

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