SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-A**

FROM: Steve Mack, General Manager

Meeting Date : June 3, 2010

SUBJECT: SONOMA COUNTY WATER AGENCY (SCWA) PETITION TO CHANGE WATER RIGHTS DECISION 1610

RECOMMENDED ACTION: Receive a staff presentation regarding the SCWA petition to change Water Rights Decision 1610 (D1610) and related Russian River activities.

FISCAL IMPACT: no significant costs expected.

DISCUSSION:

At the May meeting the Board directed that a protest be filed to the Petition to Change D1610. That protest was mailed to the State Board on May 10, 2010 and was delivered to the State Board on May 11. We have had no response to our protest.

Related Activities:

- The Temporary Urgency Change Petition (TUC) was approved by the State Board on May 24, 2010. The Board Order approving the TUC allows for flows at 70 cfs at the Hacienda gage. SCWA will hold a public meeting on the TUC and related summer meetings at Odd Fellows Hall in Guerneville on June 9. The notice for this meeting was sent to Board Members on May 25th.

- SCWA held a meeting on May 19th at Jenner to discuss summer activities at the mouth of the Russian River and to have a formal Notice of Preparation meeting for the EIR for the Estuary Management Plan. The Estuary Management Plan is largely an attempt to keep the sand barrier at the mouth of the Russian River at 7 feet above mean high tide (I think that's the elevation) through the summer period, plus a number of studies to evaluate the impact of doing so.

Observations:

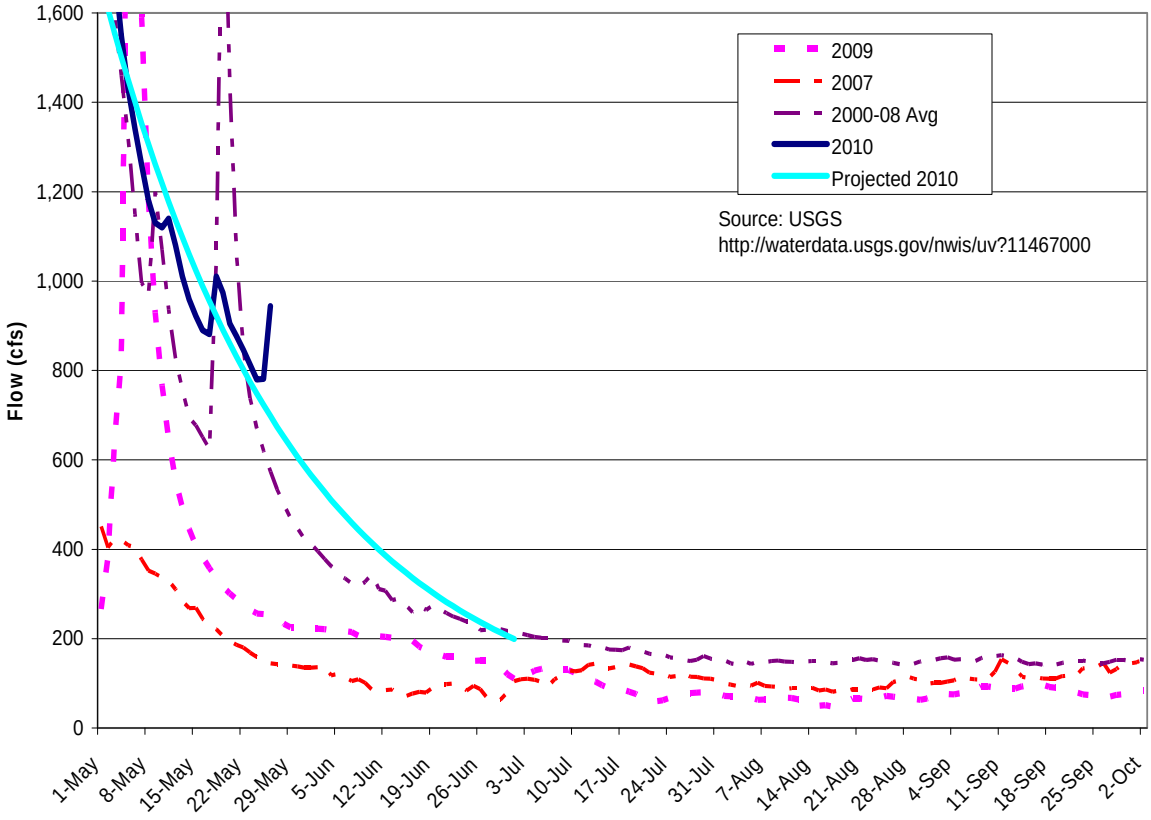
- It's unclear how the protest process will work. Information on the petition process supplied by the District's water rights attorney, Matt Emrick, states that the petitioner has 30 days to respond and 180 days to work out a resolution to the protest. However, there are reported hundreds of protests to this petition and that may overwhelm the official time periods.

- The BO with its requirements that SCWA apply to the State Board for flow changes is largely experimental. The reduction in flows required by the BO is

based on the belief that lower summer flows will result in an intact sand barrier for the summer, but there is no evidence that has been shared with the public that supports any particularly flow level keeping the sand barrier intact. One course of action might be to allow a certain amount of time for experimentation – allow SCWA to try different flow levels and schemes to keep the barrier intact, and once successful, try to determine if keeping the sand barrier intact actually helps with salmonid survival (also unproven). Once a clearly workable and successful strategy has been developed, then proceed with permanent regulatory approvals. This strategy would also include analyses of Russian River water supplies to determine what flow strategies can meet water supply demands.

- The BO approach is a one size fits all years strategy. This year and last year demonstrate that approach doesn't fit reality. The natural, unsupported flow this year will be well above the TUC minimum flows well into July (and likely August if it doesn't stop raining soon, see Figure 1 for a flow projection). SCWA and NMFS should be working with the available water this year to see how and whether the sand barrier can be maintained during higher flows.

Figure 1. Russian River Summer Flow 2010
Hacienda Bridge, Updated May 27, 2010



Projected 2010 is logarythmic curve based on May 1- May 25 daily flow