

# Meeting Summary

## Russian River Water Forum

### Working Group: Water Rights & Water Management

### Meeting #1

*Zoom*

*July 25, 2023, 9:00 am to 11:00 am*

#### Summary

The Russian River Water Forum held the first meeting of the Water Rights & Water Management Working Group via Zoom. The meeting was facilitated by Kearns & West, a neutral third party. Presentation slides and a recording of the meeting are available on the project [website](#).

The meeting objectives were as follows:

- Review Working Group roles and responsibilities
- Provide a recap of the June 21-22 Technical Briefings and relevant Planning Group discussions
- Discuss Working Group objectives, potential work products, and timeline
- Identify Working Group co-chairs in closed session

The meeting agenda and a list of attendees are in Appendices A and B. The meeting had a total of 30 attendees.

The next section provides a summary of the questions, responses, and discussion during the briefing.

#### Meeting Summary

##### Welcome, Introductions, and Agenda Review; Review of Working Group Roles and Responsibilities

Mike Harty, Kearns & West, provided a welcome to the group and reviewed the membership and participation guidelines:

- Working Groups participation open to all Planning Group members, alternates, and nominated technical experts.
- Some portions of meetings will be open to public (as observers), some will be closed sessions.
- Monthly meetings, regular participation expected
- Working Groups will identify co-leads.

Mike then reviewed the purpose of the Planning Group:

- Seek to identify water supply resiliency solutions that respond to PG&E's planned decommissioning of the PVP while protecting Tribal interests and supporting the stewardship of fisheries, water quality, and recreation in the Russian River and Eel River basins.

Mike then reviewed the Working Group Roles and Responsibilities:

- Provide local expertise and knowledge of the Russian River and Eel River basins and the Potter Valley Project (PVP), for informing the Water Forum planning process.
- Develop options and alternatives for consideration by the Planning Group
- Identify and evaluate the technical needs, feasibility, and benefits of options and alternatives
- Provide input/feedback to Planning Group re: what range of solutions is acceptable

### Recap of Technical Briefings and Relevant Planning Group Discussions

Jim Downing, Kearns & West, provided a series of takeaways from the June 21 Water Supply & Fisheries technical briefing, the June 22 Water Rights & Water Management technical briefing, the July 19 Water Supply & Fisheries Meeting, and Planning Group discussions on the Huffman Ad Hoc Committee and Two-Basin Partnership processes (May 17) and Russian River water resiliency (July 13).

- Water Rights & Water Management Technical Briefing:
  - Categories of water rights in the Russian River
  - Rights to "abandoned" PVP water
  - Rights to water stored in Lake Mendocino, including the "10,000 AFY reservation"
  - Potential effects of changes to the PVP
  - Water rights in the Eel River basin
  - Federal Indian reserved water rights
  - RVIT water and fishing rights in the Eel River basin
- Russian River water resiliency:
  - Municipal and agricultural water providers and water users in the Russian River Basin have implemented, and continue to implement, many measures to reduce water demand and increase water resiliency.
  - In the near term, eliminating the PVP diversion would result in water use curtailments and Lake Mendocino draining in 2 of 10 years.
  - In the long term, further resiliency investments could reduce or eliminate the need for the PVP diversion.
- Two-Basin Partnership:
  - The Two-Basin Partnership (Round Valley Indian Tribes, CalTrout, Humboldt County, Mendocino IWPC, Sonoma Water) evaluated multiple scenarios for the future of the PVP.
  - The Partnership's preferred alternative included:
    - Removal of Scott Dam
    - Improved fish passage\* at Cape Horn Dam
    - Continued PVP diversion
- Water Supply & Fisheries:
  - Three alternatives for improved fish passage at Cape Horn Dam developed through the Ad Hoc Committee process are currently being assessed as part of DWR-funded study.
    - New Fish Ladder

- Dam Removal with Pump Station
- Dam Removal with Roughened Channel

Jim then reviewed the Water Rights & Water Management needs raised in technical briefing and Planning Group discussions. These included:

- Russian River: Joint memo on water rights issues, facts that aren't in dispute
- Documentation of Russian River water rights; Russian River water budget – documentation of water available and water used, data gaps
- Information on Tribal water rights in both basins
- Information on relevant federal reserved water rights

A Working Group member pointed out that much of this information is already available through various memos developed by Ryan Bezerra (water rights counsel to Sonoma Water), CalTrout, Round Valley Indian Tribes, and others. If they were compiled that could address much of this information need. Another member reminded the group that while in the long-term, continued investments in water resiliency could obviate the need for the diversion, that is a long-term scenario (several decades), not something that is feasible in the near future.

### Group Discussion

Mike Harty prefaced the group discussion by positing that in order to have a meaningful discussion of water rights and water management issues, an assumed scenario is needed. The assumed scenario would be that a diversion will continue in some form, under the ownership of a new regional entity.

Mike then asked if a discussion about this assumption was needed.

Several Working Group members questioned the necessity of limiting the group to just one scenario and suggested opening up the conversation to discuss multiple potential scenarios. One scenario supported by multiple members for consideration was one where there is no diversion, so as to promote understanding of the ramifications of the diversion ending. A member of the Working Group also pointed out that the Two-Basin Partnership team mapped out multiple scenarios and assumptions that this group could utilize in its analysis. One member expressed that the proposed scenario was too vague and needed to be clarified.

Mike then shared the group's discussion questions.

1. How can this Working Group best support the goals of the Water Forum?
2. What should this Working Group discuss, what should it produce?
3. On what timeline?
4. Who will do the work?

The group discussed the above questions.

Working Group members discussed several issues, including:

- Water Rights Categories and Prioritization
  - Working Group members discussed how well water rights categories and prioritizations were understood on both basins, with members suggesting that the presentations at the technical briefing as well as John Nagle's extensive review of water rights in the

Upper Russian River as part of the Voluntary Water Sharing agreement were good resources. One member expressed concern that water rights on the Eel River were less well understood especially regarding prioritization across basins. It was suggested that an understanding of these rights would be important if downstream flows were to change. Another member questioned the benefit of a more in-depth analysis of water rights on the Eel River outside of the water rights bundle associated with PG&E and the project. The Working Group considered that an area of focus for them moving forward could be to work on a summary of all relevant water rights and understanding how water would be allocated and who would pay for it under different scenarios.

- Working Group Products
  - Working Group members discussed what a summary of water rights might look like, with members identifying existing resources and documents to be included as well as potential gaps in the research. One member suggested a potential gap that could be filled was a detailed identification of who has rights to water from different sources. Some members suggested analyzing how water rights would change under two scenarios, one where the diversion continues and the other where the diversion ceases, with the primary goal being educating the public at a high level rather than itemizing everyone's rights. Another member suggested including storage rights in this analysis. Several Working Group members emphasized that timing and resource limitations are important, and that it would be necessary to sacrifice some comprehensiveness/detail in the analysis in exchange for timeliness. Working Group members decided to create a simple, high-level presentation including estimates of impacts under two different scenarios that could be presented to the Planning Group.
- Lake Pillsbury and Scott Dam
  - Some Working Group members expressed concern about the removal of Scott Dam and the effects on Lake Pillsbury. Whether or not understanding the implications of such a removal was within the jurisdiction of the Working Group was debated.

The group discussed that the next meeting of the Working Group would be in roughly 2 weeks (note July 31: the next meeting of the Working Group will be after the next Planning Group meeting, which has been postponed from Aug. 3 to Aug. 17)

### [Selection of Co-Chairs \(closed session\)](#)

Mike introduced the co-chair role and responsibilities:

- Work with facilitation team to plan Working Group meeting agendas and coordinate with presenters
- Support coordination/info sharing between Working Group and Planning Group, and across Working Groups
- Participate in report-outs during Planning Group meetings
- Communicate with Working Group members between meetings as needed
- Co-chair responsibilities will be consistent across the Working Groups
- The co-chairs are not expected to be decision-makers or to lead the Working Group meetings

The group then discussed co-chair nominees.

The group reached consensus on two co-chairs: Phil Williams (City of Ukiah) and David Taber (Palomino Lakes Mutual Water Company)

## Appendix A: Meeting Agenda

Time	Topic
9:00 a.m.	Welcome, Introductions, Agenda Review
9:15 a.m.	Working Group Membership, Roles, and Responsibilities
9:30 a.m.	Recap of June 22 Technical Briefing and Relevant Planning Group Meetings
9:45 a.m.	Discussion of Working Group Objectives and Timeline
10:25 a.m.	Recap of Discussion and Next Steps
10:30 a.m.	Identification of Co-chairs (closed session)
11:00 a.m.	Adjourn

## Appendix B: List of Attendees

Working Group Members		
Full Name	Organization (from Master Contact List)	Attendance
Adam Gaska	Redwood Valley County Water District	Absent
Adriane Garayalde	Agricultural Landowner	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	Present
Curtis Berkey	Berkey Williams Law	Absent
Dakota Perez	Pinoleville Pomo Nation	Present
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	Absent
Erica Costa	Berkey Williams Law	Absent
Frank Lynch	Lake Pillsbury Alliance	Present
Glenn McGourty	Mendocino County Board of Supervisors	Absent
Janet Pauli	Potter Valley Irrigation District, Inland Water and Power Commission	Present
Jeanne Zolezzi	Russian River Flood Control and Water Conservation Improvement District	Present
John Nagle	Sonoma Resource Conservation District	Absent
Kristin Peer	BKS Law Firm	Present
Laurel Marcus	California Land Stewardship Institute	Absent

Letty Belin	California Trout	Absent
Luis Santana	Robinson Rancheria	Absent
Mary Grace Pawson	City of Rohnert Park, TAC Member	Absent
Matt Clifford	Trout Unlimited	Present
Mike Harty	Kearns & West	Present
Nikcole Whipple	Save California Salmon, Edtrust Justice Fellow, Round Valley Indian Tribes	Absent
Pam Bacigalupi	Agricultural Landowner	Present
Pam Jeane	Sonoma Water	Present
Patrick Sullivan	County of Lake	Present
Peter Chevalier	Agriculture Landowner	Absent
Phil Williams	City of Ukiah	Present
Redgie Collins	CalTrout	Present
Robert Pennington	County of Sonoma	Absent
Ryan Bezerra	Sonoma Water	Absent
Scott Shapiro	Downey Brand	Absent
Sean White	City of Ukiah	Present
Ted Hernandez	Wiyot Tribe	Absent
Terri McCartney	Pinoleville Pomo Nation, MLSTEP	Present
Terry Crowley	City of Healdsburg	Absent
Todd Schram	Sonoma Water	Absent
Tyler Nelson	Agriculture Landowner	Absent
Tyrone Mitchell	Yokayo Tribe of Indians	Present
Vivian Helliwell	Pacific Coast Federation of Fishermen's Associations	Present

Other Attendees		
Full Name	Organization (from Master Contact List)	Attendance
Ashley Gilreath	California Department of Water Resources	Present
Charlie Schneider	CalTrout	Present
Cory O'Donnell	Sonoma Water	Present
Dennis Murphy	Sonoma Resource Conservation District	Present
Hollie Smith	Sierra Club	Present
Jaime Neary	Russian Riverkeeper	Present
Justin Fredrickson	California Farm Bureau	Present
Laurel Marcus	California Land Stewardship Institute	Present
Peter Kiel	Law Office of Peter Kiel	Present
Rue Furch	Russian River Watershed Council	Present
Tom Johnson	IWPC	Present