



June 26, 2014

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: SWRCB July 1st, 2014, Meeting Agenda Item #5

Dear Ms. Townsend,

On behalf of the City of Portola, I would like to thank you for the opportunity to comment on agenda item 5.

We are in full agreement with the attached letter from the Plumas County Board of Supervisors. Furthermore, we have developed our own creative solutions to assist the state in this effort. It is our hope that we can open a dialogue with you all that will grant us relief in the source areas while providing additional water resources to the state in return.

Thank you in advance for your thoughtful consideration,

Robert A. Meacher
City Manager
Portola, CA

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Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Re: State Water Resources Control Board July 1, 2014, Meeting Agenda Item: #5, Consideration of a proposed Resolution regarding drought related emergency regulations for curtailment of diversions to protect senior rights.

Dear Ms. Townsend:

Please allow me to introduce myself. I am Kevin Goss, Vice Chair of the Plumas County Board of Supervisors. I am submitting the following cautions and recommendations on behalf of the full Board of the County of Plumas.

Plumas County appreciates the opportunity to comment on the proposed regulations. Plumas County also appreciates the clear discussion in the Board meeting packet about the need and approach that is proposed for protection for senior rights water holders in a deepening drought emergency. We encourage the Board to maintain close coordination with County government throughout this extremely difficult drought. We have attached contact information for our Plumas County OES Director, Jerry Sipe.

General Comments on the proposed Resolution:

Plumas County would like to affirm support for senior water rights protections. We acknowledge the authority and necessity for the SWRCB to enforce water curtailments in order of water right priority, under existing law, as our water supply situation worsens in Northern California. However, we have concerns with some aspects of the proposed suite of actions proposed by the Board to protect those senior water rights.

We urge the Board to accept voluntary local agreements to share water among diverters as especially high priority "cooperative" senior water rights protections. We see communities working together to share and stretch scarce water supplies as the key ingredient for getting us all through this months-long emergency water shortage.

We also urge the Board to immediately implement especially urgent health and safety exemptions for households and communities who are now, or imminently, without "health and safety" water and without access to water supply alternatives. This is practical senior water rights protection that will not harm some users while protecting others. This approach is readily implementable and can be considered water rights protection "with a heart".

Section 878.1 proposes exemptions to water rights curtailments for emergency health and safety concerns. We think that you have not heard more support for Section 878.1 from local governments because we were assuming that the Board has existing legislative direction to implement Section 878.1 under the "Human Right to Water Law". As presented in Appendix A, Section 878.1 appears to be a cost-effective approach for coordinating the Human Right to Water law with equally important water rights priority laws and also in accordance with the Article 10 and Section 2 of the California Constitution.

Specific Comments:

Plumas County requests that the Water Board re-examine its authority to impose water diversion curtailments on springs that are unconnected by overland flows or by known and defined underground channels to other water bodies. To satisfy state drinking water standards, a spring must not be under the influence of surface water to qualify as an untreated domestic source. Otherwise, it would need treatment similar to surface water. The 'not under the influence' determination is made through lab analysis confirming the spring is free of surface bacteria and turbidity. Such springs should not be subject to the surface water curtailment requirements. Only the excess water, such as water overflowing storage tanks, spring boxes or other collection devices should be considered surface water or waters of the state. Only that part could be considered subject to curtailment. Isolated springs in our view, **are groundwater sources** that can have highly localized surface water seepage, especially in wet periods.

For example, the City of Portola has a filing that's called 'Willow Creek' but in fact is a series of about 10 springs collectively known as Willow Springs. Other than localized surface water seepage, all water is captured below ground before it ever reaches Willow Creek. This series of springs also produces an average flow of around 200 gallons per minute, which is substantial. The City has alternate source options including wells (which exceed drinking water standards for arsenic) or Lake Davis surface water. By the curtailment notice, the City must stop using the gravity flow spring and switch to a surface water supply (also subject to curtailment) that also needs to be treated. This is not a rational solution for an economically disadvantaged community and it also won't help downstream senior water rights holders.

Often the location of the first settlements in our area, most of these isolated springs have been in continuous use since the pioneer days. Domestic uses in our rural and economically disadvantaged County include family or community gardens and other subsistence food production. Springs are also used for the water needs of historic "lodge-style" summertime recreation, and as water supplies for structural and wildfire emergencies. Most of these are very small springs, with pipes, headwalls, spring boxes, infiltration galleries or other structures that capture the spring below ground and before it reaches the surface. In addition, there are literally thousands of springs in Plumas County that contribute the overall water supply and are readily available. To curtail these small sources to specific users, does not affect the state's water picture. It is likely that if you added up all the flows from just spring sources in Plumas County, the curtailment notices represent a water supply that would be insignificant to the whole.

For example, Graeagle Lodge is located on the Plumas National Forest under a USFS recreation use lease that includes a diversion permit for a spring that is also located on USFS property. The spring is used for domestic, irrigation and for fire protection. Total volume produced by the spring may be approximately 10 gallons per minute seasonal use (allocation recorded at 5.4 ac-ft per year), but the reality is only a small portion of this allocation is actually used by the lodge. This is the only water source for this seasonal business. Their business depends on this spring. Furthermore, the water that they use does not get removed from the hydrological cycle. Returned as through onsite waste disposal systems, it can, will be, and is used again.

An unintended consequence of mandatory curtailment is the number of systems and users affected. In Plumas County, for instance, approximately 40 drinking water systems are affected by the curtailment notice. These vary in size but include anything with more than 5 residential connections, or non-community systems like lodges, resorts, organized camps, campgrounds and other locations with a transient population. Many of these systems will be placed on the state drinking water program's 'vulnerable' list as they would likely be unable to meet user demands for domestic water supply during the summer season. Some even could be classified as 'critical', meaning they may run out of domestic water and would have to rely on bottled or hauled water. Some have alternate sources, but most do not, and few if any are able to connect

to adjacent systems due to their remote location. Also included on the curtailment list are at least 20 individual water users, and a quick count of those easily recognized as domestic supply is around 20.

In summary, Plumas County requests that the Water Board grant immediate health and safety curtailment exemptions for diverters in Plumas County who use isolated springs where there is no other available source of water. We also request spring sources which capture water below ground, before reaching surface water or other waters of the state be excluded from the mandatory curtailment requirements. Especially for rural and economically disadvantaged areas, health and safety domestic uses for isolated springs should be broadened to include irrigation for family and local community food production, for seasonal recreation lodges' needs, and for emergency fire protection. Existing water seepage from isolated springs should be maintained for wildlife and avian needs.

If you have further questions or concerns, please contact Randy Wilson, Plumas County Flood Control and Water Conservation District at 530-283-6214 or Jerry Sipe, OES Director for Plumas County at 530-283-6367.

Sincerely,



Kevin Goss
Vice Chair, Plumas County Board of Supervisors