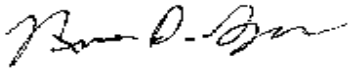


City of Calistoga Staff Report

10

TO: Honorable Mayor and City Council
FROM: Michael Kirn, Public Works Director/City Engineer
DATE: August 20, 2013
SUBJECT: State Water Resources Control Board, Division of Water Rights
Letter of August 15, 2013 on Kimball Reservoir Operations

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

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ISSUE:

State Water Resources Control Board, Division of Water Rights Letter of August 15, 2013 on Kimball Reservoir Operations.

RECOMMENDATION:

By motion, authorize the City Manager to submit the Final Technical Memorandum for the Kimball Reservoir Interim Bypass Plan Accounting to the State Water Resources Control Board-Division of Water Rights (State).

BACKGROUND/DISCUSSION:

On July 2, 2013 we submitted a draft Technical Memorandum (TM) to the State outlining how we would monitor and report reservoir operations. On July 26, 2013 we met with them to review the TM and at the conclusion of the meeting it was agreed that SWRCB-DWR would reply in writing on the adequacy of the draft TM. On August 15, 2013 we received confirmation from the State that our proposed methods for accounting and reporting reservoir operations is acceptable.

Staff is recommending that the City Manager be authorized to send a letter to the State acknowledging their acceptance and concurrence with our operations plan.

Attachments:

State Letter August 15, 2013
Transmittal letter



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

AUG 15 2013

In Reply Refer to:
JLW:A009376, A015874, and A026061

Mr. Richard Spittler
City Manager
City of Calistoga
414 Washington Street
Calistoga, CA 94515

Dear Mr. Spittler:

CITY OF CALISTOGA – KIMBALL RESERVOIR AMENDMENTS TO THE INTERIM BYPASS PLAN

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) is submitting this letter in response to a meeting between representatives from the City of Calistoga (City) and Department of Fish and Wildlife (DFW) on July 26, 2013, in which the City's revisions to its Interim Bypass Plan were discussed. Division staff accepts the changes made by the City in its Technical Memorandum, Draft Kimball Reservoir Interim Bypass Plan Accounting, dated July 3, 2013, including:

1. The City's commitment to replace all calculated negative inflows into Kimball Reservoir with zeros;
2. The City's commitment to measure bypass flows to Kimball Creek strictly through its bypass pipes;
3. The City's commitment to maintain bypass flows to Kimball Creek via its bypass pipes once the dam stops spilling;
4. The City's commitment to use a 5-day average for calculating inflow;
5. The City's commitment to provide on a monthly basis its calculated inflow to Kimball Reservoir and bypass flows to Kimball Creek on its website;
6. The City's commitment to install an interim transducer capable of measuring reservoir stage height to 0.05 feet by November 1, 2013 and to install a similar transducer in the City's intake tower by the fall of 2015.

The City has stated that its goal will be to always release 100% of the targeted bypass flow. However, should the City miss its targeted bypass due to operator error, natural daily inflow variability, or limitations to the accuracy of the bypass equipment, it is committed to releasing at least 70% of the targeted bypass flow on any given day. The City will consider any bypass amount less than 70% to be a violation to its own bypass plan. Additionally, on any day following a day where the bypass flow fails to meet the targeted bypass flow, the City is committed to release additional bypass flows to make-up for the shortage from the previous day. Division staff accepts the City's commitment to release "make-up" flows. However, even with the City's proposed

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Mr. Richard Spitler, City Manager
City of Calistoga

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changes, there is the potential that violations to Licenses 9615 and 9616 (Licenses) may occur should the City fail to meet its targeted bypass flows on any day from July 2nd through September 14th. Division staff acknowledges that the occasional mistake may occur and reserves the discretion to take enforcement action. Division staff's primary concern is that violations do not occur on a regular basis or over the course of consecutive days without taking immediate corrective action. Should the City find that it is in violation with its Licenses terms and conditions, it should notify the Division and take the appropriate corrective actions to prevent its reoccurrence.

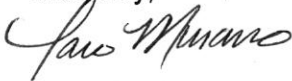
The City in its July 2, 2013 letter raised concerns that the bypass requirements may result in the City exceeding its storage limitations under Licenses. Specifically, the City is concerned that the release of bypass flows will draw down reservoir storage, which may be refilled only to be drawn down again by the release of additional bypass flows. The Division cannot allow the City to divert and store more water than is permitted under its Licenses. However, water bypassed by the City is not considered to be diverted water, nor is the City being asked to bypass water from storage at this time. Division staff is aware that the City, as a matter of precaution, has recently been providing more water to Kimball Creek than is likely entering the reservoir via inflow. However, the City's Licenses require the bypass of all inflow from July 2nd through September 14th and, in following the City's Interim Bypass Plan, 60% of inflow up to 3.2 cubic feet per second (cfs) from November 1st through July 1st from the date water first spills over the spillway. Additionally, the City is licensed to divert and store up to 536 acre-feet per calendar year, which far exceeds the current capacity of the reservoir. Consequently, Division staff does not foresee the City running the risk of violating the diversion and storage limits under its licenses.

Division staff appreciates the changes that the City has made to its operations at Kimball Reservoir and believes that the recent changes will help to keep the City in compliance with the terms and conditions of both its licenses and Interim Bypass Plan. However, Division staff views the current bypass schedule as strictly an interim plan. Upon completion of the Kimball Creek Flow Study, the issues surrounding the City's operation of Kimball Dam and Reservoir will require further discussion.

If you have any further questions or comments, please contact Mr. Jonathan Williams by phone at (916) 319-8107 or by e-mail at: Jonathan.Williams@waterboards.ca.gov. Written correspondence should be addressed as follows:

State Water Resources Control Board
Division of Water Rights
Attn: Jonathan Williams
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Taro Murano, Supervisor
Enforcement Unit 5
Division of Water Rights

cc and ec: Please see next page.

cc: Mr. Michael Kirn
City of Calistoga
414 Washington Street
Calistoga, CA 94515
MKirn@ci.calistoga.ca.us

Mr. Robert Baiocchi
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P.O. Box 1035
Graeagle, CA 96103-1035
bobbaiocchi@yahoo.com

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Living Rivers Council
2945 Atlas Peak Road
Napa, CA 94558
cmalan@myoneearth.org

Mr. William McKinnon
P.O. Box 3161
Grass Valley, CA 95945
mail@williammckinnon.com

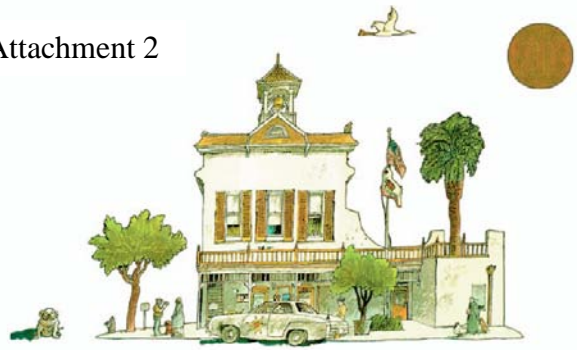
Ms. Corinne Gray, Staff Environmental Scientist
Department of Fish and Wildlife
P.O. Box 47
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Corinne.gray@wildlife.ca.gov

ec: Mr. John O'Hagan, Manager
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CITY OF CALISTOGA

1232 Washington Street • Calistoga, CA 94515
Telephone 707-942-2828 – Public Works Dept.
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August 21, 2013

Taro Murano, Supervisor
Enforcement Unit 5
Division of Water Rights
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812

Dear Mr. Murano:

This letter is in response to your August 15, 2013 letter regarding the City's operation of Kimball Dam and Reservoir. This letter acknowledges the City's intent to operate Kimball Reservoir consistent with the procedures as specified in the Final Technical Memorandum (TM) which is attached. The Final TM includes language that reinforces our commitment to maintain bypass flows to Kimball Creek via the bypass pipes once the dam stops spilling.

Your response to our concerns related to storage and diversion limitations during bypass operations is appreciated and your comments clarify the State's position and understanding on this issue and we accept your position.

We fully understand that additional discussions and possible revisions to the Interim Bypass Plan and Bypass Plan Accounting are contingent upon the final outcome of the Kimball Creek Flow Study.

We truly appreciate your assistance in bringing this matter to closure and look forward to working with you as the process moves forward. If you have any questions please feel free to contact our Public Works Director, Michael Kirn at 707-942-2782.

Sincerely,

Richard D. Spittler
City Manager
City of Calistoga