STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permits 12947A, 12949, 12950, and 16596
(Applications 12919A, 15736, 15737, and 19351)

Sonoma County Water Agency

ORDER APPROVING TEMPORARY URGENCY CHANGE

SOURCES: Dry Creek, Russian River, and East Fork Russian River

COUNTIES: Sonoma and Mendocino

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 SUBSTANCE OF TEMPORARY URGENCY CHANGE PETITION

On March 20, 2026, Sonoma County Water Agency (Sonoma Water) filed Temporary Urgency Change Petitions (TUCPs) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting approval of changes to the subject permits pursuant to California Water Code section 1435. The TUCPs request (1) implementation of an alternative hydrologic index (proposed hydrologic index) based on storage values in Lake Mendocino, which is located on the East Branch of the Russian River, and 2) modification to Russian River minimum instream flow requirements for a normal water year, imposed pursuant to State Water Board Decision 1610 (Decision 1610) to conform those requirements to the April 29, 2025, National Marine Fisheries Service (NMFS) Biological Opinion[1] (2025 Biological Opinion) for the Russian River watershed.

[1] National Marine Fisheries Service, Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson–Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Russian River Watershed Water Supply and Channel Maintenance Project (Apr. 2025) NMFS Consultation No. WCRO-2023-02169.

1.1 Proposed Changes to the Hydrologic Index

The proposed hydrologic index is requested in lieu of the hydrologic index contained in the subject permits that is based on cumulative inflow to Lake Pillsbury, which is located on the Eel River (Eel River hydrologic index). The hydrologic index is used to determine the applicable minimum instream flow requirements in Term 20 of Permit 12947A, Term 17 of Permits 12949 and 12950, and Term 13 of Permit 16596. Sonoma Water's proposed hydrologic index, from the date of approval of the TUCPs through a term of 180 days, is as follows:

a. Dry water supply conditions will exist when storage in Lake Mendocino is less than:

    58,000 acre-feet as of October 1
    51,000 acre-feet as of November 1
    49,000 acre-feet as of December 1
    68,400 acre-feet as of January 1
    68,400 acre-feet as of February 1
    68,400 acre-feet as of March 1
    77,000 acre-feet as of March 16
    86,000 acre-feet as of April 1
    91,000 acre-feet as of April 16
    93,000 acre-feet as of May 1
    94,000 acre-feet as of May 16
    94,000 acre-feet as of June 1

b. Critical water supply conditions exist when storage in Lake Mendocino is less than:

    46,000 acre-feet as of October 1
    41,000 acre-feet as of November 1
    40,000 acre-feet as of December 1
    42,000 acre-feet as of January 1
    49,000 acre-feet as of February 1
    57,000 acre-feet as of March 1
    67,000 acre-feet as of March 16
    73,000 acre-feet as of April 1
    74,000 acre-feet as of April 16
    75,000 acre-feet as of May 1
    76,000 acre-feet as of May 16
    76,000 acre-feet as of June 1

c. Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.

The temporary change to the hydrologic index is requested to ensure that the water supply condition for the Russian River is determined by an index that is reflective of watershed conditions. Sonoma Water states there is an urgent need to implement the proposed changes due to the significant reduction of Eel River water imports through Pacific Gas and Electric's (PG&E) Potter Valley Project (PVP). The influence of Eel River imports on downstream hydrologic conditions in the Russian River has been and will continue to be greatly diminished, and thus use of the Eel River hydrologic index is not a reliable metric for Russian River water supply conditions.

Sonoma Water utilized its Russian River hydrologic model to design storage thresholds for Lake Mendocino to ensure at least 36,000 acre-feet of water would remain in the reservoir by October 1. Sonoma Water determined that 36,000 acre-feet is the minimum amount of water that would be required on October 1 to avoid draining the reservoir if severe drought conditions occur through the following winter and spring months.

1.2. Proposed Changes to Minimum Instream Flows

The requested changes to Decision 1610 minimum instream flows for normal water years are as follows:

a. reduce the required minimum instream flow in the upper Russian River [from the confluence of the East and West Forks to the river's confluence with Dry Creek] from 185 cubic feet per second (cfs) to 125 cfs; and
b. reduce required minimum instream flow in the lower Russian River [from its confluence with Dry Creek to the Pacific Ocean] from 125 cfs to 70 cfs.

Sonoma Water requested that the minimum instream flow requirement for normal water years the Russian River be implemented as a 5-day running average of average daily stream flow measurements, with the stipulation that instantaneous stream flows will be no less than 110 cfs on the upper Russian River and no less than 60 cfs on the lower Russian River.

The requested modifications to the normal water year minimum instream flows will allow Sonoma Water to manage stream flows with a smaller operational buffer, thereby facilitating the attainment of the flow conditions that the 2025 Biological Opinion concluded are conducive to the enhancement of salmonid habitat.

In the absence of the proposed changes, the applicable minimum instream flow requirements may require releases of water from Lake Mendocino and Lake Sonoma at levels that would risk significant depletions of storage levels that could cause impacts to human health and welfare and reduce water supplies needed for protection of listed salmon species in the Russian River.

2.0 BACKGROUND

2.1 Sonoma Water's Water Right Permits

The TUCPs involve the following water right permits held by Sonoma Water:

- Permit 12947A (Application 12919A), which authorizes direct diversion of 92 cfs from the East Fork Russian River and storage of 122,500 acre-feet (af) per year in Lake Mendocino from January 1 through December 31 of each year;
- Permit 12949 (Application 15736), which authorizes direct diversion of 20 cfs from the Russian River from January 1 through December 31 of each year;
- Permit 12950 (Application 15737), which authorizes direct diversion of 60 cfs from the Russian River from April 1 through September 30 of each year; and
- Permit 16596 (Application 19351), which authorizes direct diversion of 180 cfs from the Russian River from January 1 to December 31 of each year and storage of 245,000 af in Lake Sonoma, which is located on Dry Creek, a tributary to the Russian River, from October 1 of each year to May 1 of the succeeding year.

2.2 Consultation with Other Agencies

Sonoma Water has consulted with the California Department of Fish and Wildlife (CDFW), NMFS, and the North Coast Regional Water Quality Control Board (North Coast Water Board) regarding the TUCPs and the effects of the proposed changes.

2.3 Requirements of State Water Board Decision 1610

Sonoma Water controls and coordinates water supply releases from Lake Mendocino and Lake Sonoma to implement the minimum instream flow requirements in accordance with its water rights, including permit terms implemented pursuant to Decision 1610, which the State Water Board adopted on April 17, 1986. Decision 1610 specifies minimum instream flow requirements for the upper Russian River,[2] Dry Creek, and the lower Russian River.[3] These minimum instream flow requirements vary based on water supply conditions specified in Decision 1610 and are contained in Term 20 of Permit 12947A, Term 17 of Permits 12949 and 12950, and Term 13 of Permit 16596.

[2] For purposes of this Order, upper Russian River refers to the mainstem Russian River from its confluence with the East Fork Russian River to its confluence with Dry Creek.
[3] For purposes of this Order, the lower Russian River refers to the mainstem Russian River from its confluence with Dry Creek to the Pacific Ocean.

Term 20 of Sonoma Water's Permit 12947A states the following:

For the protection of fish and wildlife, and for the maintenance of recreation in the Russian River, permittee shall pass through or release from storage at Lake Mendocino sufficient water to maintain:

A. *A continuous streamflow in the [East Fork Russian River] from Coyote Dam to its confluence with the Russian River of 25 cfs at all times.*

B. *The following minimum flows in the Russian River between the [East Fork Russian River] and Dry Creek:*

   1. *During normal water supply conditions when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year exceeds 150,000 af or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:*

From June 1 through August 31	*185 cfs*
From September 1 through March 31	*150 cfs*
From April 1 through May 31	*185 cfs*

   2. *During normal water supply conditions and when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year is between 150,000 af or 90 percent of the estimated water supply storage capacity of the reservoirs, whichever is less, and 130,000 af or 80 percent of the estimated water supply storage capacity of the reservoirs, whichever is less:*

From June 1 through March 31	*150 cfs*
From April 1 through May 31	*185 cfs*
If from October 1 through December 31, storage in Lake Mendocino is less than 30,000 acre-feet	*75 cfs*

   3. *During normal water supply conditions and when the combined water in storage, including dead storage, in Lake Pillsbury and Lake Mendocino on May 31 of any year is less than 130,000 af or 80 percent of the estimated water supply storage capacity of [the] reservoirs, whichever is less:*

From June 1 through December 31	*75 cfs*
From January 1 through March 31	*150 cfs*
From April 1 through May 31	*185 cfs*

   4. *During dry water supply conditions* — *75 cfs*

   5. *During critical water supply conditions* — *25 cfs*

C. The following minimum flows in the Russian River between its confluence with Dry Creek and the Pacific Ocean to the extent that such flows cannot be met by releases from storage at Lake Sonoma under Permit 16596 issued on Application 19351:

1.	*During normal water supply conditions*	*125 cfs*
2.	*During dry water supply conditions*	*85 cfs*
3.	*During critical water supply conditions*	*35 cfs*

Term 13 of Permit 16596 states the following:

For the protection of fish and wildlife in Dry Creek and the Russian River and for the maintenance of recreation in the Russian River, permittee shall pass through or release from storage at Lake Sonoma sufficient water to maintain:

A) The following minimum flows in Dry Creek between Warm Springs Dam and its confluence with the Russian River:

1) During normal water supply conditions:

75 cfs from January 1 through April 30
80 cfs from May 1 through October 31
105 cfs from November 1 through December 30

2) During dry or critical water supply conditions:

25 cfs from April 1 through October 31
75 cfs from November 1 through March 31

B) The following minimum flows in the Russian River between its confluence with Dry Creek and the Pacific Ocean, unless the water level in Lake Sonoma is below elevation 292.0 feet with reference to the National Geodetic Vertical Datum of 1929, or unless prohibited by the United States Government:

1) During normal water supply conditions - 125 cfs

2) During dry water supply conditions - 85 cfs

3) During critical water supply conditions - 35 cfs

Term 17 of Permit 12949 and Term 17 of Permit 12950 both state the following:

For the protection of fish and wildlife, and the maintenance of recreation in the Russian River, permittee shall allow sufficient water to bypass the points of diversion to maintain the following minimum flows to the Pacific Ocean:

1) During normal water supply conditions: 125 cfs.

2) During dry water supply conditions: 85 cfs

3) During critical water supply conditions: 35 cfs

Water supply conditions established for the above flow requirements as required in Decision 1610 are defined in Term 20 of Permit 12947A, Term 17 of Permits 12949 and 12950, and Term 13 of Permit 16596 as follows:

1. *Dry water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:*

   8,000 acre-feet as of January 1
   39,200 acre-feet as of February 1
   65,700 acre-feet as of March 1
   114,500 acre-feet as of April 1
   145,600 acre-feet as of May 1
   160,000 acre-feet as of June 1

2. *Critical water supply conditions exist when cumulative inflow to Lake Pillsbury beginning on October 1 of each year is less than:*

   4,000 acre-feet as of January 1
   20,000 acre-feet as of February 1
   45,000 acre-feet as of March 1
   50,000 acre-feet as of April 1
   70,000 acre-feet as of May 1
   75,000 acre-feet as of June 1

3. *Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.*

4. *The water supply condition designation for the months of July through December [shall] be the same as the designation for the previous June. Water supply conditions for January through June [shall] be redetermined monthly.*

5. *Cumulative inflow to Lake Pillsbury is the calculated algebraic sum of releases from Lake Pillsbury, increases in storage in Lake Pillsbury, and evaporation from Lake Pillsbury.*

Term 20 of Permit 12947A includes an additional provision:

6. *Estimated water supply storage space is the calculated reservoir volume below elevation 1,828.3 feet (ft.) in Lake Pillsbury and below elevation 749.0 ft. in Lake Mendocino. Both elevations refer to the National Geodetic Vertical Datum (NGVD) of 1929. The calculation shall use the most recent two reservoir volume surveys made by the U.S. Geological Survey (USGS), U.S. Army Corps of Engineers, or other responsible agency to determine the rate of sedimentation to be assumed from the date of the most recent reservoir volume survey.*

Decision 1610 also established water year classifications of *Normal*, *Dry*, and *Critical*, which are based on cumulative inflow into Lake Pillsbury (in the adjacent Eel River Watershed) beginning October 1 of each year.[4] Decision 1610 further identifies two variations of the *Normal* water supply condition, *Dry Spring 1* and *Dry Spring 2*. These conditions provide for lower required minimum flows in the upper Russian River during times when the combined storage in Lake Pillsbury and Lake Mendocino on May 31 is unusually low.

From October 1, 2025, to March 13, 2026, the cumulative inflow into Lake Pillsbury was 319,046 af. Pursuant to Decision 1610, the water supply condition would be categorized as *Normal* for the remainder of the year. As such, the following conditions are required pursuant to Decision 1610:

- Term 20 of Permit 12947A requires Sonoma Water to pass through or release from storage at Lake Mendocino sufficient water to maintain instream flows of 185 cfs for the upper Russian River through August 31, after which date it is reduced to 150 cfs through March 31, and 125 cfs for the lower Russian River.
- Term 17 of both Permits 12949 and 12950 requires Sonoma Water to allow sufficient water to bypass the points of diversion on the Russian River to maintain 125 cfs to the Pacific Ocean.
- Term 13 of Permit 16596 requires Sonoma Water to maintain 125 cfs in the lower Russian River unless the water level in Lake Sonoma is below elevation 292.0 feet with reference to the National Geodetic Vertical Datum of 1929, or unless federally prohibited by the United States Government.

2.4 2008 Russian River Biological Opinion

Central California Coastal (CCC) steelhead, CCC coho salmon, and California Coastal (CC) Chinook salmon are listed as threatened or endangered species under the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). In accordance with the requirements of section 7 of the federal Endangered Species Act (16 U.S.C. § 1536), NMFS, the U.S. Army Corps of Engineers (USACE), and Sonoma Water participated in a consultation process involving studies to determine whether the operation of the dams that form Lake Mendocino and Lake Sonoma for water supply and flood control purposes, and channel maintenance operations and other activities in the Russian River would jeopardize the survival and recovery of these listed fish species or adversely modify critical habitat for the species. The consultation process culminated in a 2008 Russian River Biological Opinion (2008 Biological Opinion) issued by NMFS that analyzed project operations for a 15-year period from September 2008 until September 2023. The 2008 Biological Opinion includes summaries of the studies, analyses of the project impacts, and a determination that flows in the late spring, summer and fall in the upper Russian River and Dry Creek during normal year types, as required by Decision

[4] Permits 12947A, 12949, 12950, and 16596 use the same water-year classification definitions. (Decision 1610, pp. 47-48, 53, 57-58, 60.)

1610, are too high for optimal juvenile salmonid habitat within the Russian River system. According to the 2008 Biological Opinion, two types of issues are associated with the summer flows required by Decision 1610: (1) the flows create current velocities that limit the amount of freshwater rearing habitat available to salmonids; and (2) the flow release requirements deplete the cold-water pool in Lake Mendocino, contributing to relatively high water temperatures, which reduce the quality of available rearing habitat. The 2008 Biological Opinion also found that the minimum instream flows required by Decision 1610 for the lower Russian River during the summer months adversely affect critical habitat in the Russian River estuary by causing artificially elevated inflow to the estuary, which requires breaching of the sand bar at the river's mouth to avoid local flooding.

Among other measures, the 2008 Biological Opinion required Sonoma Water to seek changes to Decision 1610 flow requirements during the spring, summer, and fall months to maintain suitable habitat for CCC steelhead and CCC coho salmon and avoid take under the Endangered Species Act and described requirements for improving habitat in Dry Creek downstream of Lake Sonoma, including upper flow limits to protect habitat. The 2008 Biological Opinion required Sonoma Water to petition to the State Water Board to change Decision 1610 on a long-term basis and on an interim basis pending approval of long-term changes. Accordingly, Sonoma Water filed petitions with the State Water Board on September 23, 2009, to permanently change Decision 1610 minimum instream flow requirements. The 2008 Biological Opinion required that Sonoma Water petition the State Water Board for temporary changes to the Decision 1610 minimum instream flow requirements beginning in 2010 and for each year until the State Water Board issues an order on Sonoma Water's petition for the permanent changes to these requirements. Sonoma Water withdrew the petitions filed on September 23, 2009, and filed new petitions on August 16, 2016, to permanently change the minimum instream flow requirements.

The 2008 Biological Opinion analyzed project operations through September 2023. The USACE and Sonoma Water consulted with NMFS and CDFW to develop a Biological Assessment for continuation of the USACE and Sonoma Water operations in the Russian River watershed. A final Biological Assessment was submitted to NMFS in September 2023, which NMFS determined to be complete in February 2024. The Biological Assessment was used by NMFS for a new Biological Opinion authorizing incidental take of Chinook salmon, coho salmon, and steelhead related to water supply and flood control operations, and channel maintenance and other activities in portions of the Russian River watershed.

2.5 2025 Russian River Biological Opinion

On April 29, 2025, NMFS issued the new 2025 Biological Opinion to the USACE, Sonoma Water, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District (RRFC). The 2025 Biological Opinion has a 10-year term and covers the USACE and Sonoma Water's operations and maintenance activities, including water supply, flood control, channel maintenance and habitat

restoration in the Russian River watershed. Key elements of the Proposed Action evaluated in the 2025 Biological Opinion include: continued habitat enhancement efforts in Dry Creek; revised Russian River Estuary adaptive management; studies on migration and survival of hatchery and wild salmonids; reservoir flood control and water supply operations at Coyote Valley Dam (Lake Mendocino) and Warm Springs Dam (Lake Sonoma); and continued improvements to reservoir management. Specifically, these improvements include Forecast Informed Reservoir Operations (FIRO) at Coyote Valley Dam (Lake Mendocino) and Warm Springs Dam (Lake Sonoma) and time-limited changes to the Russian River Hydrologic Index (water year classifications) to be based on Lake Mendocino storage thresholds rather than Lake Pillsbury storage in the Eel River watershed, and request, via interim petitions, changes to Decision 1610 minimum flows during Normal and Dry hydrologic conditions in a manner consistent with the Reasonable and Prudent Alternative from the 2008 Biological Opinion.

These changes were included in the Proposed Action to avoid potential take of listed salmonids. NMFS determined that these actions will improve water supply reliability and benefit salmon and steelhead through enhanced coldwater storage resulting in sustained cooler water temperatures during the summer and fall rearing season and greater flexibility to release water to facilitate fish migration. NMFS concluded that the Proposed Action "is not likely to jeopardize the continued existence" of CCC coho salmon, CC Chinook salmon, CCC steelhead, or Southern Resident Killer Whale, nor is it likely to destroy or adversely modify their designated critical habitat. This is a significant change from the 2008 Biological Opinion, which was a jeopardy opinion; the 2025 Biological Opinion is a non-jeopardy opinion, which reflects improvements in operations and conservation measures.

3.0. PROCEDURAL REQUIREMENTS CONCERNING THE TEMPORARY URGENCY CHANGE PETITION

On March 26, 2026, the State Water Board issued and delivered to Sonoma Water a notice of the TUCPs pursuant to Water Code section 1438, subdivision (a). Pursuant to Water Code section 1438, subdivision (b)(1), Sonoma Water is required to publish the notice in a newspaper having a general circulation, and that is published within the counties where the points of diversion lie within 20 days from the date of issuance of the notice by the State Water Board. Sonoma Water published the notice in *Ukiah Daily Journal* on March 29, 2026, and *The Press Democrat* on April 5, 2026. In addition, the State Water Board posted the notice of the TUCPs on its website and distributed the notice through its electronic notification system.

Any interested person may file an objection to a TUCP. (Wat. Code, § 1438, subd. (d).) The State Water Board must promptly consider the objection and may hold a hearing on any objection. *(Id.*, § 1438, subd. (e).) The State Water Board exercises continuing supervision over temporary urgency change orders and may modify or revoke temporary urgency change orders at any time. (*Id.*, §§ 1439, 1440.) Temporary urgency

change orders automatically expire 180 days after issuance, unless they are revoked, an earlier expiration date is specified, or they are renewed. (*Id*., §§ 1440, 1441.)

Objections to Sonoma Water's TUCPs were due by April 27, 2026. The State Water Board received a letter of support for the TUCPs from RRFC, which also holds rights to store water in Lake Mendocino. The State Water Board received comments from Barbara Delonno and Russian Riverkeeper (RRK).

Barbara Delonno Comments

Ms. Delonno commented that historical flows of 125 to 140 cfs in the lower Russian River improved water quality and recreation more than the 70 cfs flow recommended in the Biological Opinions. Ms. Delonno also sought clarification as to why Lake Sonoma is not used to meet flow minimum instream flow requirements and questioned whether the reduced flows recommended in the Biological Opinions have proven to have a demonstratable benefit to aquatic life.

In response to Ms. Delonno's question regarding Lake Sonoma, Sonoma Water explained that Lake Mendocino, located in the upper Russian River, has a much smaller water supply pool (68,400 AF) compared to Lake Sonoma (245,000 AF), located on the Dry Creek tributary to the middle reach of the river. Lake Mendocino is not considered a multiple-year storage reservoir and is more at risk of draining to unsafe storage levels. Because Lake Sonoma is a much larger reservoir with storage that can meet multiple years of supply needs, it is more resilient and able to withstand dry years. Lake Mendocino water storage reliability is also directly impacted by the changes in PG&E's operations of the PVP, with reductions in transfers from the PVP that can vary significantly from year to year but are now averaging less than 40,000 acre-feet per year. This is a significant reduction from the 150,000 acre-feet per year average transfer when Decision 1610 was issued by the State Water Board. Therefore, establishing the water supply condition of the watershed based on storage conditions in Lake Mendocino is more indicative of the overall water supply reliability in a given year.

Sonoma Water added that since inflow into Lake Pillsbury is no longer serving as a representative hydrologic index for conditions in the Russian River watershed, Sonoma Water sought to remedy this issue with minimal changes to the methods established under Decision 1610. Replacing the hydrologic index with one based on Lake Mendocino storage thresholds achieved the needed update without having to completely overhaul the hydrologic condition index established in Decision 1610. Sonoma Water also wanted to maintain compliance with the 2025 Russian River Biological Opinion and conservation measures to protect habitat conditions for listed salmonids which rely on the same revised hydrologic index based on conditions in Lake Mendocino.

Sonoma Water further explained that Lake Mendocino and Lake Sonoma are operated conjunctively to maintain minimum instream flows in the Russian River. The lower Russian River receives water from both reservoirs to maintain instream flows throughout the summer. Using the most recent dry season as an example, from June 1 through September 30, 2025, an average of 62 percent of the water entering the lower Russian River (from the confluence of Dry Creek to Jenner) originated in the upper Russian River (mostly releases from Lake Mendocino). Historically, this breakdown is typical under normal water supply conditions. Future evaluations of permanent changes to the Decision 1610 hydrologic index may include consideration of storage conditions at Lake Sonoma.

In response to Ms. Delonno's question about whether the reduced flows recommended in the Biological Opinions have proven to benefit to aquatic life, Sonoma Water responded that the reduction in minimum instream flow requirements has benefited habitat conditions for steelhead and coho salmon during the summer rearing season by reducing water velocities in their rearing habitats. The reduction also preserves cold water storage in Lake Mendocino that provides cooler water in salmonid rearing habitats in the upper Russian River during the summer and fall dry season. This has the additional benefit of preserving cold water storage for adult Chinook migration in the fall into the upper Russian River. The lower Russian River minimum instream flow changes likewise benefit habitats in Dry Creek by reducing velocities in coho salmon and steelhead rearing habitats in the summer dry season.

RRK Comments

RRK argued for the need for reduced water use in the watershed to balance demand and water supply challenges in the Russian River watershed. RRK suggests measures should be taken to protect carryover storage in Sonoma Water's reservoirs for supporting fish species and ensure water supply reliability during dry years. RRK urged the State Water Board to use its authorities to manage water diversion and use within the Russian River Watershed by requiring on-going water conservation measures and increased real-time monitoring and reporting of use to further extend limited water supply.

RRK requested that Sonoma Water continue to diligently pursue its obligations under its pending long-term change petition to modify the hydrologic index and minimum instream flows under its Russian River water rights, and provide a timeline for completion of its Fish Flow Habitat and Water Rights Project Environmental Impact Report (Fish Flow EIR) that Sonoma Water is preparing to support its petitions for permanent changes to Decision 1610 minimum instream flow requirements.

RRK has also asserted the use of the TUCP process to temporarily revise Decision 1610 on an annual and semi-annual basis sidesteps adequate review under the California Environmental Quality Act (CEQA). As stated above, Sonoma Water has submitted long-term petitions pursuant to Water Code section 1700 et seq. to modify

Decision 1610 and is working to meet the requirements of CEQA by completing a revised draft Fish Flow EIR. However, the development of the Fish Flow EIR has been complicated by the uncertainty associated with the decommissioning of PG&E's PVP.

PG&E is in the process of surrendering its Federal Energy Regulatory Commission (FERC) license which will allow PG&E to decommission the PVP. PG&E submitted its Final License Surrender Application on July 25, 2025. The Surrender Application includes a decommissioning plan that requests approval to remove most of the PVP's project facilities, including but not limited to, Scott Dam and Cape Horn Dam. An application for Non-Project Use of Project Land seeks FERC's authorization for PG&E to allow the Eel-Russian Project Authority to construct a proposed New Eel-Russian Facility for the purpose of future water diversion to the Russian River watershed. FERC's proceedings will likely take many years, meaning it will be years before PVP operations and long-term rules governing any Eel River imports to the Russian River watershed are resolved. In the meantime, the 2025 Biological Opinion requires Sonoma Water to petition the State Water Board for temporary changes to the Decision 1610 minimum instream flow requirements each year until the State Water Board issues an order on Sonoma Water's petitions for permanent changes to these requirements. Changes to the PVP and Sonoma Water's CEQA process are further discussed in section 4 of this order.

RRK requested its past comments on Sonoma Water TUCPs be incorporated by reference, which previously requested ramped pulse flows for juvenile salmon migration. The recent 2025 Biological Opinion includes provisions for pulse flows that will be adaptively managed in coordination with CDFW and NMFS. Additionally, Sonoma Water will annually reserve 2,500 acre-feet of "blockwater" from Lake Sonoma, to be used at NMFS's discretion. Blockwater release strategies can be combined with scheduled releases to improve migratory habitat conditions, accelerate downstream smolt migration, reduce piscivorous fish density, and minimize overall predation risk for migrating steelhead, Chinook salmon, and coho salmon in the lower river. It is anticipated that blockwater and other flow augmentation strategies (such as pulse flows from Lake Mendocino) will significantly improve juvenile salmonid survival rates, particularly during drier years.

4.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGES

Water Code section 1435 provides that a right holder who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the water right may petition for a conditional temporary change order. The State Water Board's regulations set forth the filing and other procedural requirements applicable to TUCPs. (Cal. Code Regs., tit. 23, §§ 805, 806.) The State Water Board's regulations also clarify that requests for changes to permits or licenses other than changes in point of diversion, place of use, or purpose of use may be filed, subject to the same filing and

procedural requirements that apply to changes in point of diversion, place of use, or purpose of use. (*Id*., § 791, subd. (e).)

Before approving a TUCP, the State Water Board must make the following findings: (1) the right holder has an urgent need to make the proposed change; (2) the proposed change may be made without injury to any other lawful user of water; (3) the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and (4) the proposed change is in the public interest. (Wat. Code, § 1435, subd. (b) (1-4).)

A temporary change order does not result in the creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation in the discretion of the State Water Board. (Wat. Code, § 1440.)

4.1 Urgency of the Proposed Change

Under Water Code section 1435, subdivision (c), an "urgent need" means "the existence of circumstances from which the [State Water Board] may in its judgment conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented . . .."

Urgent need exists for the proposed change in the hydrologic index to ensure that the designated water supply condition and corresponding minimum instream flow requirements in the Russian River watershed are aligned with actual watershed hydrologic conditions, which is essential to maintain sustainable reservoir and river operations protecting municipal water supply and listed salmon species. Additionally, changes to reduce the dry season minimum instream flow requirements are necessary under a *Normal* water supply condition for Sonoma Water to comply with the findings of the 2025 Biological Opinion.

Sonoma Water's water right permit terms established in Decision 1610 set minimum instream flow requirements in the Russian River based on the water supply condition as determined by a hydrologic index using cumulative inflow into Lake Pillsbury. Located in the Eel River watershed, Lake Pillsbury is a storage reservoir for the PVP, which transfers water into the East Fork of the Russian River. As explained above, PG&E is in the process of a FERC license surrender and decommissioning of the PVP, which will likely involve a reduction in the amount of water transferred from the Eel River to the East Fork Russian River. In recent years, infrastructure failures and concerns about seismic risk have already significantly reduced the amount of water PG&E has transferred to the Russian River Watershed.

Because of this reduction in PVP transfers of Eel River water into the Russian River watershed and ongoing uncertainty, the hydrologic link between the two watersheds upon which Decision 1610 is based is less salient than when that decision was issued.

Because the hydrologic index of Decision 1610 is not a reliable metric for Russian River water supply conditions, Sonoma Water proposes to implement an alternate hydrologic index utilizing storage thresholds in Lake Mendocino in the Russian River watershed.

In the absence of the proposed changes, the applicable minimum instream flow requirements may require releases of water from Lake Mendocino that would risk depletions of storage levels – potentially impacting human health and welfare and reducing water supplies needed for protection of listed salmon species in the Russian River. Given the status of salmonids under the federal Endangered Species Act, there is a need for prompt action.

The proposed changes to the hydrologic index are also designed to avoid the risk of Lake Mendocino reaching critically low storage levels in the fall. The need for emergency regulations in 2021 and 2022 to curtail diversions in the Russian River watershed to preserve storage in Lake Mendocino made clear that modifications to the index are necessary to ensuring an appropriate level of carryover storage is maintained in the event the following water year experiences drought conditions.

Water Code section 1435, subdivision (c) also states that the State Water Board shall not find a petitioner's need to be urgent if it concludes that the petitioner has not exercised due diligence either in petitioning for a change pursuant to provisions other than a TUCP or in pursuing that petition for change. In this case, Sonoma Water has submitted petitions pursuant to Water Code section 1700 et seq. to modify Decision 1610 (the long-term petitions), including but not limited to modifying the hydrologic index that establishes water year type for Permit 12947A. Sonoma Water continues to work on those pending long-term petitions, including efforts to meet the requirements of CEQA by completing a revised draft of the Fish Flow EIR that will be relied upon by Sonoma Water and the State Water Board. Sonoma Water has stated development of the Fish Flow EIR is contingent on the disposition of the PVP. In 2023, Sonoma Water along with other local agencies and tribes formed the Eel-Russian Project Authority to negotiate with PG&E to develop a plan for preserving water deliveries to the Russian River after the PVP is surrendered by PG&E. Given Sonoma Water's efforts to obtain approval of long-term changes to Decision 1610 requirements, their ongoing efforts to work with other stakeholders to resolve PVP decommissioning challenges, and in light of the fact that the primary delay in that effort is due to pending actions of other entities, the State Water Board finds that Sonoma County has exercised due diligence to this point and that there is an urgent need for the TUCPs.

4.2 No Injury to Any Other Lawful User of Water

Under Decision 1610 and the terms and conditions of its associated water rights permits, Sonoma Water is required to maintain specified flows in the Russian River from its most upstream point of diversion to the Russian River's confluence with the Pacific Ocean. Therefore, because minimum flows will be present, it is anticipated that all other lawful users of water will still be able to divert and use the amounts of water that they

are legally entitled to during the period specified in this temporary urgency change order. In addition, the purpose of the TUCPs is to match the water supply condition and minimum instream flows, which is likely to reduce the amount of previously stored water that Sonoma Water is required to release in order to meet instream flow requirements. Other legal users of water will not be injured by a reduction in releases of previously stored water because water released from storage is not available for diversion by downstream users with an independent basis of right. (See, e.g., *North Kern Water Storage Dist. v. Kern Delta Water Dist.* (2007) 147 Cal.App.4th 555, 570 [when the stored water is released for use, it is not part of the river's natural flow and rediversion of this water does not count toward the appropriator's current allocation of river water]; *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th 674, 737-745 [a riparian or appropriator has no legally protected interest in other appropriators' stored water or in the continuation of releases of stored water].)

Based on the information available, granting the TUCPs will not result in injury to any other lawful user of water. Pursuant to Water Code section 1439, the State Water Board will supervise diversion and use of water under this temporary urgency change order for the protection of all other lawful users of water and instream beneficial uses. To assist the State Water Board in supervising the diversion and release of water by Sonoma Water pursuant to this Order, Condition 10 is included in this Order to assess the extent of storage releases from Lake Mendocino relative to PVP flows and natural flows originating upstream of Lake Mendocino.

4.3 No Unreasonable Effect upon Fish, Wildlife, or Other Instream Beneficial Uses

Prior to approval of a TUCP, the State Water Board must find that the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses. In addition, the State Water Board has an independent obligation to consider the effect of approval of Sonoma Water's petitions on public trust resources and to protect those resources to the extent feasible and in the public interest. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.) Public trust resources may include, but are not limited to, wildlife, fish, aquatic habitat, and recreation in navigable waterways, as well as fisheries located in non-navigable waterways. It is also the policy of this state that all state agencies, boards, and commissions shall seek to conserve endangered species and threatened species and shall use their authority in furtherance of the purposes of the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). State agencies should not approve projects that would jeopardize the continued existence of any endangered species or threatened species if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat that would prevent jeopardy. (Fish & G. Code, §§ 2053 & 2055.)

The TUCPs are focused on preservation of sufficient carryover storage in Lake Mendocino while continuing the flows consistent with the range of flows required by Decision 1610 while new instream flow requirements are developed. Improved

conditions that result from the temporary urgency changes are twofold. First, the proposed modifications to the Lake Mendocino storage index will result in use of a hydrologic index that reflects conditions within the Russian River watershed and result in watershed management decisions that are reflective of the actual hydrology in the watershed. Secondly, reducing instream flows will substantially reduce the risk of drawing down Lake Mendocino to unsafe levels, resulting in the likelihood of increased carryover storage and conservation of cold-water pool. The cold-water pool in Lake Mendocino is critical for providing cooler water temperatures in the upper Russian River, improving freshwater rearing habitat quality, and enhancing flow management in early fall for the benefit of fish migration. Designing the thresholds to ensure at least 36,000 af of carryover storage on October 1 would, based on the modeling conducted by Sonoma Water to develop the thresholds, reduce the risk of Lake Mendocino reaching critical storage levels or emptying should the hydrologic conditions of 2021 occur again. As noted in the Informative Digests supporting the State Water Board's emergency regulations in 2021 and 2022 in the Russian River watershed, Lake Mendocino emptying would have catastrophic effects for all fisheries reliant on Lake Mendocino releases during the summer months. Short-term impacts as a result of reduced instream flows would not be unreasonable given that, in the absence of the proposed changes, the existing minimum instream flow requirements may require releases of water from Lake Mendocino and Lake Sonoma at levels that would risk depletions of storage levels. This could reduce water supplies needed for multiple beneficial uses, including protection of listed salmon species in the Russian River.

Since 2004, Russian River flows have frequently been managed at decreased levels, both under Decision 1610 and under other temporary urgency change orders. Although recreational uses may be minimally affected by flow reductions, given the analysis in the Russian River Biological Opinions and the potential impacts to water supplies and fisheries that could occur if the temporary changes are not approved, any impact on recreation for this summer would be reasonable under the circumstances and with the operational buffer flows made by Sonoma Water.

To better understand and forecast the amount of storage available for release to meet instream flows in Lake Mendocino relative to other purposes, including carryover storage and diversion by customers of the RRFC, Condition 9 of this Order requires Sonoma Water to continue the technical work described in the Planning and Management Terms of the March 21, 2022 Memorandum of Understanding Concerning Lake Mendocino Storage Planning and Russian River Management (MOU) between Sonoma Water and the RRFC. Further, this Order requires Sonoma Water to report biweekly to CDFW, NMFS, the North Coast Water Board, and the State Water Board regarding the current hydrologic and water quality conditions for the Russian River when water supply conditions are classified as Dry or Critical. This information will assist the State Water Board in determining whether additional actions or modifications to this Order are necessary.

With the conditions imposed by this Order and the 2025 Biological Opinion, including regular monitoring and reporting of conditions by Sonoma Water, the State Water Board finds that granting the proposed temporary changes will not have an unreasonable effect on fish or wildlife, or on other instream beneficial uses, and that public trust resources will be protected to the extent feasible. The State Water Board will continue to evaluate conditions in the watershed throughout the duration of this Order and consider other actions that may further the protection of fish, wildlife, and other instream beneficial uses.

4.4 The Proposed Change is in the Public Interest

As discussed above, the purpose of the TUCPs is to ensure that the water supply condition and corresponding minimum instream flow requirements in the Russian River watershed are aligned with actual watershed hydrologic conditions in order to maintain sustainable reservoir and river operations to protect municipal water supply and listed salmon species in the Russian River. In the absence of the proposed changes, the applicable minimum instream flow requirements may require releases of water from Lake Mendocino and Lake Sonoma at levels that would risk significant depletions of reservoir storage levels. Such depletions in storage could cause impacts to human health and welfare and reduce water supplies needed for fisheries protection. Therefore, the Board finds that the proposed temporary changes would advance the public interest.

5.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The State Water Board must comply with any applicable requirements of the CEQA prior to issuance of any order approving a TUCP. (Cal. Code Regs., tit. 23, § 805.) Sonoma Water is the CEQA lead agency for the project and the State Water Board is a responsible agency. Sonoma Water determined that the requested change is statutorily exempt from CEQA because it is an action to prevent or mitigate an emergency and is categorically exempt from CEQA under the Class 1, 7, and 8 exemption criteria. Sonoma Water filed a Notice of Exemption on April 11, 2026.

SB 131 became effective on June 30, 2025, which amended Public Resources Code section 21080.1 (a) to make a lead agency's CEQA exemption determination "final and conclusive" for all, including responsible agencies. As Sonoma Water has found the project exempt from CEQA, the State Water Board is bound by that determination.

6.0 STATE WATER BOARD DELEGATION OF AUTHORITY

On June 5, 2012, the State Water Board adopted Resolution 2012-0029, delegating to the Deputy Director for Water Rights the authority to act on petitions for temporary urgency change. This Order is adopted pursuant to the delegation of authority in section 4.4.1 of Resolution 2012-0029.

7.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1435. I conclude that, based on the available evidence:

1. The right holder, Sonoma Water, has an urgent need to make the proposed changes;
2. The proposed changes will not operate to the injury of any other lawful user of water;
3. The proposed changes will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed changes are in the public interest.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the petitions filed by Sonoma County Water Agency (Sonoma Water) for a temporary urgency change in Permits 12947A, 12949, 12950, and 16596 are approved and effective from the date of this Order for a period of 180 days.

All existing terms and conditions of the subject permits remain in effect, except as temporarily amended by the following terms:

1. The minimum instream flow requirements for the upper Russian River, the lower Russian River, and Dry Creek will be established using a hydrologic index based on water storage in Lake Mendocino. For the purposes of the requirements in Term 20 of Permit 12947A, Term 17 of Permit 12949, Term 17 of Permit 12950, and Term 13 of Permit 16596, the following definitions shall apply:

    a. Dry water supply conditions exist when storage in Lake Mendocino is less than:

        58,000 acre-feet as of October 1
        51,000 acre-feet as of November 1
        49,000 acre-feet as of December 1
        68,400 acre-feet as of January 1

68,400 acre-feet as of February 1
68,400 acre-feet as of March 1
77,000 acre-feet as of March 16
86,000 acre-feet as of April 1
91,000 acre-feet as of April 16
93,000 acre-feet as of May 1
94,000 acre-feet as of May 16
94,000 acre-feet as of June 1

b. Critical water supply conditions exist when storage in Lake Mendocino is less than:

46,000 acre-feet as of October 1
41,000 acre-feet as of November 1
40,000 acre-feet as of December 1
42,000 acre-feet as of January 1
49,000 acre-feet as of February 1
57,000 acre-feet as of March 1
67,000 acre-feet as of March 16
73,000 acre-feet as of April 1
74,000 acre-feet as of April 16
75,000 acre-feet as of May 1
76,000 acre-feet as of May 16
76,000 acre-feet as of June 1

c. Normal water supply conditions exist in the absence of defined dry or critical water supply conditions.

2. The minimum instream flow requirements in the Russian River as specified in Term 20 of Permit 12947A, Term 17 of Permits 12949 and 12950, and Term 13 of Permit 16596, shall be modified in *Normal* water years, as follows:

   a. Minimum instream flow in the upper Russian River shall remain at or above 125 cubic feet per second (cfs);

   b. Minimum instream flow in the lower Russian River shall remain at or above 70 cfs.

   For purposes of compliance with this term, the minimum instream flow requirements shall be measured based on a 5-day running average of average daily stream flow measurements, provided that instantaneous flows shall be no less than 110 cfs in the upper Russian River and no less than 60 cfs in the lower Russian River.

3. To determine the effects of this Order on water quality, monitoring shall be conducted for the duration of this Order as follows:

a. Sonoma Water shall continue ongoing monitoring in coordination with the USGS at the existing multi-parameter water quality sonde sites on the Russian River, including the multi-parameter water quality sondes at USGS stream gages at Johnson's Beach, Hacienda, Digger Bend, Jimtown, Cloverdale, Hopland and East Fork Russian River at Calpella. These data sonde stations are maintained as part of Sonoma Water's early warning detection system in coordination with USGS. Sonoma Water shall deploy data sondes at 5 stations in the Russian River Estuary including the Russian River at Patty's Rock, Willow Creek, Russian River at Freezeout Creek, Russian River at Brown's Pool and Austin Creek, as well as 2 stations in the mainstem Russian River at Pieta Creek and East Fork Russian River below Coyote Valley Dam. Sonoma Water will add an additional monitoring site on the mainstem Russian River downstream of the confluence of the East and West forks, if property access can be obtained.

b. Sonoma Water shall conduct weekly grab sampling in the Russian River estuary for nutrients, chlorophyll a, turbidity, and bacteria at the Patterson Point, Monte Rio, and Vacation Beach stations. Mainstem Russian River grab sampling for the same constituents will be conducted on a bi-weekly basis at Syar Vineyards, Jimtown, Cloverdale, Hopland, East Fork Russian River, and Calpella.

c. Sonoma Water shall monitor bi-weekly in Lake Mendocino, including vertical profiles and grab samples. Vertical profiles collect temperature, dissolved oxygen, turbidity, specific conductance, and pH data. Grab samples collected for nutrients, chlorophyll a, and turbidity in the hypolimnion, metalimnion, and epilimnion.

4. By September 15, 2026, Sonoma Water shall consult with the North Coast Water Board to discuss potential water quality impacts and whether additional water quality monitoring activities should be required to document water quality conditions in the Russian River. If any water quality issues of concern are observed from the monitoring required by Condition 3, Sonoma Water shall initiate earlier or additional consultation with the North Coast Water Board. The North Coast Water Board may also initiate additional consultation to discuss concerns based on available water quality information. Sonoma Water shall submit a summary report of consultation details and a description of proposed monitoring activities to the Deputy Director within two weeks of each consultation meeting. If no additional consultation is necessary, Sonoma Water shall submit an explanation to the Deputy Director within one week after the conclusion of the effective period of the changes approved by this Order. Upon consultation with the North Coast Water Board, the Deputy Director may make any necessary revisions to Condition 3.

5. Sonoma Water shall report to the Deputy Director, the Executive Officer of the North Coast Water Board, the Environmental Program Manager of CDFW, and the Supervisory Fish Biologist of NMFS on a biweekly basis regarding the current hydrologic condition of the Russian River system, including current reservoir levels and the rate of decline for Lake Mendocino, Lake Pillsbury, and Lake Sonoma; a 16 day cumulative rainfall forecast; current inflow from the Potter Valley Project; and a summary of the available water quality data collected pursuant to Term 3. Sonoma Water shall also make each report available on a publicly accessible website. The Deputy Director may require increased reporting frequency or additional monitoring parameters if conditions indicate a potential risk to water quality, fish and wildlife, or instream flows.

6. This Order does not authorize any act that results in the taking of a candidate, threatened or endangered species, or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 et seq.). If a "take" will result from any act authorized under this Order, Sonoma Water shall obtain authorization for an incidental take permit prior to operation of the project. Sonoma Water shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency changes authorized under this Order.

7. The State Water Board reserves jurisdiction to supervise the temporary urgency changes under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

8. Sonoma Water shall immediately notify the Deputy Director if any significant change in storage conditions in Lake Mendocino occurs that warrants reconsideration of this Order.

9. Sonoma Water shall continue to conduct the activities described in Planning and Management Terms of the March 21, 2022, Memorandum of Understanding Concerning Lake Mendocino Storage Planning and Russian River Management (MOU) between Sonoma Water and the Mendocino County Russian River Flood Control and Water Conservation Improvement District. Projections of Lake Mendocino storage and the amounts of stored water available for the uses described in items (A) through (D) of Section 1.3 of the MOU shall be provided to the Deputy Director by March 1, 2027.

10. Based upon the methodology for characterizing Lake Mendocino and Lake Sonoma water inflows, releases, and rediversions developed pursuant to Condition 11 of the State Water Board's TUCP order dated February 4, 2021, and Condition 12 of the State Water Board's TUCP order dated June 14, 2021, Sonoma Water shall maintain a spreadsheet of daily average release rates and characterization of those releases. Sonoma Water shall make the spreadsheet

available to State Water Board staff within five days of being requested and shall include the spreadsheet as an attachment to Sonoma Water's annual Progress Report by Permittee for Permits 12947A, 12949, 12950, and 16596. Sonoma Water shall implement any amendments to either methodology requested by the Deputy Director within 15 days of the request.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Juliet Christian-Smith, Deputy Director
Division of Water Rights

Dated: MAY 21 2026