

Letter to UDJ as follow-up to Hal's letter

In 2013, Flood Control and RVCWD renewed stalled efforts to consolidate into one agency. All five RV board members voted to move forward with such efforts and the work of the general managers of both agencies continues those efforts at this time. However, recent actions by FCD and those of Lee Howard in particular have dampened the RV board's enthusiasm. I suspect that a majority of the board is now a wee bit skeptical of FCD's commitment to serving the interests of RV's residents.

Hal Voegel's letter to the UDJ of 17 April 2014 did a stellar job of laying out the situation so that everyone could understand it. My wife thinks Hal's letter should be required reading. However, I noticed that a few historical facts need sorting to clarify the situation.

Mr. Voegel mentioned the Stipulated Judgment under which RV gets access to FCD's surplus water. How that actually came about is that in order to get federal funding to form RVCWD, its founders had to demonstrate a reliable source of water. RV actually obtained a contract from FCD for 4K A-F. However, the 1977 drought scared FCD that its established customers would not have enough water so sued RV to undo the contract; it was this suit that resulted in the stipulated judgment, before RV could begin water deliveries to its customers.

The moratorium on *domestic* water service hookups, however, was actually the result of another lawsuit, by "Residents for Adequate Water," in 1989. The sketchy supply situation imposed by the stipulated judgment certainly played a part in the success of that suit. The moratorium on Ag hookups came later and was self-imposed as the RV board realized that RV could not guarantee reliable water to its existing ag customers, let alone new ones. This was due to both lack of certain supply and deficiencies in the ag distribution system.

In the 2009 drought, FCD's curtailment of RV's supply was based upon a State-mandated reduction for all uses of water from Lake Mendocino. FCD's 2014 curtailment however was self-imposed and raised the issue that the Stipulated Judgment's definition of surplus (that portion of FCD's 8K A-F not put to beneficial use) would seem to indicate that there was ample water for RV. The SJ also requires FCD to give formal written notice to RV but FCD did not. Therefore, RV was legally pumping FCD's water until the later action of FCD granted RV the 355 A-F.

FCD—particularly Lee Howard—tried to rush RV into embracing absorption into FCD, without any discussion or sorting of myriad details of how the marriage would work, on the faith that FCD could be trusted to take care of RV's customers. Yet, as Mr. Voegel states, FCD has a long history of trying to get out of reliably supplying RV with water. FCD claims that once RV is part of FCD, this problem will magically go away and RV will have ample water on an equal footing with other FCD contractors. This prospect did not sit well with Willow and Millview. Come the 2014 drought, Mr. Howard in particular expressed the concern that it would not be fair to FCD's contractors to provide any water (even the 355 A-F) to RV.

The water is there; the issues are political. FCD in fact needs RV to go to license for its 8K A-F water right. The base year (2007) FCD is using to claim that it is putting the 8K A-F water right to beneficial use was a year of relatively high water use all over the upper Russian River basin. RV's purchase of FCD water that water year was over 1,800 A-F. RV's usage that base year was significant in FCD's accounting to prove up its beneficial use of nearly 8,000 A-F.

As Mr. Voegel pointed out, Mr. Howard keeps trying to cause trouble with the State regulators for the local water purveyors. He stated at a recent FCD meeting that Masonite Well No. 6, from which RV hopes to get water through the upgraded intertie, was proved to be underflow and so stated in Water Resources Control Board Decision 1030 (1949). Not true. The language in D1030 makes no such statement.

Sonoma County Water Agency and no doubt all the State and Federal regulatory agencies would like very much to see all the upper Russian River basin water purveyors come together, speak with one voice, and even—if possible—merge into one well-managed agency, one that would work with SCWA in common interests, such as the upcoming relicensing of the Potter Valley diversion. This worthy goal was a major motivation for my getting involved in the water scene. FCD claims to have this in mind in all its efforts but the bullying approach led my Mr. Howard instead has for years and continues to alienate the districts and holds back the worthwhile hope of consolidation it claims to champion.