

Historic water sharing deal OK'd

RUSSIAN RIVER » Board Agreement will balance allocation of resource

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The State Water Resources Control Board on Tuesday approved a groundbreaking agreement that allows "senior" water rights holders in the upper Russian River watershed to share

their supply with junior rights holders whose claims might otherwise be suspended due to drought.

The collaborative, community-first approach, negotiated over many months by agricultural, municipal, tribal and other stakeholders in the region, is the first of its kind to try to bring balance to the allocation of scarce water supplies in a state governed by what one board member called an "inher-

ently inequitable" water rights system.

Instead of relying on the century-plus-old "first in time, first in right" system, through which younger water rights can be fully curtailed while senior rights are left completely whole, the voluntary framework approved Tuesday allows neighbors to support each other through hard times, supporters say.

Any senior water rights holder who participates will be

agreeing to forgo some of their water so that junior water rights holders can at least have a minimal amount to sustain their agricultural interests or other needs.

The five-member board, which approved it unanimously, lauded it for its innovation and focus on equity, as well as its practicality in making room for more people to weather the drought successfully.

The water rights system "is

what it is, and it is something of a blunt tool," board Chairman E. Joaquin Esquivel said. "But here, again, water rights holders in communities can organize and say there's an ability to share better with one another."

The decision comes as the state board imposes what Division of Water Rights Deputy Director Erik Ekdahl called "significant, very deep cuts" on

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4,252 water rights holders in the San Joaquin/Sacramento River Delta watershed. The curtailment orders take effect tomorrow.

About 1,800 upper and lower Russian River water rights were curtailed last year as Lake Mendocino receded to its lowest level on record. Ekdahl said supply and demand evaluations for this year had been conducted monthly and would be made at the end of this week, with curtailments possible as soon as June 16.

If the water sharing agreement works, some who might be curtailed may still get some water. But success still depends on enough people and in-

stitutions enrolling in the program, including enough with senior water rights to contribute enough water for junior rights holders to use.

Enrollment is open through June 20. Calculations made in the days to follow will determine if the program is viable for this year. That means curtailments could go into effect a few days before that determination is made.

It may be possible to go forward with as few as 10 participants, depending on the mix, said Sam Boland-Brien, supervising engineer with state water board. But there are hundreds of water rights holders in the upper river and “obvious” benefits of scale, “so we would like to see 100 percent enrollment,” he said.

There is no way of know-

ing whether there will be sufficient water in the watershed for even the most senior water rights holders to share.

Storage in Lake Mendocino is currently at about 56% of the target water supply curve for this time of year, and Sonoma Water, which manages summer releases, expects to have just enough water available to sustain minimum river flows required to support federally protected salmon and steelhead trout.

While diversions of Eel River water into the East Branch Russian River and Lake Mendocino through the Potter Valley powerhouse still might provide enough to buffer downstream users, supporters of the voluntary agreement were incensed to discover three weeks ago that

Pacific Gas & Electric had asked federal regulators for permission to reduce those flows to a fraction of what they normally would be.

The company did so, members of the water sharing steering committee said, even though it has pledged and been directed by regulators to share such information with a working group comprised of stakeholders in the Potter Valley project, many of whom are involved in the water sharing effort, as well.

“This is a year’s worth of work,” said Phillip A. Williams, special water counsel for the City of Ukiah, still clearly angry. “We are 99 percent of the way there, and then PG&E files a variance.”

If federal regulators approve the lowest end of

PG&E’s proposed range, the program may not be viable, Boland-Brien said.

Members of the steering committee said they believe it remains worth pursuing, however.

Some also spoke of the experience of working on the agreement once water board staff initiated discussions about a locally driven solution to the threat of curtailments back in 2020, in the first year of what’s now a 3-year drought.

Elizabeth Salomone, general manager of the Russian River Flood Control and Water Conservation Improvement District in Mendocino County, recalled how early conversations with disparate parties “morphed into partnerships” and all became “a team.”

Williams, special water counsel for the City of Ukiah, told the board

he had reflected recently on the longtime usage of the phrase “water wars” to capture the tension in the West over this vital resource and the tension over who has it and who needs it.

It is, he said, “an extraordinarily unfortunate term and a misnomer,” conveying a zero sum game.

“My experience tells me the this past year has been nothing like a war ... “The water sharing agreement testifies to the fallacy the paradigm of water wars offers to us.”

For more information, go to waterboards.ca.gov/drought/russian_river/voluntary_program.html.

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