



State Water Resources Control Board

Please save this letter for your records. The Identification Code and Password are required to log in and complete the Online Informational Order Form.

August/September 2015

Identification Code(s):

Password:

ORDER WR 2015-00XX-DWR: ORDER FOR ADDITIONAL INFORMATION IN THE MATTER OF DIVERSION OF WATER FROM THE DUTCH BILL CREEK, GREEN VALLEY CREEK, PORTIONS OF MARK WEST CREEK, AND MILL CREEK WATERSHEDS

This letter requires your immediate attention. The enclosed State Water Resources Control Board (State Water Board) Order WR 2015-0026-DWR (Order) affects all landowners and water suppliers within the Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek watersheds. **Your property is located within the affected boundary and therefore you are required to complete an online form and provide the required information within 30 days of receipt of this letter.**

Background and Purpose of the Order

On June 17, 2015, the State Water Board adopted an emergency regulation to help protect federal- and state-listed anadromous fish in four priority Russian River tributary watersheds (Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek). The purpose of the regulation is to assist in providing the minimal amount of flow needed in these tributaries to maintain viable instream flows for summer rearing and migration of the species. The emergency regulation, which went into effect on July 6, 2015, requires: 1) enhanced water conservation in critical areas of the four watersheds (starting July 6, 2015); and 2) information on water use if requested by the State Water Board. This letter serves as the State Water Board’s request for information and is effective immediately.

Section 876, subdivision (e) of the emergency regulation authorizes the State Water Board to issue informational orders to some or all landowners and water suppliers to obtain information on surface and groundwater diversions and use. (Note: Groundwater and subsurface diversions refer to groundwater wells.) The information that you provide will assist in determining the impacts of surface water and groundwater diversions on instream flows and inform future State Water Board actions, if necessary.

The complete text of the emergency regulation is available online at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/russian_river/emreg_final_070615.pdf

How to Comply with the Order

All landowners and water suppliers within the Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek watersheds receiving the Order must submit the required information within 30 days of receipt. All informational forms must be submitted electronically via the web. Mailed, emailed or faxed

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

information WILL NOT be accepted. Supplemental information required by the online form must be emailed to: rr_tribs_emergency_reg@waterboards.ca.gov. Failure to comply with this Order could result in enforcement with possible monetary penalties for each day the information is not submitted after it is due or for each day of any other non-compliance.

**The Informational Order Form that you are required to complete is available online at:
<http://www.waterboards.ca.gov/rtribs.shtml>**

Who is Receiving the Order

This Order is being sent to: (1) landowners or listed representatives, as recorded with the Sonoma County Recorder's Office or as updated with the State Water Board; and (2) public water suppliers as listed in the State Water Board Division of Drinking Water's Safe Drinking Water Information System. If you received an order listing a parcel that you no longer own, please email the State Water Board, at: rr_tribs_emergency_reg@waterboards.ca.gov, with the parcel number and new owner contact information, so that the State Water Board can verify the change in ownership and update its mailing lists. To correct errors in names or addresses for official parcel records, please contact the Sonoma County Recorder's Office.

Resources to Assist in Completion of the Online Informational Order Form (*all resources are available on the webpage listed above*):

- *Summary of the Online Informational Order Forms.* To expedite completion of the online form, it is recommended that you print out, review, and complete the applicable summary form(s) prior to entering information online. The summary forms are broken out into categories so you only need to print out those forms that apply to your situation (e.g., groundwater diversion form, surface water diversion form, served by water supplier form, etc.).
- *Russian River Mapping Lookup Tool.* The lookup tool can be used to get the coordinates of your surface or subsurface diversion. To get the coordinates of your diversion you will need to enter the location of your parcel and zoom all the way in. Once you have located your diversion on your parcel click the location on the map and a popup box will display the coordinates.
- *Resource and Guidance Table.* A table that summarizes where to locate different pieces of information requested as part of the Online Informational Order Form and guidance for estimating diversions.
- *Computer and Internet Access Locations.* If you do not have access to a computer or an internet connection, you can go to one of the designated locations listed on the webpage provided above or contact State Water Board staff at the phone number or email address provided below.

If you have questions regarding this Order or need assistance completing the Online Informational Order Form, please contact State Water Board staff by phone at **(916) 322-8422** or by email at rr_tribs_emergency_reg@waterboards.ca.gov.

Sincerely,



Barbara Evoy, Deputy Director
Division of Water Rights

Enclosure: Order WR 2015-0026-DWR: Order for Additional Information in the Matter of Diversion of Water from the Dutch Bill Creek, Green Valley Creek, Portions of Mark West Creek, and Mill Creek Watersheds

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

DIVISION OF WATER RIGHTS

ORDER WR 2015–0026-DWR

ORDER FOR ADDITIONAL INFORMATION

In the Matter of Diversion of Water from

**DUTCH BILL CREEK, GREEN VALLEY CREEK,
PORTIONS OF MARK WEST CREEK, AND MILL CREEK WATERSHEDS,
AS DEFINED IN CALIFORNIA CODE OF REGULATIONS, TITLE 23, SECTION 876(c)(1)**

1. The State of California is in a state of severe, extended drought. (See Drought Emergency Proclamation No. 1-17-2014; Proclamation of a Continued State of Emergency April 25, 2014; Executive Order B-28-14; Executive Order B-29-15; United States Drought Monitor 2015.) The Russian River watershed is experiencing severe drought conditions, and has been in an abnormally dry or drought state since 2012. (United States Drought Monitor 2015.)
2. As water supplies are severely limited in the current drought, there is a need for more comprehensive, current information on water diversion and use than is currently available. (See e.g. Wat. Code § 1058.5; Executive Order B-29-15, para. 10; Findings of Emergency for Emergency Actions due to Insufficient Flow for Specific Fisheries in Tributaries to the Russian River (June 19, 2015) and Informational Order Emergency Regulations Digest (March 17, 2015).)
3. The Central California Coast (CCC) coho salmon is currently listed as endangered under the state and federal Endangered Species Acts, and the National Marine Fisheries Service (NMFS) has determined that the species is one of the eight endangered species in its jurisdiction nationwide considered to be the most at risk of extinction. (NMFS 2015 “Species in the Spotlight: Survive to Thrive. Recovering Threatened and Endangered Species.”) The California Department of Fish and Wildlife (CDFW) and NMFS have identified four tributaries to the Russian River – Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek and Mill Creek – as high priority to prevent the extirpation of coho salmon from the Russian River watershed. CCC steelhead is also a federally-listed threatened species in the Russian River watershed.
4. The ongoing drought places juvenile CCC coho salmon and CCC steelhead in Russian River tributaries in a perilous situation, potentially affecting the survival of these species. CCC coho salmon have a three year life cycle, and the extended dry conditions have affected all three year-classes. Coho salmon and steelhead depend on pools with suitable temperatures and dissolved oxygen concentrations to grow during the summer months and then migrate to the ocean in the late fall through spring. Minimal water is needed to maintain acceptable conditions for these species to survive.
5. On June 17, 2015, at the request of CDFW, the State Water Board adopted an emergency regulation to help protect federal- and state-listed anadromous fish in the four Russian River tributary watersheds. The Office of Administrative Law filed the emergency regulation on July 6, 2015, as California Code of Regulations, title 23, section 876.

6. Under the emergency regulation, the Deputy Director for the Division of Water Rights may issue an informational order to some or all landowners in, or suppliers of water from, the four watersheds, requiring them to provide information related to diversion and use of water. (Cal. Code Regs., tit. 23, sec. 876, subdivision (e).) Data collected under informational orders will improve the State Water Board's understanding of total water demand for various uses at different times, water right priorities and the connectivity of instream flows and subsurface diversions in the four tributary watersheds. In turn, this understanding will inform any next steps that may be necessary to protect the fishery should the drought continue into fall and winter, or beyond.
7. The Division of Water Rights has created a web portal through which each landowner and supplier of water subject to the Informational Order can enter required information on their water diversion and use in an Online Informational Order Form. Web-based reporting will allow the State Water Board to process the information and to propose any additional measures or steps (described in Item 12 below) to protect fisheries into fall and winter, or beyond should the drought continue. Division of Water Rights staff will provide telephonic and electronic support for landowners and water suppliers. The web portal also provides resources to assist parties with completion of the Online Informational Order Form.
8. This Order will be delivered to each landowner or water supplier with a personalized cover letter containing a secure Identification Code and Password. The name and address information will be drawn from parcel records from the Sonoma County Recorder, the State Water Board Division of Drinking Water's Safe Drinking Water Information System, updates from residents, or additional internet research after failed deliveries.
9. To reduce the burden of complying with this Order, existing water right holders will be asked to provide their water right identification information so that the Division of Water Rights can match the 2014 water diversion and use information with the additional information provided via the Online Informational Form. Additionally, landowners with groundwater wells can either: 1) provide a copy of the well log; or 2) provide sufficient information for the Division of Water Rights to match specific parcels with specific well logs, using the questions that the Department of Water Resources uses to make this match. The Department of Water Resources has gathered well logs since 1965, and has been able to share the information with the State Water Board as it has recently become public. (Senate Bill 83, Statutes 2015, Chapter 24, Committee on Budget and Fiscal Review.) For landowners with groundwater wells that were completed prior to 1965 who are unable to provide their well log, the landowner must explain why the well completion report cannot be provided and provide as much of the requested information about their groundwater well as possible, as a basis for any necessary follow-up.
10. In addition to the required elements of the Order, the web portal provides State Water Board contact information and links to Division of Water Rights webpages for parties that wish to file an Initial Statement of Diversion and Use or an application to appropriate water.
11. This Order shall constitute a final State Water Board action subject to reconsideration under Water Code section 1122. (See also Cal. Code Regs., tit. 23, §§ 768 et. seq.)

IT IS HEREBY ORDERED:

1. This Order will be delivered to the owner of each parcel within or supplier of water from the watersheds identified in California Code of Regulations, title 23, section 876, subdivision (c)(1) and known by the State Water Board, with a personalized cover letter that includes the relevant parcel number as well as an Identification Code(s) and Password for the completion of an Online Informational Order Form on the State Water Board's website, at: <http://www.waterboards.ca.gov/rtribs.shtml>. Failure to comply with this Order by submitting the information requested may subject the party to enforcement action.

2. Each recipient of this Order, and any representatives completing the Online Informational Form, shall provide contact information and any applicable address or contact information corrections.
3. Using the Online Informational Order Form, landowners within and water suppliers from the watersheds identified in California Code of Regulations, title 23, section 876, subdivision (c)(1) shall provide the following information on each source of water serving their parcel(s) or used to provide water supply. Water users are encouraged to cooperate with water suppliers and landowners to provide water supply and use information, to assist them in complying with this Order. All of this information shall be filed electronically using the Online Informational Order Form at: <http://www.waterboards.ca.gov/rrtribs.shtml> unless otherwise noted.

(A) For surface diversions made on the parcel or used by the water supplier:

- i) Whether the water right is a pre-1914 appropriative water right claim, post-1914 appropriative water right, riparian water right claim, or other surface water diversion.
- ii) The water right application identification number, if applicable.
- iii) If the right is a pre-1914 appropriative water right claim, the claimed priority date or, if unknown, the date of first use with subsequent continuous use.
- iv) If the right is a riparian water right claim, either confirmation the parcel is adjacent to the stream, or evidence to support preservation of the riparian water right after severance from the stream, e-mailed to: rr_tribs_emergency_reg@waterboards.ca.gov.
- v) If other surface diversion is selected, information describing why the landowner believes a Statement of Diversion and Use or Water Right Application or Registration is not required, or confirmation that a Statement of Diversion and Use or Water Right Application has been filed with the State Water Board's Division of Water Rights.
- vi) Purpose(s) of Water Use, including but not limited to: municipal (including number of people served); domestic (including number of people served); stockwatering (including number of stock), frost protection; heat control; aquaculture; fish and wildlife preservation and enhancement; industrial; mining; recreational; power generation; or agriculture. If water is used for agriculture, information on crop type, acreage, and irrigation method is required. Water suppliers will provide such detail on water use as they have or as is reasonably obtainable.
- vii) Parcel Numbers for all places of use. If the diversion is used on more than 10 parcels, the landowner or water supplier shall submit a list or table to: rr_tribs_emergency_reg@waterboards.ca.gov.
- viii) Monthly Amount of Water Used from January 2014 through July 2015 and projected water use from August through December 2015, specifying amounts for direct diversions; diversions to storage; use from storage; and maximum rate of diversion, to the extent information was not already timely reported to the State Water Board. If the exact amount of water used or to be used is unknown, the landowner or water supplier may submit an estimate based on a calculation provided on the web interface, through communication with State Water Board staff through the helpline and e-mail address provided in the personalized letter, or other appropriate method as documented in the Online Informational Order Form.
- ix) Method of measuring the amount of water diverted and used.
- x) If appropriated water was or will be transferred in 2014 or 2015, the quantity transferred, the transfer dates, and the water transfer approving party.

(B) For subsurface water diversions:

- i) The well location coordinates for all active and inactive but functional water supply wells.
- ii) Either
 - (a) A copy of the well completion report, submitted by electronic mail to: rr_tribs_emergency_reg@waterboards.ca.gov; or

- (b) For wells completed during or after 1965, the year of well completion and diameter of well casing, and as much of the following information as is known or reasonably obtainable: total depth of the completed well; parcel owner at the time of well drilling; and name of well driller; or
 - (c) For wells completed prior to 1965 for which the well completion report is unavailable, an explanation of why the well completion report cannot be provided and as much of the information in (3)(B)(ii)(b) as is known.
 - iii) The information in 3(A)(vi) and 3(A)(vii).
 - iv) The number of people served domestically by the well, by month, in 2014 and 2015.
 - v) Monthly Amount of Water Used from January 2014 through July 2015, and projected water use from August through December 2015. (If water is used solely for domestic purposes, the landowner may select to have the State Water Board use standard values to estimate the domestic use.)
 - vi) If water is stored, the type and volume of the storage facility.
 - vii) Method of measuring the amount of water use.
 - viii) Pumping rate of well. (If water is used solely for domestic uses, the landowner is not required to complete this item.)
 - ix) Optionally, static water level may also be reported.
- (C) For water supplied from off the parcel:
- i) The name of the water provider or supplier. If the water provider or supplier is not named in the drop-down menu of the Online Informational Order Form, the parcel number, water supplier or water provider name, water right application ID for water source (for surface water diversions only), or other known water supplier or water provider information.
 - ii) The primary use of the water supplied to the parcel.
- (D) For landowners or water suppliers receiving water under a contract:
- i) The name of the water supplier.
 - ii) The contract number, if applicable.
 - iii) The amount of water authorized for receipt under the contract for 2014 and 2015.
 - iv) The amount of water received under the contract in 2014 and projected for receipt in 2015.
- (E) For parcels that have no water available, certification that the parcel has no water available.
4. Nothing in this Order is intended to or shall be construed to limit or preclude the State Water Board from exercising its authority under any statute, regulation, ordinance, or other law, including, but not limited to, the authority to issue subsequent orders for additional information or bring enforcement against diverters for unauthorized diversion or use in violation of Water Code section 1052.

STATE WATER RESOURCES CONTROL BOARD



*Barbara Evoy, Deputy Director
Division of Water Rights*

Date: August 24, 2015