To: Parties that submitted a Water Demand Management Program for water supplied by the Redwood Valley Water District

WATER DEMAND MANAGEMENT PROGRAM SUBMITTED FOR COMPLIANCE WITH THE RUSSIAN RIVER FROST PROTECTION REGULATION, MENDOCINO COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received and reviewed the Water Demand Management Program (WDMP) that you submitted for initial compliance with California Code of Regulations, title 23, section 862 (the Regulation), commonly known as the Russian River Frost Protection Regulation. Your proposed WDMP states your source of water for frost protection is the Redwood Valley Water District. If your sole source of water for frost protection is the Redwood Valley Water District, you are not subject to the Regulation as the point of diversion for the Redwood Valley Water District is located upstream of Coyote Dam. Should this be the case, no further action on your part is necessary at this time.

On February 2, 2012, the Mendocino County Superior Court granted a stay of enforcement of the Regulation pending resolution of two lawsuits filed against the State Water Board regarding adoption of the Regulation. This is not a ruling on the merits of the cases, it is simply a ruling on whether the Regulation is enforceable prior the court issuing a ruling on the merits. The hearing is currently scheduled for June 4-5, 2012. This letter is being sent to provide you with a response regarding your WDMP submittal should you choose to voluntarily proceed in the interim.

You should note that diversions from the West Fork Russian River and its tributaries are subject to the Regulation. If you have a secondary source of water for frost protection that is diverted from the West Fork Russian River or its tributaries, or hydraulically connected groundwater, then you would still be subject to the Regulation and would need to submit a WDMP that meets the requirements of the Regulation. Initial WDMP submittals need to include the identity of the governing body, a list of participating diverters, the source of water diverted for each participant, acreage frost protected by each participant, and a schedule for completing a stream stage monitoring program and conducting a risk assessment that includes the required consultation with the Department of Fish and Game (DFG) and National Marine Fisheries Service (NMFS). An acceptable schedule should identify milestone dates for: collection of required inventory information; a determination of the number, type, and location of stream gages; a determination of the stream stage that should be maintained at each gage; installation of stream gages; and conduction of a risk assessment of cumulative frost diversions affecting stream stage.
If a portion of your diversion of water for frost protection requires the filing of a WDMP, please contact me for a copy of the mailing list of the diversers in your watershed that have submitted an initial WDMP to the State Water Board. Copies of initial WDMPs with schedules that have been accepted by the State Water Board are available at:

Again, if you are only frost protecting with water purchased from the Redwood Valley Water District, no further action will be necessary. Should you have any questions please contact Mr. John O’Hagan of my staff at (916) 341-5368 or by email at johagan@waterboards.ca.gov.

Written correspondence should be addressed as follows:

State Water Resources Control Board
Russian River Frost Regulation
Attn: John O’Hagan
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,

Barbara Evoy, Deputy Director
Division of Water Rights

On February 2, 2012, the Mendocino County Superior Court denied the petition of the Regional Water Quality Control Board for the North Coast. The Court ruled that the Regional Water Quality Control Board does not have jurisdiction over the petition. The Court further ruled that the Regional Water Quality Control Board does not have the authority to issue a permit for the petition. The Court’s decision is final and cannot be appealed. As a result, the Regional Water Quality Control Board cannot issue a permit for the petition. The Regional Water Quality Control Board cannot issue a permit for the petition.

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MAILING LIST FOR WDMPs USING WATER FROM THE REDWOOD VALLEY WATER DISTRICT

Pete Lucchesi
Pete's Tractor and Equipment Repair
2500 Road E
Redwood Valley, CA 95470

Ric Piffero
8621 Colony Drive
Redwood Valley, CA 95470

Ernest Butow Trust
Attn: Don Butow
Butow Organic Vineyard
7100 East Road
Redwood Valley, CA 95470

Danny Piffero
Mendocino Metals
151 Parducci Road
Ukiah, CA 95482

Alvin Tollini
9600 Colony Drive
Redwood Valley, CA 95470

Devin Gordon
759 South State Street, #131
Ukiah, CA 95482