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—May 15 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 stage that is harmful to anadromous
9 salmonids

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 May 15 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
15 each significant water diversion that the board
16 has determined to be significant and (2) flows stage in the Russian River mainstem and any
17 tributary streams with significant diversions that support anadromous fish salmonids. The
18 program shall provide for the transmission of
19 monitoring stage 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, diversion to
storage or diversion by well, of water from the Russian River stream
2 system or its underflow, that causes or substantially contributes to an instantaneous cumulative
reduction in stream stage that is harmful to anadromous fish: salmonids. Including the pumping of
closely connected groundwater, shall be considered
3 significant, unless the diverter can establish to the satisfaction of the board that the
4 A diversion of percolating ground water or diversion of surface water that will have a negligible effect
on flows stage in any portion of the Russian River stream
5 system that provides habitat for anadromous fish salmonids is not a significant diversion.
6 The determination of significance for a diversion shall consider the cumulative effects of all diversions
and wells including those used for frost protection and those not used for frost protection. The board will
include and evaluate and quantify the effects of non-frost water diverters who contribute to changes in
stream stage during the March 15 to June 1 May 15 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.
The evaluation must also recognize the historic seniority of water rights and priority of use.
7 (e) For purposes of this section, groundwater shall be considered closely
8 connected groundwater if it is pumped from areas described as subterranean flow or
9 mapped active stream channels and associated alluvial deposits on maps prepared by
10 Stetson Engineers, Inc. dated February 22, March 8, or March 9, 2008, unless the person
11 pumping the groundwater can demonstrate to the satisfaction of the board that the
12 groundwater is not hydraulically connected to any surface stream within the Russian River
13 stream-system.
15 (d) Any initial 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—by November 2010. If the board requires changes to any initial program, the board must notify the individual or governing body responsible for administering the program no later than January 15, 2011 and provide at least 30 days to address such proposed changes with final board approval of the revised water demand management program to be granted no later than March 14, 2011.

17 When approval is requested. In subsequent years, the board may require changes to an existing water demand management program at any time no less than November 15th in the year prior to the beginning of the next frost protection season and shall give the individual or governing body responsible for administering the program at least 30 days to address such proposed changes with final board approval of the revised water demand management program to be granted no later than 30 days prior to the beginning of the next frost protection season.

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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 stream. The board will retain jurisdiction to revise terms and conditions pertaining to frost protection of all frost.

23 Protection permits should future conditions warrant.

26 Reference: Section 2, Article X, California Constitution; and Sections 100, 275 and 27 1051.5, Water Code.