

November 1, 2001

Redwood Valley County Water District  
Chairman Don Butow  
Members of the Board of Directors  
Paul Minasian, Attorney at Law  
Post Office Box 399  
Redwood Valley, California 95470

Gentlemen:

The following issues are of great concern to the residents of Redwood Valley who receive their water from the Redwood Valley County Water District:

- 1) Chairman Don Butow informed the Board of Directors at the October 4, 2001, Redwood Valley County Water District meeting, that he had directed, without approval of the Board in any meeting, Keith Tiemann, RRCWD Manager, to file applications with the Russian River Flood Control District (RVCWD), for those Redwood Valley residents who are already members of the RRFCD. Apparently someone from the RRCWD Board or Manager Tiemann, signed those documents for the owners, and mailed those applications to the Russian River Flood Control District.
  - A) How many RRFCD members, who live in Redwood Valley, had applications filled out for them by the RVCWD?
  - B) Who signed those applications for the owners?
  - C) Did the Redwood Valley County Water District have written permission from those owners to represent them prior to September 30, 2001?
  - D) Was an application filled out for any RVCWD Board Member or a member's relatives? If the answer is yes, is this not a conflict of interest?
  - E) Why was Chairman Butow, representing these owners at the last Russian River Flood Control District Meeting instead of representing all of the residents who live in Redwood Valley and use RVCWD water?
- 2) The question then becomes why the Redwood Valley County Water District is not representing the interests of all of its water customers instead of a few special interests that are, as members of the RRFCD, fully capable of filling out the applications for themselves?
- 3) The idea that Redwood Valley CWD will refuse to pay the Russian River Flood Control District for the water it has used in the last fiscal year when it will eventually have to be paid to the RRFCD under the lawsuit that is now in effect. Why is the RVCWD going to spend additional sums of money on lawyers and on interest fees and penalties? Do your constituents approve of having to pay these expenses by increases in their water rates?

- A) The idea that you will pay the Sonoma County Water District for the water used this last fiscal year is interesting.
  - B) The notion that you will be able to pump water, if there is no surplus water from the RRFCD available, without a contract with any entity is also of interest and in violation of California State Department of Water Resources regulations. Do we intend to pay legal fees and fines that will be levied against the RVCWD if we pump with no contract? How much will it cost the RVCWD if a lawsuit is brought against you to force you to stop pumping water that does not contractually belong to you?
  - C) Please note that Manager Tiemann's notion that the California State Department of Health will require the RVCWD to keep pumping water even though there is no legal contract with any entity, that is entitled to sell you water, is apparently totally in error according to Bruce Burton, Santa Rose Branch, State Department of Health. Redwood Valley has to have a water contract or it will be required to stop pumping water that doesn't belong by contract to the RRCWD.)
- 4) The Bureau of Reclamation is in the process of determining, how much interest Redwood Valley CWD will have to pay for its \$7,313,000 loan with them. Redwood Valley has only paid approximately \$58,000 in principal and \$34,533 in interest on this loan. (Please note that even Kay (916) 978-5245, of the Bureau of Reclamation, thinks that the RVCWD should begin negotiations with our congressmen and senators to get legislative relief from this loan.) What is the delay in going forward with legislative relief before the Bureau of Reclamation turns this over to the Department of Justice because the RRFCD is in default?

Instead of paying for lawyers and lawsuits there is another solution to this water supply problem. (The difficulty for the RVCWD is that Attorney David Rapport represents the City of Ukiah and may have a conflict of interest in speaking to this issue since he represents the City of Ukiah first and foremost.)

**The solution is as follows:**

- 1) The City of Ukiah has approximately 14,000 acre feet of water rights not including any water from the Russian River Flood Control District.
- 2) The City of Ukiah uses approximately 5,000 acre feet of water each year. This leaves approximately 9,000 acre feet that is not used. (Note that the City of Ukiah is growing very slowly and may never have to use this 9,000 acre feet of water.)
- 3) Why not negotiate a contract with the City of Ukiah for approximately 2,500 acre feet of water to meet the needs of Redwood Valley?
- 4) If the City of Ukiah refuses to negotiate a contract, the Redwood Valley County Water District could file a complaint, regarding this extra 9,000 acre feet of water, against the City of Ukiah, with the California State Department of Water Resources. The SWRCB could force the City of Ukiah or change their permit allowing them to relinquish some of their water to the RVCWD.
- 5) The City of Ukiah would benefit from the income produced by selling this water to Redwood Valley. (In addition, Redwood Valley may have to agree to stringent conservation measures to keep its usage to a reasonable level.)
- 6) The City of Ukiah, the Russian River Flood Control District and the RVCWD could enter into a "wheeling" agreement whereby Redwood Valley is supplied with water to meet its needs between the months of March and November each year.

- 7) This would eliminate all of the tremendous costs to Redwood Valley in finding a solution to their storage problems and it would mean that the RVCWD would have water for its customers in the immediate future.

**I am requesting copies of the minutes for the RVCWD meetings held between July 2001 and November 1, 2001. Please advise Manager Tiemann that I have made this request in writing under the California Public Records Act and the Brown Act.**

Thank you very much for taking the time to consider the above information. If you have any questions or need additional information please contact me at your convenience.

Sincerely,

Rosalind Peterson  
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(707) 485-7520

**Note:**

**Dear Chairman Butow:**

I checked with an attorney that I know while you were in closed session this evening. What he told me was that the City of Ukiah could apply with the State Water Resources Control Board for a change of "Place of Use". If granted this would allow the City of Ukiah to sell water to you. Since the City of Ukiah has not put all of its water to "Beneficial Use" under their permit (thus they have surplus water the same as the Russian River Flood Control District), they could sell you their surplus water. It would be the same as purchasing water from the RRFCD.

Since they do have surplus water you could bring a lawsuit against the City of Ukiah. The result would be that the City of Ukiah would be required to change it "place of use" and therefore they could be required to sell water to the RVCWD.

Please note that I have quickly reviewed the minutes of the RVCWD since May 1999, and this subject has never been discussed at any of the meetings I have attended. Attorney Rapport has a vested interest in looking after the City of Ukiah's interest now and for the past 10+ years. He would not be giving you information that you could use against the City of Ukiah and would probably be opposing you in court.