

February 26, 2001

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Dear Dr. Spath:

I have updated and added more information for clarification purposes to my original letter to you on January 18, 2001. This packet includes the Minutes from the Redwood Valley County Water District between May 1999 and February 15, 2001. In addition, there are letters, reports, permits, and logs that you may find to be of value to you in your investigation of the RVCWD.

The Redwood Valley County Water District does not seem to realize that they are under the jurisdiction of the California State Department of Health. They apparently do not always follow the rules and regulations of the Safe Drinking Water Act and Related Laws.

Section 116556-Redwood Valley County Water District Exception of the Health & Safety Code (page 74), and Section 6452-Quantity of Supply (page 261), were brought to the Board's attention several months ago when the 7<sup>th</sup> Edition (January 1, 2000) first came out. Copies of these respective sections were given to each Board member at a regularly scheduled meeting. Since that time the Redwood Valley County Water District has, in my opinion, been in violation of these sections for the following reasons:

1. The District has recently completed the Garzini and the Bel Arbres Mutual Water Company member annexations. In addition, the District is also serving domestic water to the Tomki Road area of northern Redwood Valley where East Road and West Road intersect. New hook-ups have also been added each year to the District's list of users. The impact from new agricultural hookups to the domestic water lines is a major concern considering that the District feels, in my opinion, that it can make an unlimited number of agricultural hookups to the domestic water line.

- Please note that the Superior Court of California for Mendocino County in a ruling dated June 3, 1994, noted the following:

A) **"...The District's new contract with Calpella obligates each district to supply domestic water to the other in an emergency. And it calls upon the DISTRICT to supply domestic water to Calpella in the future, but only under conditions which provide protection to the DISTRICT'S water users and residents..."** See paragraphs 4, 4c and 5 of the agreement portion of the addendum.

- B) "The writ issued January 24, 1989, commands the DISTRICT to cease making any net increases in physical domestic water service connections. Any ambiguity in this language is cleared up by the ruling dated February 20, 1990...The reason the writ was issued was because the DISTRICT doesn't have enough water to service new water users. The purpose of the writ is to protect the DISTRICT'S existing water users by maintaining the status quo until the DISTRICT obtains a new water source. The plain force of the writ orders the DISTRICT not to obligate itself to provide water to new users until the court determines that the DISTRICT has the water to provide. Before 1972, the DISTRICT had no obligation to deliver water to the portion of the Rancheria that lay outside the DISTRICT. The DISTRICT'S own policy prohibited it from providing new water service outside its boundaries. On May 7, 1992, the DISTRICT adopted a resolution modifying its policy for the specific purpose of providing such service to the Rancheria. It thereby obligated itself to provide domestic water to 26 additional single family residences without any corresponding offset in disconnected service. By its action, the DISTRICT put itself in clear violation of the writ...The DISTRICT'S renewed motion to modify the writ of mandate is denied without prejudice." James W. Luther, Judge.

It should be noted that the District's recent annexations and hookups may be in violation of this writ. The District should make an immediate effort to determine if there is a violation that may lead to a future lawsuit against the District.

2. There apparently was **no** CEQA performed for any of these annexations or new connections to **determine choke points in the lines or the ability of the District to supply water to these new areas under all circumstances.** (See RVCWD Minutes for January 4, 2001, December 12, 2000 and December 7, 2000.)

- A) There have been no other determinations made that an adequate water supply is available for these annexations and new connections. These facts lead me to believe that the District **does not have** an adequate supply of water for these projects during normal years and especially in drought years. (See RVCWD Minutes for January 4, 2001, December 12, 2001 and December 7, 2000.)
- B) In the April 19, 2000, Minutes-Page 1 is the following: "...Mr. Tiemann referred to the Chairman's earlier description of two delivery systems. There is an agricultural delivery system that has suffered by demands of new vineyards for frost protection and irrigation. The district...is now running into replacement problems..." And on Page 9, Don Butow, "...wondered why no one is asking if there is enough water to provide frost protection." If the Board knows about this problem why aren't they addressing it?
- C) Derek Ross, (See Page 6 Minutes for March 2, 2000) "...explained that the District spent one million dollars to upgrade the system on Road B to increase the water pressure..." Apparently adding new hookups decreased water pressure necessitating this expense to the district? Why is the district adding new hookups, in violation of the California State Drinking Water Act & Related Laws, which is causing this problem in the first place?
- D) September 2, 1999 Minutes-Page 4: "...Mr. Butow advised they have learned a lot about the legislation and they have latitude about easing the requirements..." with

regard to the next phase of hardship connections. What latitude is available considering the District has no reliable source of water?

3. Our District **does not have**, in my opinion, a contract, agreement or independent water right to divert water from Lake Mendocino or another adequate source of water to supply these areas, especially in drought years. **Redwood Valley only has the right to surplus water from the Russian River Flood Control District at the present time.** (See December 7, 2000 Minutes – Page 1-21. Enclosed)

4. Redwood Valley's "**place of use**" as approved by the California State Department of Water Resources Control Board **does not include, to my knowledge**, the Tomki Road area, Bel Arbres, annexed areas of Calpella, or any other annexations made in the recent past. It is my belief that it is illegal for the District to serve water to those areas without an approved place of use permit from the State Water Resources Control Board. RVCWD's actions may place the Russian River Flood Control District in a violation status as they may not have the authority to supply water to those areas through the Redwood Valley County Water District. (I am also formally requesting that the **California State Water Resources Control Board investigate** our District's "**place of use**" requirements and to determine if our District is in compliance with its past, present and possible future annexations.)

A) See RVCWD June 3, 1999 Minutes – Page 15 RE: "Place of Use"

B) See RVCWD December 7, 2000 Minutes – Page 2

C) March 2, 2000 Minutes-Page 9 quote: "The petition to change the place of use is pending before the State." Was Redwood Valley granted a "Place of Use" change by the State Water Resources Control Board between 1999 and 2001?

D) Minutes for December 2, 1999-Page #1 & Page 5-6: "Derek Ross reported on the Ad Hoc Committee Meeting for Surplus water Contract Negotiations with the Flood Control District...Derek indicated he received a big shock when they found out there is an overlapping of districts on the south end of the Redwood Valley District Boundaries, which includes the proposed "Goforth" annexation...William Howe asked about the overlapping and if it **would free up some connections**. He was told this was a possibility..." (Does this mean these connections would not be part of the moratorium and that Redwood Valley is in the position of adding more hookups-did they add more hookups due to this information?)

E) October 5, 1999 Minutes – Pages 7-8: "...Mr. Tibbetts reports...he had met with staff people at the State Water Board as to whether they could move forward with the application for change of place of use..." Did State Water Resources authorize a change of place of use in 1999-2001 for RVCWD?

5. The **Bel Arbres Mutual Water Company** members, prior to annexation apparently had an adequate water supply system that provided water to its customers. It appears that the cost of their water supply was greater than having their water supplied by the RVCWD. (See Letter from the Bel Arbres Mutual Water Company dated December 20, 2000)

A) The Bel Arbres Mutual Water Company subdivision was annexed by the Redwood Valley County Water District. Subsequently, the Board met on

February 1, 2001, to discuss a December 30, 2000, (see enclosed copy), letter from the Bel Arbres Mutual Water Company regarding the sale of land that supplied the water to its members. It appears, from this letter, that this District had a water supply in place for their members, for which the main drawback was the cost of pumping water for the members was more expensive than getting water from the RVCWD.

- B) In addition, there appears to be a problem in that Redwood Valley has not been paid for this process and may be asked to have a first deed on the property. The District is also being asked to help sell this property by helping the Bel Arbres Mutual Water Company get a variance for the sale through the Mendocino County Planning Department and by giving this parcel a hardship domestic water hook-up. How can the RVCWD give a hardship hook-up for domestic water when this is the exact parcel with the water supply on it that was providing water to Bel Arbres Mutual Water Company members before the annexation?
- C) See the agreement between RVCWD and the Bel Arbres Mutual Water Company in the August 3, 2000 Minutes.
- D) See the Minutes from the April 6, 2000, RVCWD meeting on "...OPTIONS FOR REPAYMENT OF PROJECT FUNDING FOR CONNECTING BEL ARBRES MUTAL WATER COMPANY CUSTOMERS." (Page 8)
- E) March 2, 2000 Minutes-Page 14-Bel Arbres Discussion. + Minutes for October 5, 1999-Page 4

6. The **Garzini Annexation**, when water is drawn from our District for this annexation, **will lower the water pressure** for other customers in the area. Section 64568-Conditions for Adding Service Connections, states in part: "...A new service connection may be added to a distribution system only if the water system will comply with Section 64562 after the new service connection is added and adding the new service connection will **not** cause pressure at an existing service connection to be reduced below the standards set in Section 64556..." (It appears that several areas in Redwood Valley have had lowered water pressure with the new additions added to Redwood Valley's system over the past several years.) (See June 1, 2000 RVCWD Minutes-Pages 1-8)

Five landowners (6 Parcels-the 6<sup>th</sup> parcel belongs to the district) may have access to water from the Garzini Annexation) – "...Most of the parcels that were annexed had to be annexed to provide Mr. Goforth with water. You must have contiguous property in order to do an annexation...Chair Butow reiterated, for clarification of everyone, that this connection was a surplus hookup left over from Calpella...David Rapport...said he was not sure if they would have to qualify under the hardship connection. It would be necessary for the existence of a house within the District in 1997...Mr. Rapport wanted to clarify that under the resolution for hardship connections, it says the structure has to be located within district boundaries. He is not sure if that is a requirement in the statute or just of the resolution...In comment, Mr. Butow said when the District approached Mr. Goforth about the tank site; the agreement was that part of obtaining the original parcel would include a water hookup..."

- A) The January 4, 2001 Minutes, the Brelje & Race Report Dated October 15, 1999, the December 12, 2000, and December 7, 2000 Meeting Minutes all speak to these and other problems.
- B) Possible Eel River Cutbacks (January 4, 2001 Minutes – Page 1-2)
- C) March 2, 2000 Minutes-Page 5 "...Mr. Tiemann then read LAFCO Resolution 00-1, 'Resolution of the Mendocino County Local Agency Formation Commission approving the Garzini annexation to the Redwood Valley County Water District.' The resolution listed the need for the annexation..."
- D) New Applications (January 4, 2001 Minutes – Page #2)
- E) Biggest Water Usage Periods: Summer + Winter Frost Protection  
(January 4, 2001 Minutes – Page #2)
- F) Bureau of Reclamation Payback – (January 4, 2001 Minutes Page #4)  
Usage 1/3 Domestic and 2/3 Irrigation – is this correct?
- G) See December 7, 2000 Minutes: "...With a power interruption, only a 24-hour supply of domestic water is available..." (Page 2)
- H) December 7, 2000 Minutes: "...Improve the ag water line and identify choke points for balance of delivery..."
- I) Almost monthly the Redwood Valley County Water District adds new hook-ups to its already overburdened water supply. Since Mendocino County has **not** been in a drought period, there is a false assumption being made that our District has enough water to meet current demands. (See both the Domestic and Irrigation Reports Dated August 15, 2000-enclosed.)
- J) Quote from the Minutes for December 7, 2000, (Page 7-9), RVCWD, from an agricultural member of the public: "...you can't even get enough water through these pipes. I used to get 525 gallons per minute and I'm down to 375 now. You're talking about a whole lot more ag hookups. How much more will it come down?" The original design was never meant to sustain all of the new hookups and all of the types of irrigation now in use and the **level of direct pumping off the system for ag water**. It appears that the District would rather pump until they burn up their pumps... rather than enforce restrictions that would protect all the users. The Department of Health should take this information into consideration when rewriting the District's Permit.
- K) Quote by Chairman Butow in the Minutes of the Meeting on December 7, 2000, Page 14: "...Because of the sudden increase in hookups and all the new vineyards going in, some guys that had been getting "x" number of gallons suddenly went way down. That did start the ball rolling toward identifying choke points on the pipes."
- L) See Keith Tiemann District Activity Report- Page 2 dated April 25, 2000: "...We are investigating reports of pressure fluctuations in the Tomki Road area..." When the District extended its domestic line approximately 3.5 Miles up Tomki Road lower

water pressure could have been considered as a problem considering the Winery Hookup and the new vineyards going in or already on-line, which need water.

- M) See the April 6, 2000 Meeting Minutes-Pages 2-3 on the Garzini Annexation: "...Don Butow clarified that Mr. Goforth received the hookup from a "freed- up" connection from Calpella. Mr. Ross established the fact the Mr. Goforth paid a hookup fee and the four other people in the annexation do not presently have service because they do not qualify for an emergency hookup..."
- N) September 2, 1999 Minutes-Page 4: "...Derek asked if the pressure on Road B would improve and Keith replied the pressure would not change..."
- O) August 5, 1999-Minutes-Pages 17-18 - Garzini Annexation with regard to Calpella sphere of influence. + Pages 5-6 Minutes from June 14, 1999.
- P) June 14, 1999 - Minutes-Page 6: "...Don Butow mentioned that when you look at it, the Ag improvements were never considered. It was assumed the current design would be adequate, but they found it was not..."

6. There was no investigation by our District Board to ascertain if sufficient water was available, **under maximum demand conditions**, before agreements were made to permit additional service connections to our system. (See Minutes from January 4, 2001 and December 12, 2000 - Page 10-11 & Minutes from December 7, 2000 - Page 2: "...In the summer of 2000 the pumps down at the lake were overheating due to the demand that was coming on and they came very close to shutdown..."

- A) Although this was not a particularly hot or dry summer and we were **not in drought conditions**, there were times last year when our District had to use all three pumps, pumping 24 hours a day, in order to keep up with demand.
- B) What will happen when we are in a drought, hot summer or intense frost situation? How much water is our District actually using? What happens when there is no surplus water available for our District? (See January 4, 2001 Minutes-Pages #8-9. "...The peak demand of the irrigation and domestic water system is 12,000,000 gallons per day, which means that there would have to be a 24-hour per day pumping from Lake Mendocino to keep the reservoirs fully charged...Even if the irrigation water service is terminated during this process, there would be fewer than 16 days of storage for the domestic customers without pumping to recharge the ponds..." Note the other problems on these pages.)
- C) Quote from Chairman Butow regarding the agricultural use problem: "...We didn't have drip irrigation when the system was originally designed; it was only going to be used in the winter for frost protection; irrigation was a minor issue. It's amazing how many large competent engineering firms are designing these vineyards around here and they never thought to come up here to find out how much water we have to deliver to them or give to them or even read the fine print on the contract...if you draw directly off the system, you take a chance because if we have to turn it off...the original design called for farmers to have their own ponds and recharge the ponds off the system and then the farmer would use the

water as he saw fit out of the ponds at his discretion and however he wanted to use it, but he wasn't going to count on the District to supply "x" number of gallons per minute...For whatever reason, I don't think the system was designed with that in mind (using ag water for cooling grapes). As has been very aptly pointed out, when we were dry farming grapes and we had no water available, nobody did anything and everything was fine..." (from December 7, 2000 Minutes – Page #10).

**D)** Quote from the minutes-RVCWD for December 7,2000, Pages 15-21: "...Public Comment: I'm talking about the fact that so many people turned on their water at the same time when we almost had that shutdown this summer..." Chairman Butow: "...it would be nice for instance, if all our ag users were good citizens and had ponds and used their own ponds and their own pressure-producing mechanisms and didn't draw from the District in doing their frost protection, etc. but we know that's not the case...so when we saw the numbers coming down from the engineering firm of the tremendous impact of the cost of the ag water system we tried to get an alternative balance..." Why didn't the District take action, create a new agricultural policy and then present it to the agricultural users? Is it because all of the Board Members use agricultural water-conflict of interest?

7. In addition, on April 7, 1999, the Redwood Valley County Water District was preparing to annex, **with a Sphere of Influence Amendment**, agreeing to a **"sphere territory boundary change" going from Calpella to Redwood Valley**. This change will mean that the Redwood Valley County Water District will be supplying water to this new area at some point in the future. Since there was no CEQA performed for this project, to my knowledge, how is the Redwood Valley County Water District going to meet this future demand for water?

- A)** What is the "sphere territory boundary change" agreement? How many services did Redwood Valley hookup due to this agreement? Why wouldn't they fall under the restrictions that were placed on the District by the California State Department of Health and the lawsuit, which relate to District use?
- B)** See April 25, 2000, District Activity Report by Keith Tiemann, "...There remains one service on the Road J extension to be installed from the services remaining from Calpella C.W.D..." How many services is the District putting in from this agreement? Why aren't they part of the moratorium on new hook-ups? "...There remains one domestic service waiting for installation when requested by Redwood Valley Cellars..." Why is this not considered a hardship application and how does this apply to the agreement with Calpella CWD?
- C)** May 5, 1999 Minutes-Page 4: "...Keith Tiemann wanted to make the Board aware of the annexation process on the tank site property south of Uva Drive. They are also annexing it to make water available. Calpella has a project to annex Central and are building a line to service them. A couple of months ago, according to Keith, he started the process of annexation...Calpella would have to relinquish some of their sphere of influence. A couple of year ago Calpella came to Redwood Valley regarding the Consolidated Tribal Health Clinic. They said they could service them if Redwood Valley relinquished some of their sphere of influence..."

8. In addition, the District has imposed recent water rate increases that unfairly makes 2" hook-ups have to pay more for water than 4" (and above size) users. All water rates have been increased and many agricultural users are being advised to put in additional or new reservoirs to meet their needs. **(Redwood Valley has had tremendous growth in both legal and illegal reservoirs, dams and pond construction in the last few years...as these containment reservoirs increase in number how will the increasing demand for water impact the water supply available from the Redwood Valley Water District and other users not in the District? In addition, the cumulative effect of all of these additional storage reservoirs and water usage in this District needs to be assessed.)**

9. Don Butow, the Chairman, knowing that his rates will increase, noted on January 4, 2001, at their Board Meeting, that he would be pumping more water out of the river to keep his water bill lower when watering his commercial grapes. If all of those that have access (do they have a water right permit is the question), to river water start pumping more from the rivers how will this effect the current supply of water for all users in this area? (See January 4, 2001, Page #4 and December 12, 2000 Minutes-discussion of these and other related issues.)

10. The Redwood Valley County Water District is also in the process of looking at plans for the **construction of an additional raw water storage pond**. The District apparently does not realize that Title 22, Chapter 16-California Waterworks Standards, must be followed when constructing such a reservoir. I am formally requesting that the California State Department of Health make sure that the District is in compliance with all rules and regulations with regard to this project, including but not limited to, CEQA requirements. Does the district have water rights and enough water to fill this reservoir and the other storage tanks (possibly 5 or more?) it has recently constructed? (See January 4, 2001 Minutes, Page 4-9 and December 12, 2000 Minutes-Page #4 + November 3, 2000 Minutes-Pages 4-7 + Brelje & Race Report on October 15, 1999 – enclosed.)

11. The Redwood Valley County Water District has a stipulated agreement with the Russian River Flood Control District, by a Mendocino County Superior Court ruling, with regard to **metering water** from Lake Mendocino. Our District does not appear to be in compliance at this time. They are not metering the water, where it converges from their three pumps into one pipeline, to determine the total amount of water they are withdrawing from Lake Mendocino. (See January 4, 2001, Page #5-6) Minutes and December 12, 2000 Minutes-Page 5.) There is a meter approximately 3000 yards away from the pumps, which has not been calibrated since installation. This meter was installed apparently only three years ago? Prior to that time it is my understanding that there was no water meter to determine the actual water usage by the District even though it was a condition of a lawsuit.

In addition, when I requested current water usage information from the District I received a group of hand written pages with calculations, report included, about water usage. It appears that the District has to hand calculate its usage on a daily basis? I have enclosed a copy of the Redwood Valley County Water district Lake Mendocino Pump Station Log from 6/29/2000 through 11/2000. Note the number of pumps, pumping hours for each pump, the gallons each run (how is this calculated?), and the totalizer (?) reading. How accurate is this metering system? Also note pumping hours, days and the large variations in gallons pumped.

In the District Activity Letter of July 25, 2000, written by District Manager Keith Tiemann, there was a note regarding water service to the Calpella CWD on an emergency intertie when there was a water supply crisis at Millview CWD. Did the Millview water district have a water supply problem when the weather was warmer during the summer months of June or July?

How serious was there problem and what was the impact of this extra demand on Redwood Valley's pumping capacity and capability? - Keith Tiemann's District Activity Report on June 29, 2000: "...On two different occasion this month, Calpella CWD has had to activate the emergency intertie with the District to make up for a water storage shortage at Millview CWD. Calpella CWD normally is supplied by Millview CWD, but Millview CWD has had water line failures and treatment plant capacity problems, which have prevented them from supplying Calpella CWD. **The District capacity is being strained by the water being supplied through the emergency intertie**, but we are managing to cope with it to date..." Did Millview CWD have a water shortage problem in June-July 2000?

12. The Redwood Valley Water County Water District is also considering various methods of **controlling its aquatic weeds** this year. There may be a proposal to **use chemicals** again this year to control aquatic weeds, as our District has not adopted any other mitigating control measures. I am formally requesting that the Redwood Valley County Water District be monitored this year, early in the year, to determine what method would be acceptable, by the California State Department of Health for controlling our District's aquatic weed problem, due to the District's special circumstances and their current permit requirements. (See January 4, 2001 Minutes-Page #8 + November 3, 2000 Minutes – Pages 7-9 + October 5, 2000 Minutes-Page 13 + August 3, 2000 Minutes-Page 20-21 Use of Copper Sulfate for Aquatic Weed control + May 4, 2000 Minutes-Pages 14-15 + June 1, 2000 Minutes-Page 14-15 – Diver's Report on Aquatic Weeds in Reservoir).

- A) Options for Aquatic Weed Control – See RVCWD Minutes from April 6, 2000. Copper Sulfate Options – Pages 6-8.
- B) Page 13-March 2, 2000 Minutes – "Consider Directing Manager to Prepare A White Paper on the Weed Treatment at the Raw Water Reservoir"
- C) See February 10, 2000 Tiemann Report on Water System Modifications and Aquatic Plant Removal – Page 1-2
- D) February 3, Minutes-Page 18-Aquatic Weeds

13. The Redwood Valley County Water District apparently may hook up unlimited numbers of agricultural uses without your approval. However, this action by the District may jeopardize the domestic water users in that some of these agricultural users are using domestic water pipeline supplies for irrigation purposes when there is no irrigation line to these areas (one example: users on Uva Drive, Redwood Valley).

- A) Since domestic water is used for agricultural purposes how will water be cut off from only agricultural users and not domestic users when there is no surplus water available for use from Lake Mendocino? Can the District meet the additional demands being placed on the District's pumping system to provide additional water for agricultural and annexed areas served by the domestic only lines?
- B) What assurance do we have that the District's system will meet these demands? Does Redwood Valley, in the future, have the capability to meet these increasing demands with the water system that is now in place?
- C) RVCWD Minutes for December 7, 2000 – Pages #10-11: Chairman Butow said, "...It is expensive to run the domestic system and when all this facility that you see her is 99% full and yet you only have 1100 (#?) people...you can see why its so expensive...It's going to become imperative that we have a second pond; that we have a reserve in the tank up here to cover us for power problems, etc. just to keep

ourselves going so we don't run out of water at the wrong time." Apparently that 1100 (?) is for irrigation as well as domestic which puts an added stress on the domestic side?

- D) RVCWD Minutes for December 7, 2000 – Pages 12-14: Chairman Butow "...Yes, we are acting as if we're going to get water and that we will continue to get water. We're just not sure about the amount of water...We do have the potential for getting the amount of water that we need for both domestic and ag. Maybe even lift the moratorium for domestic use...Now what we want to do is basically build this pond and work on the ag lines to improve it for the ag users so we can sell you more water..."

**14. The District is preparing to make improvements to the domestic portion of the District,** including upgrading delivery lines in certain areas, upgrading treatment equipment and adding additional storage tanks. The District has added several new tanks already to bring pressure up and give the district extra storage for domestic water supplies. With agricultural users placing increasing demands on the domestic treatment plant side of our water supply it will make the domestic water treatment more costly in the long term and make it necessary to add more storage tanks. Should the State Health Department restrict the number of Agricultural Hook-ups on the Domestic Water Pipelines in order to protect the current Domestic supply? (See December 7, 2000 Minutes – Page #2-6).

- A) Apparently the District has (see December 7, 2000 Minutes-Page 6-8), 100 to 135 Agricultural Hook-ups left to go under their current design. With overhead frost protection increasingly demanding more water for grapes in the winter and then the overhead frost protection sprinklers being used to cool down the vineyards in the summer, the demand for water becomes intense. In the summer of 2000 "...the pumps at the lake were operating at absolute maximum capacity to the point where they were overheating and the safety trip switch was about ready to kick off. There would have been no water in our pond. We would have had to immediately shut you off because it was going out of the pond up here faster than it was coming in. We had no way to back that up...Chairman Butow stated that what the Board was trying to do was play catch-up in regards to what we've come up against regarding water demand, both domestic and ag. What the District was running into now with ag was much greater usage...vineyards have been going in everywhere. Also improvements to existing vineyards such as frost protection and drip irrigation. The District is going to have to make some improvements regarding delivery, but it's up here at the storage capacity to help level that out or back you up so that you will not run out. We're trying to develop a buildup of ag. Nothing has been done to the ag system since it's original design other than some new pumps, etc. What we need is more water so that you don't run out of water in the summer when you need it."
- B) Department of Health Services Engineering Report dated April 1988, details the obligations and requirements that were placed before the Redwood Valley County Water District (RVCWD) at that time. The State Water Resources Control Board adopted Decision 1610, which states in part: "...concerns with RVCWD's lack of water rights and ability to provide an adequate and reliable supply with continued growth...The Department further advised that before it

could give the RVCWD permit approval to utilize its plant expansion, which in turn would allow an increase in its customer base, a plan and/or program would be necessary to assure an adequate and reliable supply."

The above engineering report also clearly spells out when the RVCWD must stop pumping water from Lake Mendocino. The report clearly stated that only one customer with domestic water used principally for agricultural purposes was hooked up to the domestic water supply system. (It would be interesting to know how many agricultural users are now connected up to the District's domestic water supply system and how much the District is charging for this service?)

This engineering report also refers to State Department of Water Resources Permit #17593, under which RVCWD is allowed to withdraw water. Is Redwood Valley following the limitation for the direct diversion of 26.6 cubic feet per second (cfs) from March 1 to April 30 of each year for frost protection and 1.9 cfs from November 1 to April 30 for domestic purposes? Is the RVCWD following these permit requirements?

There is also a January 10, 1978, agreement between the RVCWD and the Department of Fish & Game which requires cessation of all diversions when the Russian River flow is less than 150 cfs at its confluence with the East Fork. Is the Redwood Valley County Water District in compliance with this requirement? Since their "...permit is conditional in that RVCWD can draw water from the lake only when the conservation pool is full (72,000 AF) and releases are being made for flood control purposes..." does this mean that the RVCWD is following all the rules and regulations in its permit. Is the conservation pool full this year at Lake Mendocino? Is the RVCWD withdrawing water from Lake Mendocino at this time and at what rate? (Is the RVCWD in violation of their permit allowances?)

The Redwood Valley County Water District is required to file an annual report with the State Department of Health. Has the RVCWD addressed any of these issues to the satisfaction of the State Department of Health Services? Is the RVCWD in compliance with these permitting requirements?

Does the State Department of Health review all of the yearly water quality control reports prepared by the District each year? Is the district in compliance in all water quality areas?

The State Department of Health has established through past permit actions a definition "...of adequate water supply to mean that the supply must be capable of reliably meeting the maximum day demand conditions except during drought, emergency or unusual conditions that would occur not more the 5% of the time...the principal concern's with the RVCWD's source of supply relate to its reliability or dependability during the summer months under maximum demand conditions. In this respect there are two concerns – first, with the possibility that the RVCWD might be legally prohibited from taking water from Lake Mendocino, and second, that the reservoir's level might drop so low that is might prevent lake withdrawals.." or that the Russian River flood Control District may not have enough surplus water to meet all of RVCWD needs now or in the future?

Does the District have an emergency plan to provide for basic household needs for a period of up to four month in case there is no surplus and the district is in drought conditions? Since the report concludes that there may be a general water deficiency in Mendocino County by the year 2000, is the District prepared for this eventuality? Is the District taking the

necessary and adequate steps to provide water to its domestic customers in the event there is a water deficiency?

There does not appear to be an updated permit with regard to the status of the RVCWD on the above subjects. Does the RVCWD have an updated permit? If the State Department of Health has an updated permit I would formally like to request a copy (I will pay any costs associated with the mailing and copying of the new permit-any since 1988).

Has the State Water Resources Control Board issued any permits with regards to "place of use" for the RVCWD in the last five years? The RVCWD board meeting minutes reflect the following:

- 1) May 5, 1999 – Board meeting minutes: "Keith Tiemann wanted to make the Board aware of the annexation process on the tank site property south of Uva Drive. They are also annexing it to make water available. Calpella has a project to annex on Central and are building a line to service them. A couple of months ago, according to Keith, he started the process of annexation. It is a yearlong project even on a fast track...Keith then explained the process would be annexing five properties. Calpella will have to relinquish some of their sphere of influence. A couple of year ago Calpella came to Redwood Valley regarding the Consolidated Tribal Health Clinic. They said they could service them if Redwood Valley relinquished some of their sphere of influence...Keith Tiemann advised the Grant Deed for the tank site and easement has been acquired. The Certificate of Acceptance is now ready for the Board..." What is the current status of these annexations and changes in sphere of influence? Was the State Department of Health or the State Department of Water Resources made aware of these projects?
- 2) June 3, 1999 – Board Minutes: A) "...consider authorizing Attorney Rappport to initiate discussions with the Attorney for Calpella County Water District for Water Service to Calpella County Water District..." B) "...consider Resolution 99-9 of application requesting LAFCO to take proceedings for the Garzini annexation...Keith advised this is an areas where the storage tank is being constructed and for the purpose of abutting up to the sphere of influence of Calpella...It was mentioned that the District is annexing new customers and it was established they are not hooking them up..." Exhibit D of Resolution 99-9 or Resolution 98-8 (A sphere of Influence Amendment to the Redwood Valley County Water district) be placed on the agenda). There is no mention in the minutes or in Resolution No. 99.9, dated June 3, 1999, regarding a permit process with either the State Department of Health or the State Water Resources Control Board. Did the RVCWD apply for a permit or a "place of use" change? (See enclosed meeting Minutes for June 3, 1999.)

Enclosed is the Agreement between the RVCWD and the Coyote Valley Indian Reservation with Amendment #1. This agreement should also be taken into consideration, along with the agreements the District has with the Indian Valley Rancheria on Laughlin Way, the Rancheria on Road I and the Round Valley Indian Housing Authority and the Coyote Valley Indian Reservation.

- A) The agreement with the Coyote Valley Indian Reservation also had attached to it agreements regarding the Mayfield housing development which should be of

interest. In this agreement the District, "...agrees to sell to Rancheria as much District surplus water as the Rancheria desires to purchase, up to and including 50,000 gallons per day..."

- B) According to the Minutes for the RVCWD for November 3, 2000, (Page 11), the Redwood Valley County Water District violated the Brown Act with regard to an item that was heard at the meeting without being on the agenda. No vote was taken to make this item an urgent item. Quote: "Keith Tiemann then said another item had to do with the agreement to extend water mains on the Coyote Valley Indian Reservation. They have had the district's proposal for almost a year and have finally decided they want it and are ready to put up the \$12,000 for the engineering study that that agreement stipulated. The minutes stated that the Board authorized David Rapport to negotiate on the basis of the agreement he prepared. As soon as the Board signed off on this, they would cut a check for \$12,000. They engineers had already been direct to proceed...Director parker moved that they proceed with the signing of the agreement...the motion was approved." This connection is supposedly a hardship connection for water for a gym? The gym has been there for at least a year or more. How is this a hardship connection? (See District Activity Report by Keith Tiemann-September 29, 1999-Page 2.)
- 1) Discussion of Indian Reservation and Casino Water Problems – July 6, 2000 Minutes – Pages 1-3. Coyote Valley Rancheria requested a hookup for their Gym + Possible school hookup. "David Rapport, attorney for the District, advised that the Coyote Rancheria is 100% within the District and has the same right as any other District resident. The Redwood Valley Rancheria is mostly outside the District boundaries. That, combined with the fact that the Redwood valley Rancheria built their own system and their well failing makes a different situation...Chairman Butow pointed out that in the other hookup (Redwood Valley Rancheria) they ran a line over to their parcel, i.e., a spur line and they gave them water to their boundary...Derek Ross mentioned you run into a problem with a drought. If you have one meter, you get one meter's worth of water. If they have several houses to one meter, all of the houses will only get the equivalent of one meter...Chairman Butow felt that was an important point because they know the Rancheria has more than one person to a meter...David Rapport clarified the District is allowed 1350 connections. The Judge ruled allowing any more hookups to a single meter is in violation of the moratorium."
  - 2) Coyote Valley Tribal Council (Minutes-Page 2 – May 24, 2000) "...has decided to agree to the terms of the agreement to extend water service to the gymnasium for two hardship water service connections..."
- E) What are all of the agreements the RVCWD has with these three individual tribes with regard to District water?
- F) September 2, 1999 Minutes-Pages 3-4: "...There were three Coyote Indian Tribe requests...the committee had concerns regarding the structure being built after 1997..."
- G) See Minutes from February 3, 2000 – Pages 9-11 – "...Keith Tiemann reported the Board awarded two services under a hardship for the gymnasium (Coyote

Valley Tribal Council Demands). They wanted to open negotiations with the tribal council on what would be involved in extending the mainline for the gym..." Why is the district thinking about providing water for a gym under a hardship connection? The tribe has gone a year without water-just what is the hardship?

- Please note that the Superior Court of California for Mendocino County in a ruling dated June 3, 1994, noted the following:

H) "Before 1972, the DISTRICT had no obligation to deliver water to the portion of the Rancheria that lay outside the DISTRICT. The DISTRICT'S own policy prohibited it from providing new water service outside its boundaries. On May 7, 1992, the DISTRICT adopted a resolution modifying its policy for the specific purpose of providing such service to the Rancheria. It thereby obligated itself to provide domestic water to 26 additional single family residences without any corresponding offset in disconnected service. By its action, the DISTRICT put itself in clear violation of the writ...The DISTRICT'S renewed motion to modify the writ of mandate is denied without prejudice." James W. Luther, Judge. Is Redwood currently in violation of this writ with its past or possible future actions?

Enclosed is also Redwood Valley County Water District's Meter Location Report dated August 15, 2000. This report shows both the location of all irrigation water hook-ups and domestic water hook-ups. It does not denote which domestic water hook-ups are for both irrigation and domestic use. Redwood Valley has two lines, one for domestic and one for agriculture. The Irrigation Water Report does give the following information:

- A. There were 49 New Agricultural Hook-ups made between 1990 and 1999.
- B. There were 15 New Agricultural Hook-ups made between January 1<sup>st</sup> and August 15<sup>th</sup>, 2000.
- C. The RVCWD has 206 Agricultural Hook-ups on its agricultural line.
- D. A copy of their current report would show additional hook-ups since August 15, 2000.
- E. There are an additional 26 Hook-ups listed as active with no date attached as to the date started although there is a meter number established for these active listings.
- F. There are 26 Inactive or Canceled hook-ups, which may be activated at any time.

**The Domestic Water Report on Meter Location dated August 15, 2000, gives the following information:**

- A. RVCWD has 1, 355 Hook-ups on the Domestic Water Side through August 15, 2000. This total was reached by listing each meter connection as one hookup.

Please note that this number is low because some domestic meters provide water to more than one hookup. (Rancherias are only one example.)

- B. It has 189 Inactive or Canceled Hook-ups which may be activated at any time.
- C. 254 Hook-ups were installed between 1990-1999.
- D. 34 New Hook-ups were installed between January 1<sup>st</sup>, and August 15, 2000. Additional new hook-ups can be determined with a request for this report from the Redwood Valley County Water District.
- E. There are 134 listed as active with a meter but no start date.

**Repayment of the Bureau of Reclamation Loan is another element facing Redwood Valley County Water District.**

- 1) See Minutes from January 4, 2001 and December 12, 2000 – Page #5-6
- 2) Redwood Valley owes a substantial amount of money to the Bureau of Reclamation. They Bureau is in the process of working out a repayment schedule with RVCWD.
- 3) The problem with the repayment is that Redwood Valley is still on a domestic water moratorium. Therefore, few new hook-ups will be added to the domestic line (exclusive of additional agriculture hook-ups to this line). The end result will not be a tremendous amount of income from new hook-ups.
- 4) The agriculture / irrigation system is currently going to experience an approximate 300% increase in charges with the new rate increase enacted. It appears that the district is hoping additional irrigation hook-ups will be requested to increase their ability to pay the Bureau.
- 5) With the increase in Agriculture rates it appears that some users may cut back or use other sources of water. This will put increasing demands on the rivers, streams, and runoff areas, as water is siphoned away for alternative agriculture uses.
- 6) See Minutes from December 7, 2000 – RE: "...We are in a technical default on our loan with the Bureau of Reclamation..."
- 7) If the RVCWD is subject to cutback in water allocations from the Russian River Flood Control District how will the District repay the Bureau of Reclamation? The District is hoping that additional agricultural hook-ups will make the difference.
- 8) June 14 1999-Minutes-Pages 7-8: "...They had an increase in 1982, 1985 and 1988. Keith Tiemann advised the money was specifically set

aside for loan repayment..." (Repayment of Bureau of Reclamation Loan-February 2001 Bureau of Reclamation Reserve Fund has approximately \$95,000)

On December 7, 1998, a letter was written by Keith Tiemann, District Manager to a Mr. Barton Byers. The following statement was made in this letter: "...At its meeting on December 3, 1998, the Board of Directors of Redwood Valley County Water District heard a presentation by its consulting engineers, Brelje & Race, on the results of an irrigation water distribution system hydraulic model study which it had commissioned...the consulting engineers stated that the original design of the irrigation distribution system was developed to best serve the distribution of irrigable acres within the district boundary. It was further stated by the engineers that the introduction of irrigation acreage outside the District Boundary would skew the distribution characteristics to existing irrigation customers within the District boundary, generally to their detriment..." It would be interesting to have a copy of this study for your records. Since the District is now annexing areas outside their original boundaries this may be one of the reasons they are having trouble meeting current demands on their system.

Due to the above circumstances that, in my opinion, put the Redwood Valley County Water District in violation of the rules, regulations, permits, and standards adopted by the State Department of Health, I am formally requesting a complete investigation of the current practices of the Redwood Valley County Water District. In addition, I am requesting an update of the District's current permit to reflect the current problems within the District.

I am also requesting that the State Department of Health make sure that the District is taking appropriate action to prevent future violations and that no additional service connections be made to the system until the District can show they have an adequate and reliable source of water available to meet any current or future demands for water. (The State Health Department also needs to take into account that the Russian River Flood Control District could run out of surplus water at any time and ask the RVCWD to cut back.)

The recent annexations and new hook-ups put the District in jeopardy because the RVCWD will not have enough water to supply all of their current customers in future years. The annexations and non-emergency hook-ups should be reversed until such time as the California State Department of Health determines that our District can meet their proper legal water right requirements.

With the growth of new service connections for both domestic and agricultural hook-ups and with new district annexations is the district assuring a safe, adequate and reliable source of supply for all users prior to their current and future expansions? Should a moratorium be placed on all future expansion until such time as these questions are evaluated?

If you have any questions or need additional information please contact me at your convenience. I will be looking forward to your written responses to my requests and the results of your findings with regard to the above problems.

Sincerely,

Rosalind Peterson

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CC: Russian River Flood Control District  
Catherine Ma, Regional Chief, State Department of Health  
Bruce Burton, District Engineer, State Department of Health  
California State Department of Water Resources Control Board  
Harry Schueller, Director of the California State Department of Water Resources  
United States Bureau of Reclamation, Charles Marshall,  
Water Rights & Contracts Branch