

State Water Resources Control Board

MAR 23 2012

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.

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

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