salmonids observed in Dutch Bill Creek at the beginning of the 2015 rearing season were occupying habitat that remained wetted throughout the summer period.

CSG monitoring conducted before and after the flow release in the summer of 2016 also documented improvements in streamflow and fish habitat downstream. Dutch Bill Creek streamflow had been decreasing prior to the release; however, it peaked and doubled in the week following the release. There was also a notable increase in average riffle depths downstream of the release site corresponding to the increased flow in the creek. Within the week after the release, DO in pools increased in the reach of Dutch Bill Creek extending from Perenne Creek upstream to the release point, indicating that improved surface flow and pool connectivity helped to oxygenate pools.

Monitoring of the flow release in 2018 showed that one day following commencement of release of water to Dutch Bill Creek, small sections of the creek between the release point and Perenne Creek had re-wet. After approximately a month, that same reach had almost entirely reconnected and a previously dry flow section approximately two miles downstream was measurably wet. Releases of water to Dutch Bill Creek under the 2018 TUCP improved stream connectivity, maintained pool volumes, and enhanced DO conditions in the creek through September.

CDFW, NMFS, the Russian River Coho Partnership, Trout Unlimited, and the Gold Ridge Resource Conservation District have all expressed support for the project. Camp Meeker consulted with NMFS, CDFW, and the North Coast Regional Water Quality Control Board (Regional Board) regarding the 2015, 2016, and 2018 TUCPs, this 2019 TUCP, and the

effects of the proposed changes. NMFS and CDFW were directly involved in the design of the project.

To inform the State Water Board's continuing supervision of the diversion and use of water under this temporary change order pursuant to Water Code section 1439, this Order requires Camp Meeker to report on consultations with CDFW, NMFS, and the Regional Board.

#### **5.4 The Proposed Changes are in the Public Interest**

Dutch Bill Creek is a high-priority watershed for both CCC coho salmon, which are listed as endangered under the State and federal Endangered Species Acts, and CCC steelhead, which are federally listed as threatened. Augmentation of flows in Dutch Bill Creek will alleviate the effect of anticipated dry conditions on juvenile coho salmon and steelhead by improving rearing habitat conditions. Moreover, coho salmon in Dutch Bill Creek are critical to the overall viability of wild coho in the Russian River basin. It is in the public interest to enhance protection of Dutch Bill Creek's salmonid fisheries. Additionally, the use is non-consumptive and the dedicated water would again become available for downstream beneficial uses after passing the dedicated reach of Dutch Bill Creek.

#### **5.5 No Increase in the Amount of Water Petitioner is Entitled to Use**

Water Code section 1707, subdivision (b)(1), requires that the State Water Board, before approving a change to dedicate water to instream flows, find that the proposed change will not increase the amount of water the person is entitled to use. The State Water Board finds, in accordance with Water Code section 1707, subdivision (b)(a), that the proposed change will not increase the amount of water that Camp Meeker is entitled to use. This finding is based on a comparison of previous records of diversion under Permit 21198 to the diversion rate dedicated to instream use.

The proposed changes do not seek to expand the season, rate, or amount of the permit. As discussed herein, the proposed changes would temporarily modify the place and purpose of use of Camp Meeker's existing water right. Pursuant to Permit 21198, Camp Meeker had until December 31, 2017 to demonstrate complete application of its authorized 90 afa and direct diversion rate of 0.23 cfs. The highest reported annual use occurred in 2016 when Camp Meeker used 46.65 afa. Camp Meeker also has an active water supply agreement with SCWA.

Camp Meeker intends to continue to pump water for municipal and fire protection uses. Because Permit 21198 expired on December 31, 2017, Camp Meeker cannot divert more water than the maximum diversion to beneficial use that occurred before the permit expiration date, not inclusive of any flows diverted pursuant to previous TUCPs.

Therefore, Camp Meeker will be limited to a combined total diversion of 46.65 af in 2019 for municipal and fire protection uses, and fish and wildlife preservation uses as proposed with this TUCP.

## **5.6 Compliance with Division 2 of the Water Code**

Camp Meeker has complied with the procedures for change petitions under Water Code section 1435. As discussed above, the project will not injure other legal users of water, will not unreasonably harm fish and wildlife, will not increase petitioner's rights, is urgently needed, and is in the public interest. The Petitioner has a permitted water right issued by the State Water Board and there has been recent diversion and use and thus no indication of forfeiture. Therefore, the change petition meets the applicable requirements of Division 2 of the Water Code.

## **6.0 CONCLUSIONS**

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1435.

I conclude that, based on the available evidence:

1. The Petitioner has an urgent need to make the proposed changes;
2. The proposed changes will not operate to the injury of any other lawful user of water;
3. The proposed changes will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed changes are in the public interest.

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1707.

I conclude that, based on the available evidence:

1. The proposed change will not increase the amount of water Camp Meeker is entitled to use;
2. The proposed change will not unreasonably affect any legal user of water; and
3. The proposed change otherwise meets the requirements of Division 2 of the Water Code.

### ORDER

**NOW, THEREFORE, IT IS ORDERED THAT** the petition filed by Camp Meeker Recreation and Park District (Camp Meeker) for temporary urgency changes for Permit 21198 is approved and effective until December 31, 2019.

All existing terms and conditions of the subject permit remain in effect, except as temporarily amended by the following provisions.

1. Fish and Wildlife Preservation and Enhancement is added as a purpose of use along the section of Dutch Bill Creek as described as: 1) upstream limit located by CCS83, Zone 2, North 1,921,868 feet and East 6,282,809 feet, being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T7N, R10W, MDB&M; and 2) downstream limit is the confluence of Dutch Bill Creek and the Russian River located by CCS83, Zone 2, North 1,932,731 feet and East 6,272,591 feet, being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 7, T7N, R10W, MDB&M.
2. Camp Meeker may dedicate up to 30 acre-feet (af) per annum up to a maximum direct diversion rate of 0.2 cubic foot per second (cfs) to Fish and Wildlife Preservation and Enhancement instream use during the duration of this Order. The maximum rate of diversion for all beneficial uses is 0.23 cfs. The total maximum combined diversion under Permit 21198 during 2019 for Municipal, Fire Protection, and Fish and Wildlife Preservation and Enhancement purposes of use shall not exceed 46.65 af.
3. Within two weeks of issuance of this order, Camp Meeker shall develop a Flow Release Schedule Plan in consultation with California Department of Fish and Wildlife (CDFW) and National Marine Fisheries Service (NMFS). Camp Meeker shall provide a copy of the Flow Release Schedule Plan to the Deputy Director for Water Rights within one week of development or further revision.
4. Should NMFS, CDFW, or the North Coast Regional Water Quality Control Board raise any concerns regarding the quality of the water released for instream flow, Camp Meeker shall work with the respective agency to resolve the issue, and inform the Deputy Director for Water Rights within one week of when the concern was raised, indicating the steps taken or planned for resolution.
5. On the fifteenth day of each month, Camp Meeker shall provide a summary of the previous month's monitoring of the following: 1) temperature and dissolved oxygen levels in Dutch Bill Creek and 2) any evaluation of discharged water provided by CDFW, NMFS, and others.
6. Camp Meeker shall continue to submit Progress Reports for Permittee in accordance with California Code of Regulations, Title 23, Division 3, section 847 and shall include all required information in the progress report form, including but not limited to the following:

- (a) the total monthly quantity diverted under Permit 21198; (b) the total monthly quantity consumptively used for municipal purposes; and (c) the total monthly quantity in acre-feet and maximum monthly direct diversion rate in cfs dedicated to instream flow resources pursuant to this Order. Camp Meeker shall also provide this information whenever requested by the Division of Water Rights.
7. Because the changes authorized by this Order are temporary in nature, the amount of water dedicated to instream beneficial uses will not be considered during licensing of Permit 21198.
  8. The State Water Board shall supervise the diversion and use of water under this Order for the protection of legal users of water and instream beneficial uses and for compliance with the conditions. Camp Meeker shall allow representatives of the State Water Board reasonable access to the project works to determine compliance with the terms of this Order.
  9. The State Water Board reserves jurisdiction to supervise the temporary urgency changes under this Order and to coordinate or modify terms and conditions for the protection of vested rights, fish, wildlife, instream beneficial uses, and the public interest as future conditions may warrant.
  10. The temporary urgency changes authorized under this Order shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation in the discretion of the State Water Board. The temporary urgency changes approved in this Order shall automatically expire December 31, 2019, unless revoked prior to that date.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
JULE RIZZARDO, FOR

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: JUL 19 2019