

Subject: Water rights complaint against PG&E and RVCWD

From: "Lavallee, Laura@Waterboards" <Laura.Lavallee@waterboards.ca.gov>

Date: 4/15/2014 4:41 PM

To: "nmk2@pge.com" <nmk2@pge.com>, "GMRVCWD@Pacific.net" <GMRVCWD@pacific.net>, "O'Hagan, John@Waterboards" <John.O'Hagan@waterboards.ca.gov>

CC: David Keller <dkeller@eelriver.org>, Rosalind Peterson <info@californiaskywatch.com>

Ms. Neva Geldard, License Coordinator
Pacific Gas & Electric (PG&E)

Mr. Bill Koehler, General Manager
Redwood Valley County Water District (RVCWD),

The Division of Water Rights (Division) has received the attached two letters regarding the proposed diversion from the Eel River by PG&E for release into the East Fork Russian River via the Potter Valley Project for the purpose of providing RVCWD with water to meet its customers' needs. The Division considers these letters to be a water rights complaint requiring an official determination. The current drought conditions add to the importance of the Division making a timely investigation and factual determination.

At this time, the Division does not have enough information to make a determination on the allegations contained in the complaint or to determine to what extent, if any, the proposed diversion and release for use by RVCWD can be made under existing water rights and/or what type of right is required to be obtained.

Please respond within five days by providing information regarding your proposed project including, but not limited to, answers to the following specific questions:

- Under what existing water right(s) will this diversion by PG&E from the Eel River, release into East Fork Russian River, and use by RVCWD be accomplished? If an existing right does not support the release then what provisions you will take to secure a right.
- Is this diversion/release/use of water within PG&E's "normal" amount of annual operation or is it above and beyond what PG&E would normally divert?
- Will PG&E generate power from this diversion?
- How will PG&E guarantee the released water gets to Lake Mendocino – that is how will Russian River Flood Control District (RRFCD) prevent intervening users from diverting the water on its transmission to Lake Mendocino?
- What is the beneficial use to be made by RVCWD of the water (agriculture, domestic, etc).
- Has FERC agreed to the request?
- Do the state and federal fisheries agencies have any concerns?
- What impacts will this proposal have on other water right holders and riparian users in Eel River and East Fork Russian River, including but not limited to Sonoma County Water Agency, RRFCD, Potter Valley Irrigation District?

We understand that time is of the utmost importance in this case and we will respond back as quickly as possible. Please be aware that should a diversion occur without benefit of a valid water right, the Division may take enforcement actions against the parties involved. If you have any questions, please call me to discuss.

Sincerely,

Laura Lavallee

Senior Water Resources Control Engineer
Enforcement Unit 1 Supervisor

Division of Water Rights
916.341.5422

— Attachments: —

April 13 2013 email from David Keller regarding PGE proposed diversion from Eel River.pdf 20.5 KB

474S 7 2014 Letter to SWRCB+CDPH April 13 2014 from R Peterson Regarding RVCWD PGE Letter Approved on April 10 2014.pdf 57.6 KB