

PATRICK PORGANS & ASSOCIATES
PRESENTATION TO
STATE WATER RESOURCES CONTROL BOARD

17 June 2015

**DROUGHT-RELATED EMERGENCY REGULATION
REQUIRING ENHANCED WATER CONSERVATION
AND
ADDITIONAL WATER USER INFORMATION
FOR THE PROTECTION OF SPECIFIC FISHERIES
IN TRIBUTARIES TO THE RUSSIAN RIVER**

In the Board's FACT SHEET, on page 2, it states, the regulations would require conservation measures for all users of water (e.g., residences, and businesses, including wineries) diverting from the four watersheds, including groundwater, resulting in more water remaining instream.

However, under the proposed regulations, Section 876, (a), (6) it exempts agricultural commodities as defined in CA Government Code Section 51201 (c); (4) *Land planted with fruit- or nut-bearing trees, vines, bushes, or crops...*

- **First, I would like clarification as to the applicability of the drought-related emergency regulation to agricultural users within the identified watersheds.**

The “emergency regulation” is purportedly for enhanced water conservation and water user information for the protection of specific fisheries in the tributaries of the Russian River.

Section 876(c)(1) states, The State Board has the authority to ensure the protection and preservation of streams and to limit diversions to protect critical flows for species; including for state- and federally-threatened and endangered salmon and steelhead.

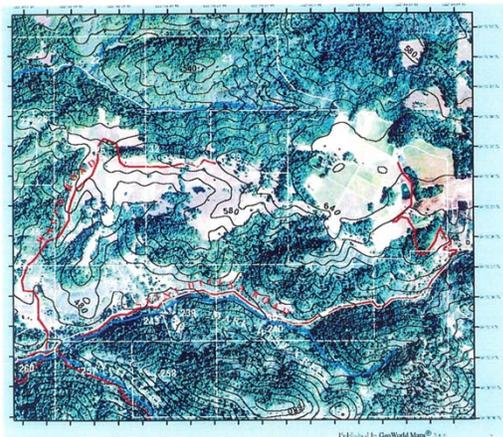
- ② P/A acknowledges the SWB's authority to limit diversions; albeit our clients take issue with the use of the emergency regulation and the unreasonable doctrine to accomplish its objective and to limit their use of water.**

- ③ Declines in salmon and steelhead populations within the Russian River and its tributaries have been documented over the past 50 years. In the 1980's government implemented a plan to double anadromous fisheries within the watershed, which has failed.**

The public record attest to the fact that the greatest unmitigated threat to salmonid species dependent on the Russian River is the result of massive agricultural diversion; primarily to grow grapes.

P/A has worked in the Russian River for about a decade, during that period we came before this Board and provided documentation that unauthorized agricultural diversions were responsible for stream dewatering. On behalf of our clients we implored the Board to exercise its authority to provide the required flow to protect those endangered species, to no avail.

HEADWATERS OF MARK WEST CREEK LAND CLEAR FOR GRAPE VINEYARDS



AERIAL MAP ILLUSTRATES MASSIVE LAND CONVERSION- HABITAT DESTRUCTION CIRCA 2000

BASIS FOR EMERGENCY REGULATION

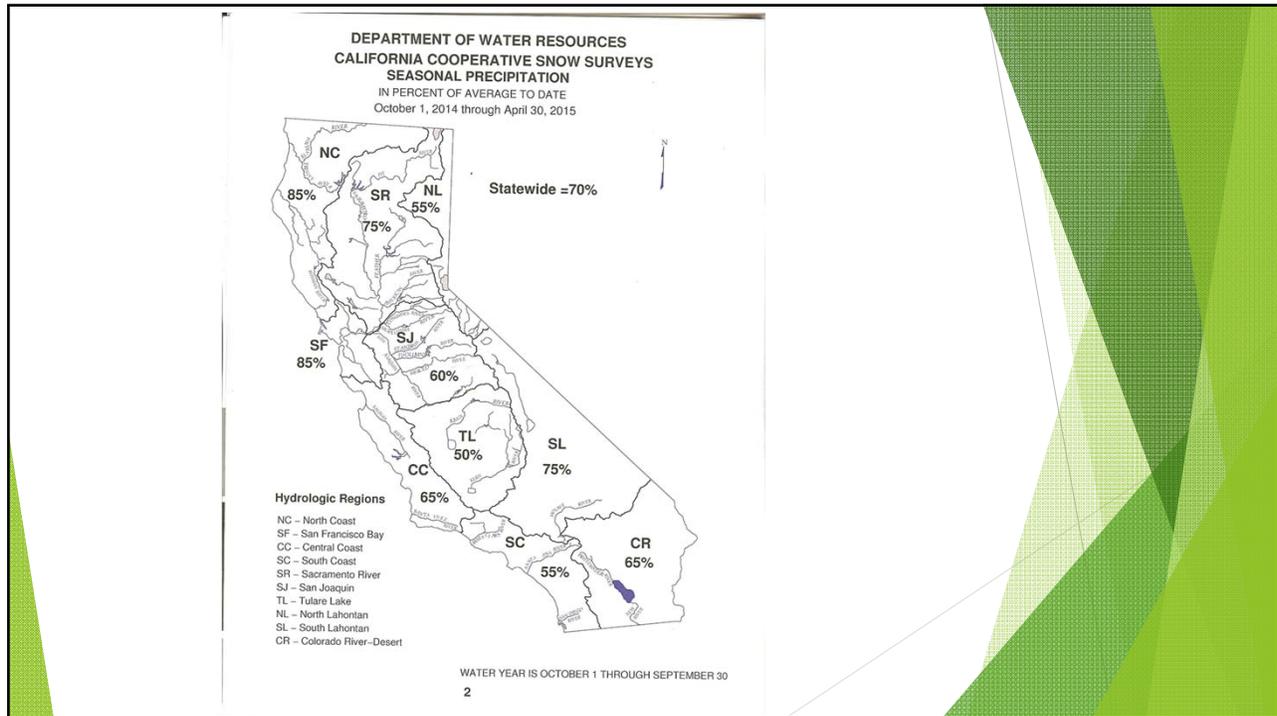
In order to adopt emergency regulations pursuant to Water Code section 1058.5, the State Water Board must make findings that (a) an emergency exists; (b) the emergency could not be addressed through non-emergency regulations; and (c) the proposed regulation addresses the emergency.

P/A concurs with comments submitted by the law firm of O’Laughlin & Paris regarding the SWB’s use of the unreasonable doctrine, as it pertains to the proposed drought regulation.

REALITY CHECK ON WATER CONDITIONS IN NORTH COAST REGION

According to the latest report on Water Conditions in California, published by the Department of Water Resources the North Coast Region, which includes the Russian River watershed received 85% of its average seasonal precipitation.

Data obtained from the California Data Exchange Center, as of 16 June, indicates that two of the major reservoirs on the Russian River, Warm Springs Dam is at 90% of average for this time of year, and Coyote Dam is at 70% of average.



Data obtained from the California Data Exchange Center, as of 16 June, indicates that two of the major reservoirs on the Russian River, Warm Springs Dam is at 90% of average for this time of year, and Coyote Dam is at 70% of average. [As shown on the next graph.]

Daily Reservoir Storage Summary

ENDING AT MIDNIGHT - 06/15/2015

FOR SELECTED RESERVOIRS IN NORTHERN AND SOUTHERN CALIFORNIA

Report generated: 06/16/2015 13:02

Reservoir Name	StadID	Water Storage				% of Capacity	Average Storage	% of Average	Outflow (CFS)	Inflow (CFS)	Storage - Year Ago This Date
		Capacity (AF)	Elevation (FT)	Storage (AF)	Storage Change						
TRINITY RIVER											
TRINITY LAKE	CLE	2,447,650	2,252.94	980,713	-3,431	40	2,100,056	47	1,851	209	1,126,762
WHISKEYTOWN	WHI	241,100	1,209.32	238,919	928	99	237,356	101	657	1,154	236,306
LEWISTON	LEW	14,860	1,900.50	13,543	96	92	13,872	98	1,829	1,884	14,435
RUSSIAN RIVER											
SONOMA(WARM SPRINGS)	WRS	381,000	434.48	203,871	-257	54	225,513	90	101	-10	176,340
MENDOCINO (COYOTE)	COY	122,400	729.57	55,618	-202	45	79,544	70	146	51	48,424
SACRAMENTO RIVER											
SHASTA	SHA	4,552,000	974.14	2,303,416	-8,142	51	3,775,203	81	6,835	2,852	2,034,441
KESWICK	KES	23,772	583.44	21,550	1,040	91	22,071	98	6,887	7,418	22,347
FEATHER RIVER											
OROVILLE	ORO	3,537,577	729.86	1,496,954	-3,966	42	2,938,477	51	3,195	1,220	1,640,620
ANTELOPE	ANT	22,566	5,001.41	22,020	-64	98	21,530	102	---	---	21,892
FRENCHMAN	FRD	55,477	5,556.08	18,184	-103	33	40,922	44	---	---	24,294
LAKE DAVIS	DAV	83,000	5,763.46	44,814	-114	54	67,022	67	---	---	52,689
YUBA RIVER											
BULLARDS BAR	BUL	930,000	1,850.01	539,748	-1,062	58	833,569	65	---	---	624,073
ENLEBRIGHT	ENG	70,000	523.50	67,153	-135	96	67,249	100	---	885	64,854

Conclusion: This Board and the collective "actions" by Gov. Brown's Administration leading up to the Drought Proclamation, in Jan 2014, have exacerbated the impacts of the drought, which is not just the result of Nature, rather a government-induced water-mismanagement cabal that has been in the making for the past three decades.

If this Board would provide a formal hearing to discuss events leading up to this and previous drought, P/A will accommodate the member and staff with all of the relevant data and facts to prove the crises are the result of water-mismanagement practices and policy