SONOMA COUNTY WATER AGENCY

ITEM III-D.

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JUN 07 2011

SWEETWATER SPRINGS WATER DISTRICT

FILE: C-142.0-9.1 SWRCB MODIFYING THE MINIMUM INSTREAM FLOW REQUIREMENTS (APPLICATIONS 12919A, 15736, 15737 AND 19351)

June 2, 2011

Sweetwater Springs Water District
Attn: Stephen Mack General Manager
PO Box 48
Guerneville, CA 95446

RE: Petition to Change Minimum Instream Flow Requirements in Water Agency's Water-Right Permits

Dear Sir or Madam:

On September 23, 2009, the Sonoma County Water Agency (Water Agency) filed a petition with the State Water Resources Control Board (SWRCB). This petition asks the SWRCB to change some of the minimum instream flow requirements for the Russian River and Dry Creek in the Water Agency's water-right permits (Permits 12947A, 12949, 12950 and 16596). The *Russian River Biological Opinion,* which was issued by the National Marine Fisheries Service (NMFS) in September 2008, and which determined that the instream flow conditions in the Russian River and Dry Creek that result from the present instream-flow requirements have adverse effects on salmonid habitat, required the Water Agency to file this petition. A copy of the Biological Opinion is available at www.scwa.ca.gov/rrifr. Section X(A)(1) of the Biological Opinion describes the changes in these minimum instream flow requirements that the Water Agency must ask the SWRCB to make.

The SWRCB has notified the Water Agency that you have submitted a protest to the Water Agency's petition. You should have received a letter dated March 10, 2011 from the SWRCB that discusses the Water Agency's petition and your protest. The SWRCB's letter describes the responsibilities and timelines for protest negotiations for both parties.

Because nearly 400 protests to the Water Agency's petition were submitted to the SWRCB, the SWRCB granted the Water Agency's request for a 30-day extension to the 60-day deadline for the Water Agency to respond to all protests. This letter is the Water Agency's response. The Water Agency also asked the SWRCB to extend the deadline for protest resolution from 180 days after the date of the SWRCB's letter to 90 days after the Fish Habitat Flows and Water Rights Project Environmental Impact Report (EIR) is certified. The Water Agency made this request because the Water Agency will not be able to have productive discussions regarding potential resolution of a majority of the protests until this EIR is certified. The SWRCB has approved the Water Agency's request for this extension.

The Water Agency is preparing Fish Habitat Flows and Water Rights Project EIR pursuant to the California Environmental Quality Act. This EIR will describe the proposed changes to the minimum instream flow requirements and the potential environmental impacts of such changes. The Draft EIR is scheduled to be released in July 2012 and the final EIR is scheduled to be certified in September 2013.

The Water Agency will wait to begin discussions regarding potential resolution of most protests until the EIR is certified. If you have any questions or comments in the meantime, please contact Todd Schram, Water Agency Engineer, at Todd.Schram@scwa.ca.gov or (707) 524-1173.

Sincerely,

Grant Davis
General Manager

c: Katy Washburn, Chief, Russian River Watershed Unit, Division of Water Rights, SWRCB
Lilly — Bartkiewicz, Kronick & Shanahan

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