STATE WATER RESOURCES CONTROL BOARD
PROPOSED REGULATIONS
Draft Text of Proposed Regulations
Amendment to Division 3 of Title 23 of the California Code of Regulations
Add the following section:
1 § 740 Russian River, Special.

2 (a) After March 14, 2011, any significant diversion of water from the Russian River stream
3 system, including the pumping of closely connected groundwater, for purposes of frost
4 protection between March 15 and June 1 that the board has determined to be significant
5 shall be considered unreasonable and a violation of Water Code section 100, unless the
6 water is diverted managed pursuant to a board approved water demand management program Any
7 such water demand management program shall to ensure that the instantaneous cumulative
8 diversion rate does not result in a reduction in stream flow that is harmful to anadromous
9 fish. (B) The water demand management program shall be administered by an individual or governing
10 body capable of
11 resolving disputes and ensuring that the goals of the program are met. In addition, the
12 program shall include, for the March 15 through June 1 period, monitoring and reporting to
13 the individual or governing body responsible for administering the program, and to the
14 board of (1) a record of instantaneous water diversion rates times and volumes for each significant
15 water diversion that the board
16 has determined to be significant and (2) flows stage in the Russian River mainstem and any
17 tributaries streams with significant diversions that support anadromous fish. The program shall
18 provide for the transmission of
19 monitoring data, in an appropriate format, not less than hourly, to an internet-site
20 accessible to the board.

18. Monitoring data will be provided for stream flow stations where in-stream studies have established a
19 required stream flow stage needed for upstream salmonid habitat.
1 (b) (c) For purposes of this section, any "significant diversion" means any direct diversion, or diversion by well, of water from the Russian River stream system, that causes or substantially contributes to an instantaneous cumulative reduction in stream stage that is harmful to anadromous fish. Including the pumping of closely-connected groundwater, shall be considered significant, unless the diverting can establish to the satisfaction of the board that the diversion that will have a negligible effect on flows stage in any portion of the Russian River stream system that provides habitat for anadromous fish is not a significant diversion.

6 The determination of significance for a diversion shall consider the effects of all diversions and wells including those used for frost protection and those not used for frost protection. The board will evaluate and quantify the effects of non-frost water diverters who contribute to changes in stream stage during the March 15 to June 1 period. These non-frost water diversions include: municipal wells, residential diversions and wells and reservoir operations at Coyote and Warm Springs Dams that lead to rapid decline in river stage and stream stage in tributaries. Methods used in analyzing the effects of non-frost water diverters on stream stage shall be consistent with analytical methods accepted in the professions of civil engineering, hydrology and engineering geology.

7 (e) For purposes of this section, groundwater shall be considered closely connected groundwater if it is pumped from areas described as subterranean flow or mapped active stream channels and associated alluvial deposits on maps prepared by Stetson Engineers, Inc. dated February 22, March 8, or March 9, 2008, unless the person pumping the groundwater can demonstrate to the satisfaction of the board that the groundwater is not hydraulically connected to any surface stream within the Russian River stream system.
15 (d) Any proposed water demand management program developed pursuant to this section shall be submitted to the board for review and approval at least thirty-sixty days prior to the start of the first frost season that the water demand management program would operate or other date approved by the board. before the date when approval is requested. The board may request changes to the existing water demand management program at any time no less than 90 days prior to the beginning of the frost season and shall give the program at least 30 days to address such proposed changes.

20 (e) Compliance with this section shall constitute a condition of all water right permits and licenses that authorize the diversion of water for frost protection from the Russian River system. The board will retain jurisdiction to revise terms and conditions pertaining to frost protection of all frost protection permits should future conditions warrant.