

REDWOOD VALLEY COUNTY WATER DISTRICT

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Minutes, Board of Directors
Special Meeting
Thursday, January 7, 2010

Directors Present: Donald E. Butow, Jeanette Hallman, Hal Voege, Granville Pool, Merle Reuser

Directors Absent: None

Staff Present: General Manager Bill Koehler

Office Manager/Secretary to Board of Directors, Linda Groth

Others Present: County Supervisor Carre Brown

CALL TO ORDER: 6:02 P.M.

1. ROLL CALL.

Donald Butow, Board President

Hal Voege, Board Vice- President

Granville Pool, Director

Merle Reuser, Director

2. HEARING OF COMMENTS OR QUESTIONS FROM THE ATTENDING PUBLIC.

Nothing at this time.

Director Hallman arrived at 6:05 P.M.

3. MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL & WATER CONSERVATION IMPROVEMENT DISTRICT LETTER TO THE STATE WATER RESOURCES CONTROL BOARD REGARDING PROTESTS.

Director Butow: An ad hoc committee of the Flood Control District met here at the District Office with myself and Bill (GM Bill Koehler) the other day to review the letter they are planning to send to the SWRCB. At that time we told them we couldn't give them an answer unless we had run it past our full Board. This is in regards to their response to Sonoma County Water Agency and comments of the SCWA Attorney Alan Lilly. Basically, they want to put Redwood Valley County Water District in the letter in regards to what they intend to do with the 6,000 acre-feet. But they were concerned, and we were also concerned about whether or not this was going to somehow maybe affect our arrangement with Sonoma County Water Agency.

Director Hallman: What arrangement?

Director Butow: Well the arrangement we have to purchase surplus water from SCWA.

Director Hallman: We don't have a contract with them, even.

Director Pool: It is expired.

Director Butow: We have an expired contract but they have verbally assured us that they were going to continue it.

Director Voegel: We're still pumping water.

Director Butow: We're still pumping water and they are not objecting.

GM Koehler: Director Hallman has a legitimate point.

Director Hallman: Sorry, I'm coming into this kind of already irritated; they wouldn't even acknowledge our contract, in writing, when we asked them to. I do not like the way that they have been dealing with us.

GM Koehler: It is a factor; that's why we're having this discussion. That very issue is the core of the matter. Incidentally, I did have about a 30-45 minute conversation with our attorney about this and again, discussing this core question. Is there a liability to Redwood? Are we going to antagonize somebody who isn't treating us very well anyway? Do we have anything to lose? Do we have anything to gain?

Director Pool: Who are we going to antagonize?

GM Koehler: I can summarize what Paul (Minasian) had to say, which is, he thinks the application for the 6,000 is pie-in-the-sky absurdity anyway, from the get-go. It's paper water, it doesn't exist. Although if Vicky Whitney gets her way, there will be a whole lot more water in the Lake, and Flood Control will have a big surplus that they will have to get rid of because they won't be able to sell frost water and they will be standing there with a bucket with 4,000 or so acre-feet in it, begging customers to come take it off their hands. Paul's general 'take' on it though, is that there is very little risk in not stopping Flood Control from proceeding with this comment although he definitely recommends that we not actively endorse it and that we don't actively stop it but that we just kind of kick-back and let it go out. You know, Paul is our attorney and he is very conservative. Paul's viewpoint is that we should maintain some plausible deniability - you know, We didn't do it.

Director Hallman: He is also very negative about any and all water issues.

GM Koehler: True.

Director Voege: Yes, but I tend to agree with him. My sense about this is, I have a gazillion questions about what their wording actually implies about including Redwood Valley. You know, this is very ambiguous language. I think his take is probably just about right on, we shouldn't get in the way of it because there isn't anything to be gained by doing that. On the other hand, let's not get real close to it.

Director Butow: No, we're not looking at support letters or anything of that nature.

GM Koehler: Well no, we don't want to do that. As I've said, I've had conversations – because this Agenda Item was sent out to our regular mailing list, I've had a conversation with Roland, I've had a couple more conversations with Sean and as I said, I had a long conversation with Paul. After getting him the material, I had to end up faxing it to him on the road at an Office Max in Stockton so he could read the material. As I said, his general take is that the 6,000 is a total fantasy.

Director Reuser: Is it?

GM Koehler: It depends on who you ask. If you ask Paul, the answer is yes. If you ask Sonoma County, the answer is yes. If you ask the State Board, the answer is yes. If you ask Flood Control, the answer is, It's there, it's up for grabs. There are 10,000 acre-feet out there that are unallocated. Well, right now there aren't; but, Paul also is concerned that he feels that there could ultimately be a lawsuit of Redwood against Flood Control, basically demanding that Flood Control actually do the accounting they are supposed to be doing. I don't know that we are necessarily going to do that, because they are going to have to do it anyway in order to comply with their licensing application. But the questions that Don and I were asking – you are the other member of the ad hoc committee, Hal, but you weren't here that day, so we didn't talk to you. So, their ad hoc committee of Sean White, Lee Howard and Richard Shoemaker came here to our office and Don and I met with them. They were here to ask permission to include this paragraph #4 in this letter. Essentially, they offered up a draft that did not include paragraph #4 and they are now suggesting that they would like permission on Monday at their Board Meeting, to mail back this letter which includes paragraph #4. And, asking them Why would you do this? well, it would appear that Flood Control would like to take advantage of the fact that we have an intake in Lake Mendocino. Taking advantage of our infrastructure to assist in the distribution of an additional 6000 acre-feet, from which presumably they would make some money, would solve the problem of withdrawals from the river, and still get the water into the system. In general there is a perception that the ultimate solution to the problem is going to be distribution of water without using the river as a conduit. In a perfect world, we would have a great big pipeline that ran from Hopland to Calpella via Ukiah, picking up the reclaimed wastewater that is distributed in the spring for frost and in the summer for golf courses and whatnot. And then in addition there would be another pipeline that would distribute, presumably to everybody in the Ukiah Valley except maybe for the City of Ukiah, being pumped out of the Lake, leaving the river to be managed for fisheries, and a giant pipeline to be a water distribution mechanism, as opposed to the river; and leave the river to N.O.A.A. and E.S.A. In the greater scheme of things, that will be what evolves out of this.

Director Pool: The price of water sure is going to go up. Pipelines cost lots of money.

GM Koehler: Yes. Well, the cost of an acre-foot to Marin for instance, which is strictly domestic water, there is no ag being delivered, is about \$600 an acre-foot. That's what they are paying Sonoma for an acre-foot. So, there are some ulterior motives here; let's leave altruism out for the moment. Let's assume that there is some gain to be had for Flood Control. Okay, they get another 6,000 acre-feet; they become The Player in the Valley. Is that a good thing? Are we hitching our wagon to the Flood Control horse instead of maybe hitching our wagon to Sonoma who has been remarkably unresponsive – we haven't even gotten permission to disburse the money from the fisheries commission. Nothing. All I've gotten is an email from Pam saying, I'll get back to you sometime after the holidays, I haven't forgotten you.

Director Reuser: So the issue here is, whether or not to sign up with Flood Control?

Director Butow: We're not signing up.

Director Reuser: Letting them name us in this?

GM Koehler: Whether to prevent them from naming us.

Director Voege: They can do whatever they want to do, really. It's their water. So, from that standpoint it's basically no big deal, but I guess the more basic question from my standpoint is, - you know, all the history to all of this is so convoluted. There wouldn't be a Russian River Flood Control District if the Mendocino County Board of Supervisors hadn't been so adamant that they didn't want to be involved. Fifty years ago, the Supervisors wanted so little to do with it, that it required a court action to get any water at all. And what's happened is that because of the RR Flood Control District becoming the agency that was developed in order to administer that water – in light of the fact that the County wouldn't – it's now the hundred-pound gorilla. You know, I've seen enough agitation even in the time that I've been here, right now we're on a pretty even keel with the Flood Control District but it wasn't so long ago that we were locking horns with the them. And the Flood Control District is still locking horns with Millview, and their foot is in the middle of a whole bunch of stuff that I don't think they have any business being in. And certainly, if we were going to be involved with them I would want it in writing, that for example, if we develop water, it's our water, and it's not their job to be giving protests to the SWRCB about our water.

Granville: That is what they did with Millview CWD.

Voege: Well yes; several times. All that has to happen is for that Board to change a little bit, and/or for Sean to go away, and somebody like Barbara to show up – and the whole situation would reverse. I'm very uncomfortable with that unless we have a real firm, clear agreement as to what the terms are.

Director Reuser: I don't think we're going to get a real firm, clear agreement with them unless we start showing them some support.

Director Voege: Well, I'm not so sure at this point, that that's true. If they end up getting 6,000 acre-feet, they are going to have to get rid of it somewhere.

Director Butow: And I think that was made pretty clear. Yeah, there have been some radical changes for the Flood Control District, with Sean taking over and suddenly putting a professional face on that organization. I think if they get their 6,000 acre-feet, and I heard it at the State level at a meeting that former Director John Groth and I attended, the chances of them getting their 6,000 is kind of slim; however, if things do change, and it could be that they get their 6,000 or as Bill pointed out, all of their 8,000 to try to get rid of if they can't use the river any more, other than

M&I stuff, we could very easily end up being their big customer. This is why, for all of the negativity between these two Districts way back in the past when I first came on the Board, it was the one thing that they never carried out because they wanted our money. And for a long time when they didn't charge anybody for irrigation water and it was sort of there to take, help yourself, the only conflict would be something like, well you used up all our water. But now that things are changed, I think there is a possibility – I was feeling the other day after we left that meeting, that if this thing ever did come about, it would be because of the arrival of Sean and the professional business manner in which they are conducting their business down there right now. I agree with Director Voegel, I don't think that this letter is going to do anything one way or the other for us. If the State were to say, Hey what are you doing -- we got this letter from Sean White. We would say, Well, that's their intention - to sell 3,000 acre-feet, or some of it, to us. Yeah, we'd like to buy the water if they want to sell it. But at this point, the Flood Control District is not asking us to send a letter of support. They just want permission to include our name as a device to show where they are going to use some of this water. Because Sean's presentation basically was, this thing that Bill just pointed out, the beginning of the Valley-wide. And this would be one way to do it, was through Redwood Valley. So they need us for something other than a market place for their water, they are looking at the future, down the road. It's going to be long after my time if it happens but that's what we worked on several times to try to convince other people that we ought to do something similar to what he was presenting. It is a logical thing. I think that, hey, there is a glimmer that something might happen, long after we are off the Board, but for right now I think we are still going through this morass – N.O.A.A., all the rest of it. And of course as far as them wanting to get everybody out of the river, Redwood Valley was already faced with this problem – what are all our people going to do? We are a tributary and we don't have any extra water to release to offset the stream diversions. So, my feeling is that this is not going to hurt anything; to go ahead and let it fly. I don't have that much confidence that they are going to be successful, but at least they have declared themselves, which might be useful to us later, should we become in conflict with them over some water issue, but that would be the extent of it. If Pam calls us up and starts to rag on it, we could say, hey, wait a minute. This is their intention –

GM Koehler: I have an answer, not a problem. And it is something that I also mentioned to Paul when I was talking to him is, yes, this would be, I mean Sean and various of their Board Members have alluded to the fact that, in theory, we would get a good chunk of the 6,000 if the 6,000 were ever to appear. And certainly we are specifically named in the D1610 for the 7,500 from Sonoma, and we are in Sonoma's place-of-use. We're not in the Flood Control District's place-of-use. This would be another advantage to let paragraph #4 in this letter fly; this is the first time the concrete, public statement is being made to officialdom, that they are proposing to provide water to Redwood Valley.

Director Pool: Yes, I like that part.

Director Butow: I don't see where we would have a big problem with paragraph #4. We've still got a long way to go, and something will come out of this. And certainly a lot of this other action by N.O.A.A. and the State Board, etc. is going to create some legal challenges. Sounds to me like it is going to get really active.

Director Pool: I have a couple of questions. The talk about the advantages of our having a straw in the lake vs. using water going down the river, how much has that notion been flushed out, how it would work? Surely, if that's going to be seriously used as a major way to supply Ukiah Valley, they can't be thinking that we pump it all the way over the hill to here and then down there somewhere.

GM Koehler: No. It hasn't been completely flushed out. It is something that has come up in the past and it came up in the meeting that Don and I had, where there are a number of alternatives. For raw water, none of it involves pushing it up to here and then sending it back. It is conceivable that for finished water we could run about a 1,000-foot intertie along Uva Drive where – you know, Calpella is about 1,000 feet away from us, with 6" mains.

Director Hallman: Which is what we talked about doing before.

GM Koehler: Well, and in this application, it would be by gravity, so it wouldn't require massive infrastructure improvement, it would be 1,000 feet of main, versus PGE and a pump station, etc. If it were raw water – Sean's vision is to condemn and purchase the house that is by where the surge tank is, put in a 2-million-gallon tank and either distribute it due south along Lake Ridge Road which is a private road, but we possibly might be able to get an easement across it, or follow our existing easement –

Director Pool: You could condemn an easement across it.

GM Koehler: Yes. Or follow our existing easement which is north, to Marina Drive; and down Marina Drive which is a P.U.E. and then on to the railroad, there is the railroad right-of-way. So there are routes or another alternatives if you could get to it, for Millview for raw water –

Director Pool: To get to the railroad right-of-way, you have to get it across the river.

GM Koehler: On a bridge it's not that hard to do, just that short distance on the bridge. And then, let's say for instance, if we had the cooperation of everybody and his dog, in order to feed water to Millview the cheapest way to do it is to put a siphon right into the lake; a different, separate intake and then all you'd need is a small vacuum pump to start it and then you could siphon it downhill into Millview's filtration pond. It is conceivable. Sean didn't want to get into the details. When I brought it up and started to get into the mechanics of this, Sean said, Well there are hundreds of ways to do it. And I'm going, I don't think so; some of those ways involve significant energy costs, and then the pipeline costs. The rough figure is, a dollar an inch-inch. For instance, a 30" pipe costs \$30 an inch, so, \$360 a foot to put in a 30" pipe. That is conservative.

Director Hallman: Humor me for a second: Raising the dam versus them getting 6,000 acre-feet, which is more likely to happen?

Director Pool: That's a very good question.

Director Hallman: I'll even take it a step further, them getting 6,000 acre-feet versus us buying a piece of property that we could put our own storage on.

GM Koehler: I'd rather answer the first one first. I don't personally think there is a snowballs chance in hell, of raising the dam. I think there might be a chance, however remote, I think it is maybe a .00001 better for the 6,000. One of the issues that was brought up in the discussion that Don and I had with their group, was one of the potential outcomes of the request for the 6,000 is to get Sonoma's attention that maybe they ought to make a better offer on the 7,500.

Director Pool: Okay, well that moves into my 2nd question: Is there any difference in how real or likely the 7,500 and 6,000 are? Never mind the negotiating side of it, just for a moment put that aside and say, is the 7,500 any more real? In both cases it is for water that, lately, isn't even there.

GM Koehler: Let's say, for instance, that the State Board elects to prohibit frost control. That 7,500 may become quite real, because it is already codified in D1610 as being set aside for Redwood Valley, in Sonoma's place-of-use. So Sonoma could very much find themselves in the same position as Flood Control, in suddenly finding themselves with water for which they would very much like to have a buyer that they cannot dump down the river to get to the willing buyers. Then all of a sudden there is little Redwood Valley saying, I'd like to buy some water.

Director Reuser: If that's the case, how many people could buy that water from the lake? That's us right now.

GM Koehler: Right now, and if we're talking likelihoods, I would say that Jeanette (Director Hallman) can add to her list of what's likely to happen, is another intake going into Lake Mendocino.

Director Pool: And so the intake for Millview would be on the other side of the lake, right?

GM Koehler: If they could; as I said, in a perfect world. Now, getting a permit to put a new intake into a body of water is a hideously time-consuming process.

Director Pool: But it's surely a lot more probable and feasible than raising the dam.

Director Butow: Oh, yeah.

GM Koehler: Absolutely, as I said, especially since a siphon is a much less intrusive mechanical device than is a pump intake screen. You always are going to have some entrainment and entrapment issues, but much less than the suction being produced by a thousand horsepower. You've literally got a 5 or 10 horsepower vacuum pump that's creating the initial vacuum to start siphoning the water up over the dam and then downhill. So, I don't know; the difficulty of getting an intake into a body of water in California is real, but this is a federal project, so they might handle it differently than Fish and Game.

Director Butow: As long as we're doing the supposes, what do you think the likelihood or percentage-wise compared to these other scenarios, that Sonoma County puts pressure on the Corps of Engineers to get together so that they can start operating the lake at a slightly higher level without impacting the safety of the dam? I'm thinking of a 10-foot increase, for example.

GM Koehler: Well, given what Dillabough at the Corps of Engineers had to say – It ain't gonna happen.

Director Butow: They don't want to do it.

GM Koehler: It's not that they don't want to, it's just that they feel that there are real safety issues.

Director Butow: Well that's what I wanted to ask; and that one is out the door. The lake will then, never be operated at the 122 that they always list. The 122,000 acre-foot capacity that is always listed is actually a 70,000 acre-foot capacity except during extreme flood times. And that's about it, right; that's the way they've been operating it, 70,000 +.

Director Pool: Instead of putting a siphon intake into the lake, couldn't, and I don't know, I've never seen the mechanical part of how the dam works and how it lets water out, and so on, but wouldn't there be some way to capture part of the water that's being let out, rather than actually

going into the river and going into some other kind of an intake there, instead of being the straw into the lake?

GM Koehler: I think all of that is possible, including capturing water that is coming through the power generating tunnel. I think all of that is conceivable.

Director Pool: Yes, it seems like there must be a way to use the facilities that are there, with minor modifications to capture water coming out of the lake for Millview and points beyond.

GM Koehler: I just kind of look at it and think, if it were me and I had this body of water I needed to get to Millview, how would I get that raw water to Millview? Starting with, o.k., is the pump house really an asset? Pump it uphill to the top of Lake Ridge Road, that's a lot of energy. Again, that's the bulk of our pumping costs, that's going to cost \$100 an acre-foot, to pump it to the top of that hill, because that is the high point of our system.

Director Pool: Whereas, if you could take it from near the base of that dam and run it right over to Lake Mendocino Drive, then there wouldn't be that much pumping involved.

GM Koehler: And that would be the east side of the river, so you wouldn't even have to go across the river. Their treatment plant is on the east side of the river.

Director Pool: You'd have to somehow get it to a low point of Redemeyer Road then, not to Lake Mendocino Drive, which is a little more involved.

Supervisor Brown: I think that Howard Creek might play into it.

GM Koehler: In any case, you would have to get it either on government land or public utility easements.

Director Pool: You could put the pipeline down along Howard Creek but again, you get into more environmental issues than if you are away from Howard Creek.

GM Koehler: Ideally you're in a p.u.e. of some kind so that you don't have to mess with that. But, yes, it is doable. If we are going to incorporate our pump station to supply Millview, it gets a little messier. It either means a new pipeline – the least energy involved would be to run it close to the shore on COE property, and then pop up over the dam, and there you are on Lake Mendocino Drive, without going to the 250 foot elevation gain. Eliminate the elevation gain if at all possible. So, there are options out there certainly. The advantage is, that we have an intake. Now, an interesting little wrinkle in all of that is that I just received an engineering evaluation from the Department of Public Health, and one of their recommendations is that we install a 2nd intake for reliability.

Director Reuser: I agree.

GM Koehler: It is all inter-connected. The core issue here is, is this paragraph #4 a good thing, or not. And do we want to actively oppose it/actively support it. Do we want to passively oppose it/passively support it. Take the path of least resistance and do absolutely nothing until Pam knocks on my door?

Director Reuser: Why would that happen?

Director Hallman: It's vague. She hasn't returned your calls, why is she going to come knocking?

Supervisor Brown: I really think they cancelled those contracts. Did they sign new contracts with all their cities?

GM Koehler: Not to my knowledge.

Supervisor Brown: So basically, they are probably in a position where they can't respond.

Director Reuser: I would say that if you can't respond – that is a response. If you can't even get that –

Supervisor Brown: I mean, if you turn around and look at your bosses, and at least three of them have cities and other water entities that have no contract with Sonoma County Water Agency, and the question gets asked. You know, this whole thing started before World War II; and it was the City of Santa Rosa. Then the war came, and it kind got set on the table, then it got back up. I just don't want any of us here in Mendocino County to make the same mistakes that were made in the past. We don't know what is going to happen at Sonoma County Water Agency. Randy Poole is gone; he retires as of February 1, 2010. They are splitting the job. I have heard that Paul Kelly, Supervisor for the district area encompassing Geyserville, has applied for the half-position.

GM Koehler: He's going to be president at ACWA as well.

Director Reuser: He's on the State Board, too.

Supervisor Brown: Well, he's Chairman and President of a lot of things. He will have to resign his position as Supervisor before he can even be interviewed. He is up for election. You know, here in our little valley, I don't want it to be the way it was between the coast and inland over 50 years ago. And we are going to have to start taking care of ourselves. You have a big job; I don't want to tell you what to do. You know, the Fed's and the State are going to walk right over us, because we are poor – we can't afford to help ourselves with piping and pit ponds and doing all these things; or even hiring a good attorney. And you know, right here in our County, we have to get together; we just have to. We are one County; we have to let go of the old mindset of them and us, coastal and inland. We just have to do what is right, and go forward and get along and play together.

Director Butow: That's why I was trying to point out earlier that since Sean has become part of the Flood Control District, there have been big improvements down there. As Hal pointed out, 'at least as long as Sean is working with FCD' - however, as far as this letter is concerned, it's rather innocuous the way that they put it.

Director Voege: It's ambiguous the way they have worded it.

Director Butow: It's enough ambiguous that it's not getting us in trouble but at the same time Russian River Flood feels like it is helping their cause. They were kind enough to put our name in there and, more importantly, asked for a special ad hoc committee meeting to come out here, just for that purpose, to ask our permission to include this. They could have sent it without coming out here to ask us.

Supervisor Brown: I don't think they can, because they have the same at stake as any water district in the area does.

Director Butow: Well, we are all finding ourselves in that boat. I can remember six years ago when I was preaching that all the water agencies should get together as one, but I couldn't get any traction on this; but now it's all coming to pass and I've been very happy about it. I attended the water meeting at the Farm Bureau earlier this week and it pleased me very much that they were very concerned about getting together as many people on the Russian River, as soon as possible. It could come that at some future date that the only way we would have any legal standing, I mean as far as hiring an attorney, would be a class action suit where everybody pitches in, because no individual has that kind of money clout. Some corporations do, but not the individuals.

Supervisor Brown: I really feel that the State Water Board and Vicky Whitney mainly, wants to push us in to an adjudication of the whole watershed. That is exactly what they want to do. And when we go into that, there will be winners and there will be losers. And it all goes back to the historical water law.

Director Butow: And of course N.O.A.A. would like to have the State start all over again on water law.

Supervisor Brown: You know, they haven't even done their recovery plan for Coho. And that is what this is about, for these runs. How do you take the quality of life, the economy, away from an area or a region, when you haven't even done an recovery plan? On top of that, there is a clause in both the Endangered Species Acts, State and Federal, where you have to evaluate your impact on the local economy. You have to do a total study. They haven't done it. I don't know how they – except there was no water, but there are many towns over near Fresno that just dried up and went away this last year, with the Federal project. All these water bonds coming up – it's about Southern California, it's not about these areas up here. And they're coming. Humboldt County, the Tribe, should be working together and working with us and not Protesting. They should be helping us change what was put into the FERC license. We're in a world of hurt no matter where we turn in today's world.

Director Butow: At this time, I will go ahead and entertain a Motion telling the RR Flood Control District to go ahead and send off the letter as presented with paragraph #4 in it.

GM Koehler: How about the language of, Redwood does not object to the wording in paragraph #4.

Director Butow: That would be fine.

Director Voegel: It comes to my mind that the Protest was actually sent in 2008.

GM Koehler: The Protest was sent to the State Board in 2008 to LuAnn Erickson, but it was just delivered to the Flood Control District right before Christmas. Not only that, the Flood Control District has 45 days to respond, once the State Board notices the letter; but the State Board held that letter for 15 days, having already started the clock. So Flood Control has only 30 days, and according to Sean and Lee and Richard, the State admitted they had held it the 15 days.

Director Hallman: I know the FCD is not asking for a letter of support right now, but if they do, provided that the language is fair, I think that we need to support them. And I have been hearing this since I first thought about running for the Board, I called up Bruce Burton and I talked to him a while and I said I was thinking about running for this Board, and he laughed at me. And when I was talking to him, I asked him what we had to do to fix this, to make it work; and he said, You

guys have to work with Russian River Flood Control District; Period. And that was five years ago.

GM Koehler: You should have heard him laugh when I told him I was taking this job.

Director Butow: And look what has happened since Sean came on the Board at Flood Control.

Supervisor Brown: And I think you have a great General Manager, too.

Director Butow: We absolutely do.

Director Hallman: And finally we are working together. For so long everybody has joked about how it's a little feud we had going on and how each of the water districts are fighting each other. They need to see the change. They haven't seen it yet.

Supervisor Brown: And do you think my statement hasn't been made at a lot of other places, including farmers along the river.

Director Butow: Sure. And we can't have all these little fights going on.

Director Reuser: I agree with Director Hallman as far as, when it comes time to vote, I'm probably the most ignorant out of all of us on this, but I'm leaning towards not only being passive about it and letting them use our name, but actually putting it out there in the public that we're just happy to have somebody writing our name down somewhere.

Director Voege: My concern, though, is the one that I stated initially, which is that there are a lot of issues that I want to see in writing before I'm comfortable with signing an agreement.

Director Reuser: No, I'm not suggesting that we sign something.

Director Hallman: I'm not talking about writing an agreement at this time.

Director Butow: I think we are leaping ahead in regards to any written agreement between us and the FCD, because they haven't got anything together yet. As Bill (General Manager Koehler) pointed out, when they were doing this they were, Well, we'd like to do this, or we could do that. But it's sort of a pencil sketch on the back of an envelope, what we were talking about. There is no engineering done, nothing done that way. Just them letting us know that they were open to ideas that are positive.

Supervisor Brown: And I agree with you, Hal. When you get something written and everybody has a chance to look at it, and when it is documented, it's stamped-

Director Butow: Right. And don't you see that right at the moment that they are in a state of flux, too – everything is up in the air for them. Until they have something about water that is real, then they can come talk to us and say, Let's make a deal of some sort. And that's when it will happen.

Director Reuser: I think that we are going to be in a lot better position to receive a lot better deal if we show them support right from the beginning.

Director Voege: The real question as far as support is, you know, Sonoma County jumped in when Flood Control told us there was no more surplus water to sell us, and we could have had no options at that point.

Director Hallman: You know what, about them jumping in, it's not like they called us, we hounded them.

Director Voegel: Nonetheless, nobody told them they had to sell us water. My thinking is that we need to step cautiously here, and not just come down on one side of this thing.

Director Butow: No, no, we don't want to do that; because John Groth and I and William Howe jumped in at the Prop 40 meeting down in Napa; we had already been turned down on the 50,000 acre-feet, so we approached Randy Poole during coffee-break and he listened. We eventually had an informal meeting with him at a later date in Santa Rosa. Then time passed and eventually it finally developed into the offer. Now we were aware at the time that he was looking for some kind of toe in the door to help solve the kind of problems he was having in Mendocino County. He was looking for somebody to cooperate with; and we knew we were being used, but as long as we were being used to our benefits on the water end of it – that's what we cared about. And now, Jeanette is right, when you say, Well, we haven't heard from them. I'm not too worried about that. Mainly I guess, from what Bill has said, they don't want to start a ruckus in their deal; they've got this thing on the board and when we ask, Gee, we need to get another contract; and what happened to the money we set aside for the conservation thing and stuff. And they are saying, Well, we'll get back to you. As long as they are saying they will get back to us, and we are pumping and sending in reports about how much we pump, and they are not saying back, why are you sending these reports about how much you are pumping in our name when you don't have – they have never said that.

Supervisor Brown: What worries me, though, is the change that is going to occur, because Randy Poole has been there since 1988. I met him at that time, when he was working under Bob Beach who was getting ready to retire. It is really concerning to me because we don't know who we are going to get. I've heard they are splitting the job in two.

After some general discussion, GM Koehler continued: O.K., let me just clarify, what I hear without having had the Board vote on it, is that there seems to be consensus in terms of issuing, and I think we should formalize the statement for the Meeting on Monday. The first half of the statement, I believe there is consensus on the Board which is, that Redwood does not object to the language in paragraph #4. Is that the general consensus of the Board?

The Directors agreed.

GM Koehler: O.K. so the question then becomes, do we want to add a second phrase to that? Here is a suggestion: Redwood will continue to work with Flood Control to try to resolve Mendocino County water issues. This is a very soft touch support statement.

Director Reuser: I'm for it.

Director Pool: I'll vote for it.

Director Hallman: I'm for it. Let's pat them on the back.

GM Koehler: Yes, I think that they deserve a pat, without getting us too deep in until we get the kind of commitment that we are looking for.

Director Reuser: If we can support something, we can create a positive without creating a negative. That sure is a winner.

GM Koehler: Are we o.k. with that as a formal statement?

Director Reuser: Yes.

GM Koehler: Can I just print it out and give it to you, Don (Director Butow), and when the topic comes up on Monday, you can say This is our position.

Director Butow: Yeah, as long as that particular little extra phrase doesn't send a negative response to Sonoma, which it shouldn't.

Director Pool: I don't see why it should.

Supervisor Brown: I don't think it would.

Director Butow: Okay. We've got an outside opinion.

GM Koehler: Do you want to vote on that and we can go on to Agenda Item 4?

Director Butow: I will entertain a Motion

Director Pool: I'll make a Motion.

MOTION: I Move that we direct our ad hoc committee to express a lack of objection to the language in paragraph #4 and further make the statement that it is the unanimous desire of our Board to continue to try to work with Russian River Flood Control District to resolve water issues for the area.

Pool/Reuser Discussion CARRIED

AYES: Pool, Reuser, Hallman, Voegel, Butow

NOES: None

ABSENT: None

ABSTAIN: None

4. NOTIFICATION TO IRRIGATION CUSTOMERS REGARDING POTENTIAL CURTAILMENT OF WATER DELIVERIES.

Director Butow: This notification to irrigation customers regarding potential curtailment of water deliveries is what we are obligated to do. We did it last year and this year we've got it pretty much in place, and the 30,000 number is coming up pretty quick unless something happens.

GM Koehler: My concern is that last year I did not handle informing the ag customers very well in the sense that we were about at this level and I sent the word out saying, if you want it, you pump it now. It created some inequities and it created some hard feelings, so my recommendation at this point is to send out a letter that says, when we hit 30,000 we will be required to reduce 50% and therefore, based upon California Water Code which says human consumption, human sanitation and fire protection come before ag, therefore ag will get 50% of their 2004 deliveries. I would prefer saying 2004 deliveries rather than a 5-year average because the last 2 years have been skewed anyway. But, they can use the water as they see fit, however, when they hit that 50%, they are cut off. If they want to use their 50% later, they can, but the 50% is what they get.

Director Voege: I have two questions: are we absolutely convinced that there will be 50% available say, in August?

GM Koehler: No.

Director Voege: Okay, so we can't really say to them that they can use it whenever. It may not be there.

GM Koehler: That's true, so then we say, Unless the lake goes above 30,000, you will not receive anymore than 50%, at most.

Director Voege: The County statement says something about 35,000 and I'm thinking, why wouldn't we want to follow that?

Supervisor Brown: The County agenda item has to be submitted two weeks ahead of time and I think they took the figure existing the two weeks previously. As of last Tuesday, it was 33,000.

Director Voege: Okay. And the second point was, in order to avoid a replay of what happened last year, I suggest that we wait until we are as reasonably close to this as possible, before we send that letter, because a lot of people who get the letter are going to immediately turn on their pumps.

Director Reuser: But still, 50% is 50%, right? If we send it out at 33,000 feet –

Director Butow: The only way it would work is if a guy had a sealed pond, and I think there are something like 4 or 5 sealed ponds in the Valley; those guys could take advantage of the sealed ponds and hold it.

Director Hallman: Well we even had guys that didn't have sealed ponds, and that were losing water, but they filled their ponds anyway.

Director Butow: That's true.

GM Koehler: That's right, because they weren't informed that they would go to 50%; they were basically informed that they could pump like crazy.

Director Voege: We need to look at the spread between where we are, and the 30,000. It doesn't cut off until the 30,000. So, let it get close, and then send the letter.

GM Koehler: Okay, let's take the worse case scenario, that we are at 30,000 before the January 21st Board Meeting. Do you want me to send a letter before the Board Meeting?

Director Reuser: Why don't we just say that when we do hit 30,000, we send this out, as-is.

GM Koehler: The letter that says 50% at most, and that if we continue with a drought, that we will have to curtail all ag deliveries.

Director Voege: Yeah.

Director Butow: Right. There you go.

GM Koehler: Okay, and I have your authority to send that out when we hit 30,000 without a subsequent Board Meeting?

Director Butow: Yes, because you are already getting Board approval right now.

5. HEARING OF COMMENTS OR QUESTIONS FROM THE ATTENDING PUBLIC.

(Agenda Item No. 2)

Supervisor Brown: I just want to say that we did talk about the emergency declaration that the County still has in place. The law has changed, so instead of having to renew it every 14 days, now it is every 30 days. The Ordinance will be coming on the 12th. Just as Bill (GM Koehler) stated, we have learned a lot by going through this; we took boilerplate ordinances, we took different recommendations and had different things in place, and we found out that some of this stuff just doesn't work very well; or, we should have done 'this' instead of doing 'that'. But this is the first time this last year that we have gone through some of these circumstances and it is the first time the County has had to do this. I have not looked through my 2-days worth of Board packets, but there should be an ordinance there, and hopefully staff got it done. I know that Roland (Sanford) got it done and turned in, but there is so much work that has to be done by the Clerk of the Board every time we change something. So County Counsel felt we could change the ordinance to read conservation at this level, when the lake gets down to 30,000, then the 50% kicks in for the entire area.

GM Koehler: Are you going to put some teeth in it this time? You didn't really have any teeth in it last time.

Supervisor Brown: You mean, consequences?

GM Koehler: Yes; there really weren't any consequences last time.

Supervisor Brown: Well I think some people should come to testify as to that. Anyway, I wanted you to know about that. As to the other matter, I've read Vicky's email, but I really haven't gone into all the paperwork that's going on with the State Board, but basically she is saying that, You haven't done enough, especially in the trib's. You should be getting a copy.

GM Koehler: It was received in the office today, and copies are in the Director vertical files here in the office.

Supervisor Brown: Okay. So we are going to have a real fight on our hands. It is on the 19th of January, and it's a big, big deal and the County needs to take action.

Director Hallman: This is so unbelievable. I swear they have never been in this area; they don't know what it is like.

Supervisor Brown: Well we certainly have tried to tell them; we've sure put on a lot of tours, we've put out a lot of information.

Director Butow: The effort that was put in to explain to them what is going on and then how is the State going to respond to the demand, and I guess Vicky is just going along with N.O.A.A. and whatever.

Supervisor Brown: Vicky has said in those meetings, time after time, 'You just need to go to adjudication.' The expense of adjudication and the winners and the losers is big time bad.

GM Koehler: And there's a shake-up over there in the sense that Lester Snow is moving, he is kicked-upstairs as well. So there is going to be a big shake-up in the State Water Board.

Supervisor Brown: Is Les going to be on the Water Board?

GM Koehler: I forget the title, but he is the Water Commissioner for the State; he's changing job-titles, as well.

GM Koehler: In addition, in your vertical file is the background information for the Agenda and proposed regulations. And the email from Vicky saying that no decision will be made on the 19th, but that she will continue making recommendations to the State Water Board that they proceed with requiring, basically yes, more governance; and again, pointing out that we just haven't done enough. Although there definitely is some dichotomy here in that URSA, the Upper Russian Stewardship has done a tremendous amount and the Middle Russian Stewardship hasn't done a heck of a lot yet, although they are finally moving.

Supervisor Brown: It's because they are so splintered.

GM Koehler: Yes, they are so much bigger. Devon Jones at the Farm Bureau is attempting to put together one of her workshops again, but her first date is the 13th and our District will be doing the Ethics Training on that date. Her second suggestion is the 18th, but again for many of us, that is a holiday.

The Meeting ended at 7:15 p.m.

The next Regular Meeting is at 7:00 p.m. on Thursday, January 21, 2010 at the Water District Office, 2370 Webb Ranch Road, Redwood Valley, California.

APPROVED: Board of Directors

DATE: March 18, 2010

SIGNED: Linda Groth

Secretary, Board of Directors