

Communication "B"; August 23, 2011 Special Calistoga City Council Meeting  
Item 1: Final Kimball Reservoir Bypass Plan



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

AUG 23 2011

CITY OF CALISTOGA  
City Clerk

Susan Sneddon, City Clerk  
City of Calistoga  
1232 Washington Street  
Calistoga, CA 94515

AUG 23 2011

**RECEIVED**

Dear Ms. Sneddon:

**COMMENTS ON THE CITY OF CALISTOGA KIMBALL RESERVOIR INTERIM BYPASS PLAN**

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff received the Kimball Reservoir Interim Bypass Plan (Bypass Plan) dated August 19, 2011. The alternative selected by the City of Calistoga (City) does not address the Division staff's concerns on the Draft Kimball Reservoir Bypass Plan dated June 24, 2011. Division staff encourages the City to reconsider the comments submitted on the Draft Kimball Reservoir Bypass Plan as well as the additional comments on the Bypass Plan, which are as follows:

1. The bypass alternative selected by the City for Kimball Reservoir does not provide flows for steelhead migration or spawning before the reservoir spills. Division staff suggests selecting a bypass alternative in which bypass flows initiate before the reservoir spills.
2. The maximum bypass selected by the City should be related to both fishery needs and the City's beneficial uses, and not based solely on hydraulic or operational constraints. In the Technical Memorandum on Kimball Reservoir Bypass Infrastructure Improvements dated August 18, 2011, a maximum "safe" velocity of 5 feet per second is cited for the 12-inch raw water pipeline. Maximum pipe velocity is a function of the pipe material and condition. Neither of these parameters has been determined in the City's analysis. The City should provide further justification for the selected maximum velocity criteria and the corresponding maximum bypass of 3.2 cubic feet per second.
3. The City should invite Division staff in discussions with the California Department of Fish and Game (CDFG) on an appropriate bypass for Kimball Reservoir.
4. Division staff reviewed the CDFG's Kimball Flow Assessment dated July 29, 2011. Division staff can consider this study in assessing the potential impacts to public trust resources from the operation of Kimball Reservoir and any bypass plan approved by the City.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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5. The City should move forward with a site specific instream flow study for Kimball Reservoir as proposed in the Bypass Plan. The Division requests that City staff work with Division staff on implementation of this study (e.g., study plan, schedule, and results). Division staff are concerned that the City states: “..though the City will retain discretion to make a final determination about study design.” Implementation of a PHABSIM study or any other site specific study should be a stakeholder driven process with all parties involved in the outcome.
6. Division staff received the Bypass Plan and attachments for review on August 19, 2011. Division staff suggests the City Council postpone adoption of the Bypass Plan and provide additional time to stakeholders for review of the Bypass Plan and attachments.

The comments submitted by Division staff do not constitute a final evaluation of the potential public trust impacts resulting from the City of Calistoga’s operation of Kimball Reservoir. The State Water Board has continuing authority to impose further limitations on a diversion to protect public trust resources.<sup>1</sup>

Please contact Joshua Grover at (916) 323-9407 or [jgrover@waterboards.ca.gov](mailto:jgrover@waterboards.ca.gov) if you have any questions. Written correspondences or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Joshua Grover, PO BOX 2000, Sacramento, CA, 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

John O’Hagan, Manager  
Enforcement Section

cc: Corinne Medlin Gray  
California Department of Fish and Game  
7329 Silverado Trail  
Napa, CA 94558

Richard D. Spittler, City Manager  
City of Calistoga  
1232 Washington Street  
Calistoga, CA 94515

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<sup>1</sup> When the State Water Board issued an amendment to the City’s licenses, it did not determine whether Calistoga’s use of water injured public trust uses. When the State Water Board approved the amended license it evaluated whether the proposed change approved by the amendment would adversely affect public trust uses, and did not evaluate whether the underlying license was adequately protective of public trust uses. The findings in the amended license therefore should not be construed as a determination of whether Calistoga’s diversion and use of water are consistent with public trust resources.