

***Mendocino County Russian River Flood Control &
Water Conservation Improvement District***

STAFF REPORT

**Agenda Item 8: 2025 Temporary Urgency Change Petition
Monday, June 2, 2025**

The Strategic Plan relevant priority is **Use** through ensuring effective and beneficial use of water as a public resource.

Relevance

The Temporary Urgency Change Petition will allow current and new customers, who are prevented from diverting stored water due to restrictions in the District's license, to access stored water for the 2025 irrigation season. This will put more of the District's water to beneficial use and meet needs of the District's constituency.

Background

The District is currently drafting, and will soon file, a permanent petition for change to its 1949 License 13898 to request the following changes:

- (1) Remove the acreage cap on the place of use within the District for irrigation purposes to authorize use anywhere within District's service area;
- (2) Remove the acreage cap on the place of use within the RVCWD for irrigation purposes to authorize use anywhere within the service area of RVCWD;
- (3) Expand the licensed place of use to make the boundaries of the District's place of use coterminous with the boundaries of water suppliers to which the District supplies water and to meet existing agricultural demands;
- (4) Remove the condition that only surplus water be supplied to RVCWD on satisfaction of the condition that RVCWD be annexed into the District; and
- (5) Add additional points of rediversion.

In February 2025, PG&E submitted a temporary license flow amendment (previously referred to as a temporary flow variance) to the Federal Energy Regulatory Commission (FERC) for the Potter Valley Project 2025 operations. (Link below for more information.) This will reduce the amount of water being diverted from the Eel River into the Russian River that is used by appropriative water right holders along the mainstem Russian River. Many water right holders will be unable to exercise these water rights in 2025 due to this reduction.

Discussion

The proposed Temporary Urgency Change Petition (TUCP) seeks to temporarily remove the cap on acreage available for irrigation with District water and to add points of rediversion. Those who wish to benefit from the TUCP have placed requests for points of rediversion, irrigated acres, and the amount of District water needed. Some are already Customers and may have water in their existing contracts to cover the additional acreage. All additional acreage and points of rediversion are within the District's current licensed place of use. It is proposed that the costs for developing the TUCP will be borne by those who directly benefit from it. More information on this will be provided at the July 7, 2025 Board Meeting.

(Continued...)

The TUCP is nearing completion with work being contributed from legal counsel, engineers, and District staff. Customers are providing information and confirmation of requests. The complete TUCP is expected to be ready for submission by June 13th or sooner. The Board is being asked to approve the TUCP for submission pending final review by Legal Counsel and the Board President.

Recommendation:

- Move to approve a Temporary Urgency Change Petition for the period of June 3, 2025 for 180 days be filed with the State Water Resources Control Board to temporarily remove the irrigable acreage cap and to add additional points of diversion pending Legal Counsel and Board President approval.

Attachments:

- Attachment to Temporary Urgency Change Permit – Mendocino County Russian River Flood Control and Water Conservation Improvement District (License 13898)

Links:

- More information on the PG&E Potter Valley Project 2025 Minimum Instream Temporary Flow Amendment Request: <https://rrfc.specialdistrict.org/pg-e-2025-potter-valley-project-operations>

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Prepared and submitted to the Board of Trustees by: Elizabeth *Salomone*, *General Manager*

**Attachment to Temporary Urgency Change Permit – Mendocino County Russian River
Flood Control and Water Conservation Improvement District (License 13898)**

SECTION B.6 - TERMS AND CONDITIONS

Describe any proposed changes to existing water right terms and conditions.

The District's License includes a term limiting the place of use for irrigation purposes to 4,096 acres net within a gross area of 16,505 acres. The District is currently drafting, and will soon file, a permanent petition for change to its License to abolish the irrigable acreage cap for those reasons more fully set forth below. By this Temporary Urgency Change Petition, the District seeks to temporarily remove the cap on the place of use for irrigation from its License for the term of the TUCP to allow water diverted under the License to be used on additional irrigable acreage within the licensed place of use in excess of the 4,096-acre cap while continuing to pursue the permanent petition for change.

Justification for Removal of Irrigable Acreage Cap for Use Within District

Petitioner's License severely limits the place of use for irrigation purposes despite capacity to serve significant additional acreage with the same amount of licensed water due to various factors, including:

- (i) a reduction in the water duty per acre based on improvements to application of irrigation water (e.g., flood irrigation and sprinklers have transitioned to drip irrigation and micro sprinklers),
- (ii) changes in crop types to those with much lower consumptive use (e.g., hops and fruit trees have transitioned to vineyards), and
- (iii) the fact that more often than not, water used under the District's License is used to supplement and augment District customers own individual water rights and does not serve as the sole water source for every irrigable acre within the District.

The District has not been able to determine any justification for imposition of an acreage limitation for irrigation purposes when the District's initial permit was issued, and there is no justification for the restriction now; the restriction prevents the District from using its water right to serve the population it was intended to serve despite available water under its License and landowner demand. Offering additional surface water supplies to landowners for irrigation anywhere within the District's service area will provide the flexibility needed to address dynamic changes in climate and water supply uniquely affecting this area (e.g., reduced supply for individual water rights caused by drought and operational changes by PG&E related to the Potter Valley Hydroelectric Project) and to comply with SGMA.

Current Maximum Irrigable Acreage Served Under the District's License

[yet to be calculated]

Proposed Irrigable Acreage to Be Served Under the District's License

[yet to be calculated]

SECTION C.1 – URGENT NEED

Explain the “Urgent Need” ([Water Code 1435\(c\)](#)) that is the basis of this temporary urgency change petition (attach additional information as necessary):

Many landowners in the District hold their own individual rights to divert water from the East Fork of the Russian River. However, water available under these individual rights is subject to dynamic changes in climate and water supply uniquely affecting this area - e.g., reduced supply caused by drought and operational changes by PG&E related to releases under the Pottery Valley Hydroelectric Project.

Landowners within the District's licensed place of use have the option to augment and supplement their individual supplies by contracting with the District to divert water under the District's License to provide flexibility around the terms of their own water right, such as amount, timing, or flow. Landowners with existing points of rediversion and irrigable acreage not included in the District's original application/permit/License have an urgent need to access alternative and supplemental supplies of surface water due to unpredictable hydrologic and operational conditions in the watershed. The District has supplies available within its licensed amount for immediate diversion and application to beneficial use by these additional ‘missed’ landowners.

In February 2025, PG&E submitted a temporary license flow amendment (previously referred to as a temporary flow variance) to the Federal Energy Regulatory Commission (FERC) for the Potter Valley Project 2025 operations. This will reduce the amount of water being diverted from the Eel River into the Russian River that is used by appropriative water right holders along the mainstem Russian River. Many water right holders will be unable to exercise these water rights in 2025 due to this reduction.

Therefore, by this TUCP the District seeks to serve the urgent need of landowners receiving insufficient supplies under their individual rights by allowing them to divert water under the District's License to supplement their own supplies while the District's permanent petition for change moves forward.

SECTION C.2 – INJURY TO USERS

Describe how this temporary urgency change will be made without injury to any lawful user of water.

The changes requested by the TUCP will not result in any increase in the total amount of water diverted under the District's License as the District is limited by its licensed amount, which was recently confirmed and established in 2017. The proposed additional points of rediversion will not increase the overall quantity of water diverted, used, or consumed under the License and removal of the place of use limitation for irrigation purposes will allow water under the License to be applied to additional acreage without any expansion of use. Rather, these changes are intended to provide operational flexibility to users.

SECTION C.3 – OTHER DIVERTERS

Is any person(s) taking water from the stream between the old point of diversion or rediversion and the proposed point? Yes, No, N/A?

[Legal counsel proposes to put N/A for the following reason - There are numerous diverters of water from the Russian River in the area of the proposed additional points of rediversion. Most of those diversions are already customers of the District. Those that are not will not be injured by the requested changes, as without the changes no additional water would be released from the reservoir.]

SECTION C.4 – EFFECT ON FISH/WILDLIFE

Describe how this temporary urgency change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

The changes proposed by the TUCP involve no increase in the volume of water to be diverted beyond that authorized under the District's License that would interfere with the movement of any native resident or migratory fish or wildlife species. Instream flow in the Russian River is governed by the terms of Permits 12947A, 12949, 12950, AND 16596 held by Sonoma County Water Agency. As such, instream flow conditions will remain substantially unchanged. No change is expected to the amount of land irrigated (as the proposed additional points of rediversion serve existing irrigated land) or to the method of irrigation that would conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Planning, or other approved habitat conservation plan.

The proposed changes simply provide operational flexibility to divert water at alternate locations within the District's licensed place of use for use on existing irrigable acreage, without affecting total flow available to the river system and no change in land use affecting fish and wildlife or other instream beneficial uses.