

# Meeting Summary

## Russian River Water Forum

### Working Group: Water Rights & Water Management

### Meeting #4 (Parts 1 and 2)

*Zoom*

*Monday, October 16, 2023, 12:00 pm to 1:00 pm*

*Wednesday, October 18, 2023, 1:00 pm to 3:00 pm*

#### Summary

The Russian River Water Forum held the fourth meeting of the Water Rights & Water Management Working Group via Zoom on October 16. The meeting was facilitated by Kearns & West. Presentation slides and a recording of the meeting are available on the project [website](#). To allow for continued discussion, a second session was held on October 18.

The meeting objectives were as follows:

- Review the draft work product and receive feedback
- Discuss next steps

The meeting agenda and a list of attendees are in Appendices A and B. The Oct 16 meeting had 24 attendees and the Oct 18 meeting had 19 attendees.

The next section provides a summary of the takeaways and action items from the meetings.

#### Action Items – October 16 meeting

- **Glen Spain, PCFFA**, to share information on canneries or other commercial fishing-related information for the Eel and Russian rivers circa 1900.
- **Laurel Marcus, California Land Stewardship Institute**, to share information on pre-PVP conditions in the Upper Russian River, and on studies regarding hydrologic connectivity between the Russian River channel and aquifers in the region (Ukiah Valley and Alexander Valley studies)
- **Todd Schram, Sonoma Water**, to follow up regarding the Upper Russian River “Riparian” and “Uncategorized” water demand categories.
- **Beth Salomone, RRFC**, to follow up regarding water demand information presented on Redwood Valley CWD.

#### Action Items – October 18 meeting

- **Don Seymour, Sonoma Water**, to follow up regarding availability of water demand data for the Lower Russian River.

## Takeaways – October 16 meeting

- David Taber presented a selection of key slides from the draft Work Product. Working Group participants provided input:
  - Slide title: Before the Dams
    - Include information on water demand in 1900, if available.
    - Include information on canneries and/or commercial fisheries supported by the rivers in 1900.
    - The Working Group discussed what is known about how frequently the Upper Russian River ceased to flow during the dry season prior to the trans-basin diversion. Members discussed whether it should be characterized as discontinuous pools, going dry, or going underground. The science review panel report may be a source of information on this issue.
    - Clarify the meaning on the number of people served by the rivers circa 1900.
  - Slide title: Regulatory Required Flows Slide
    - Clarify that this slide refers to both Eel and Russian rivers.
    - Note that there are multiple federal mandates in place, including the Wild and Scenic River designation and the Biological Opinions.
    - Clarify that the Biological Opinion is being updated.
  - Slide title: Tribal Water Rights
    - Clarify that the Federal Reserved Rights are tied to the establishment of a reservation, rather than to the federal recognition of a Tribe.
  - Slide title: Categories of Water Rights
    - Regarding the “R” in the table, clarify that it is a storage reserve for Sonoma County water users.
    - For the 10,000 acre-foot reservation, use “reserve” rather than “reservation”
    - Spell out the R and WC in the table (rather than in a footnote)
    - Consider including a row for pre-1914 rights.
    - Consider including a row for pre-1905 rights
    - Reiterate that there are regulatory constraints on flows. That are separate from these state water rights.
  - Slide: Two Scenarios
    - Use the term “Trans-basin diversion” rather than “interbasin transfer.”
  - Slide: Projected impacts on Lake Mendocino Water Supply
    - Use consistent terms in this slide (consistent throughout presentation)
    - Regarding impacts to aquifers if the Upper Russian River bed runs dry, the drafting team should review the Ukiah Valley Groundwater Sustainability Plan and the USGS study of Alexander Valley.
    - The issue of potential impacts to aquifers should be its own bullet rather than a footnote.
    - Clarify the assumptions about water management in the models: A key assumption is that there is no change in management, there should be a note about that.

- Clarify that curtailments referenced here are surface water curtailments (rather than groundwater curtailments).
  - Expand the sub-bullets for clarity.
- Slides: Effects on Upper Russian River Water Rights
  - Clarify what the “riparian” category refers to. Is it riparian vegetation demands, or water diversions by riparian rights holders?
  - The Redwood Valley CWD water demand figure appears to be Mike H.: Need to research.
  - When speaking of water rights, clarify that they are state water rights (as opposed to Tribal reserved rights or federal reserved rights)
  - In the no-transbasin diversion scenarios, need more clarity on the when the curtailments were in effect (or just say “in the most recent drought” rather than presenting years).

## Takeaways – October 18 meeting

- David Taber presented a selection of key slides from the draft Work Product. Working Group participants provided input:
  - The group discussed terminology for water imported via the Potter Valley Project. The group agreed on “Interbasin water imports.”
  - Slide: Upper Russian River Demand
    - It was clarified that the “Riparian” category refers to evapotranspiration demand from riparian vegetation, rather than diversion by riparian water rights holders.
    - It was clarified that the data shown reflect figures from 2019 (rather than averages over multiple years).
    - It was clarified that the Cloverdale reach extends to the Mendocino-Sonoma county line.
    - It was noted that Redwood Valley demand is less than shown.
  - Slide: Lower Russian River Demand
    - Action item: Don Seymour to follow up on availability of water demand data.
  - Slide: Eel River Water Demand
    - Sam Bolan-Brien clarified that SWRCB is preparing data on water use by water right for the Eel River; the figures won’t be divided by use category.
  - Slide: Regulatorily required flows limit water availability
    - The group revised the wording of the third bullet.
  - Slide: Tribal Reserved Water Rights
    - The group revised the text, and added a citation to the *Winters* decision.
  - Slide: Interbasin Imports
    - Suggestion: on the "Past Transbasin Transfers" chart, label what the three periods shown represent (i.e., what changed)...
  - Slide: Impacts of climate change on water supply
    - Spell out all acronyms

- Slide: The past is not the future
  - Delete the note on illegal transfers
- Slide: Impacts on Lake Mendocino
  - The Two-Basin Solution modeling findings were clarified.
  - Regarding impacts on local groundwater -- SW and USGS are developing a model (results not yet available).
- Slide: Scenario 2 effect on Upper Russian River State Water Rights
  - Consider more specific language for “occasional summertime water shortage”
- Slide: Scenario 3 effect:
  - Clarify the definition of curtailment
- Slide: Conclusions
  - In severe drought: curtailment may happen on the Russian Rier
  - SWRCB has ability to curtail use of water; water right holders can also bring trespass actions.
  - Riparian rights – clarify that this refers to for both rivers
  - Impacts on riparians are that, practically speaking, there is more scrutiny during dry years.
- General comments:
  - Be clear about what is known v. what is speculative
  - When presenting the impact of continuing water imports, suggest positive framing: Imports continuing will reduce the magnitude and frequency of water shortages.

## Appendix A: Meeting Agendas

October 16 Meeting Agenda	
Time	Topic
12:00 p.m.	Welcome, Introductions, Agenda Review
12:10 p.m.	Presentation and Discussion of Draft Work Product: The Effects of Changes to the Potter Valley Project (PVP) on Eel and Russian River Water Rights
12:55 p.m.	Review Next Steps and Upcoming Meetings (additional discussion session scheduled for October 18, 1-3 p.m.)
1:00 p.m.	Adjourn
October 18 Meeting Agenda	
Time	Topic
1:00 p.m.	Welcome, Agenda Review
1:10 p.m.	Presentation and Discussion of Work Product Draft (continued)
2:55 p.m.	Review Next Steps and Upcoming Meetings
3:00 p.m.	Adjourn

## Appendix B: List of Attendees

**Attendance at October 16 meeting:**

Working Group Members		
Full Name	Organization	Attendance
Adam Gaska	Redwood Valley County Water District	Present
Adriane Garayalde	Agriculture Landowner, Russian River Confluence	Present
Alicia Hamann	Friends of the Eel River	Absent
Angle Lynn Slater	Lake Pillsbury Alliance	Absent
Brandon Axell	Mendocino County Farm Bureau	Absent
Brenda L. Tomaras	Lytton Rancheria	Present
Chris Shutes	California Sportfishing Protection Alliance	Absent
Cliff Paulin	pvid iwpc	Absent
Curtis Berkey	Berkey Williams Law	Absent
Dakota Perez	Pinoleville Pomo Nation	Absent
David Taber	Palomino Lakes Mutual Water Company	Present
Eddie Crandell	Lake County Board of Supervisors	Absent
Elizabeth Salomone	Russian River Flood Control and Water Conservation Improvement District	Present
Erica Costa	Berkey Williams Law	Absent
Frank Lynch	Lake Pillsbury Alliance	Absent
Glenn McGourty	Mendocino County Board of Supervisors	Absent
Jaime Neary	Russian Riverkeeper	Absent
Janet Pauli	Potter Valley Irrigation District, Inland Water and Power Commission	Absent
Jeanne Zolezzi	Russian River Flood Control and Water Conservation Improvement District	Absent
John Nagle	Sonoma Resource Conservation District	Absent
Kristin Peer	BKS Law Firm	Present
Laurel Marcus	California Land Stewardship Institute	Present
Letty Belin	California Trout	Absent
Luis Santana	Robinson Rancheria	Present
Mary Grace Pawson	City of Rohnert Park, TAC Member	Absent
Matt Clifford	Trout Unlimited	Present
Mike Harty	Kearns & West	Present
Mike Thompson	Sonoma Water	Present
Nikcole Whipple	Save California Salmon, Edtrust Justice Fellow, Round Valley Indian Tribes	Present
Pam Bacigalupi	Agriculture Landowner	Absent
Pam Jeane	Sonoma Water	Present
Patrick Sullivan	Lake County	Absent
Peter Chevalier	Agriculture Landowner	Absent
Phil Williams	City of Ukiah	Absent
Redgie Collins	CalTrout	Present
Robert Pennington	County of Sonoma	Present
Ryan Bezerra	Sonoma Water	Absent

Scott Shapiro	Downey Brand	Absent
Sean White	City of Ukiah	Absent
Ted Hernandez	Wiyot Tribe	Absent
Terri McCartney	Pinoleville Pomo Nation, MLSTEP	Present
Terry Crowley	City of Healdsburg	Absent
Todd Schram	Sonoma Water	Present
Tyler Nelson	Agriculture Landowner	Absent
Tyrone Mitchell	Yokayo Tribe of Indians	Absent
Vivian Helliwell	Pacific Coast Federation of Fishermen's Associations	Present
Other Attendees		
Full Name	Organization	Attendance
Ann Marie Ore	DWR	Present
Glen Spain	PCFFA	Present
Peter Kiel		Present
Marcus	Pinoleville Pomo Nation	Present
Rue Furch		Present
Charlie Schneider	CalTrout	Present

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Redgie Collins	CalTrout	Absent
Robert Pennington	County of Sonoma	Present
Ryan Bezerra	Sonoma Water	Absent
Sam Boland-Brien	State Water Board	Present
Scott Shapiro	Downey Brand	Absent
Sean White	City of Ukiah	Absent
Stephen Zollman	Sebastopol Councilmember	Present
Ted Hernandez	Wiyot Tribe	Absent
Terri McCartney	Pinoleville Pomo Nation, MLSTEP	Present
Terry Crowley	City of Healdsburg	Present
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