

Willow County Water District

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MENDOCINO COUNTY GRAND JURY
POST OFFICE BOX 629
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June 13, 2006

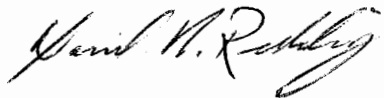
County of Mendocino Grand Jury
P.O. Box 629
Ukiah, CA 95482
Attn: Benj Thomas

Dear Mr. Thomas:

Enclosed is the required response from the Willow County Water District to the Grand Jury Report entitled Water, Water Everywhere, but... Mendocino County Water District's Report.

Should you require additional information or if we can be of further service, please do not hesitate to contact us.

Sincerely,



David N. Redding
General Manager

cc: Mendocino County Board of Supervisors
Mendocino County Water Agency
Mendocino County Inland Water & Power Commission
RRFCWCD

WILLOW COUNTY WATER DISTRICT
151 LAWS AVENUE
UKIAH, CA 95482

JUNE 13, 2006

The Mendocino County Grand Jury (MCGJ) requested responses to specific findings from Willow County Water District (District) to the Draft Grand Jury Report entitled "WATER, WATER EVERYWHERE, but...MENDOCINO COUNTY WATER DISTRICTS REPORT MAY4, 2006". The following are the District's responses:

FINDING #1: There are some 20 agencies, including Special Districts, involved with water resources within the entire County.

RESPONSE TO FINDING #1: The District has no information or belief sufficient to agree with or contradict this finding.

FINDING # 2: The Ukiah Valley and Potter Valley (UV/PV) area alone has nine Mendocino County water agencies and/or special districts. They are:

City of Ukiah

Mendocino County Water Agency (MCWA)

Mendocino County Inland Water and Power Commission (IWPC)

Russian River Flood Control and Water

Conservation District (RRFCWCD)

Calpella County Water District (CWD)

Millview CWD

Potter Valley Irrigation District (PVID)

Redwood Valley CWD

Willow CWD

In addition there are a number of private water companies; the largest is the Rogina Water Company.

RESPONSE TO FINDING #2: All of the entities listed in the finding are water agencies or special districts with the exception of the IWPC which is a joint powers authority involving some of the agencies listed in that finding.

FINDING # 8: Current water agencies/special districts in the UV/PV area originated as a result of an unplanned and uncoordinated history of water events, local and distinctly separate community and neighborhood interests, needs and demands.

RESPONSE TO FINDING # 8: The District disagrees with this finding in its entirety. The District would propose the following alternative finding which it believes correctly states the issue:

"Current water agencies/special districts in the UV/PV area originated as the result of a planned and coordinated series of events all of which were approved by the then existing processes required for the formation of such agencies and districts. The District's were formed to meet the needs of the communities they serve, each of which had differing desires and needs which were facilitated by the formation of those agencies and districts.

FINDING # 9: Continual growth and development, together with increased population demands, have resulted in some overlap of interests, influence and competition between various UV/PV area water districts.

RESPONSE TO FINDING # 9: The District disagrees with this finding in its entirety. The

District would propose the following alternative finding which it believes correctly states the issue.

“There is no overlap of interests, influence and competition between the various retailers of water to municipal, industrial users. Each serves a distinct and separate geographical territory and customer set. RRFCWCD does not retail water to municipal and industrial users. RRFCWCD but does retail water to agricultural users with access to the Russian River. This District does wheel water for the RRFCWCD to agricultural customers who do not have access to the Russian River. MCWA has no water or water rights within the subject area and consequently does not either wholesale or retail water.

FINDING # 10: State law and codes that mandate the organization and structure of water agencies/special districts are involved and complex.

RESPONSE TO FINDING # 10: The District disagrees with this finding in its entirety. The District would propose the following alternative finding which it believes correctly states the issue.

“State law regarding the organization and structure of water agencies/special districts are clear and straight forward and no more complex or involved than any state law.”

FINDING # 11: Water districts are largely autonomous and governed by elected boards of directors serving a specific defined geographical area and population.

RESPONSE TO FINDING # 11: The District disagrees with this finding in its entirety. The District would propose the following alternative finding which it believes correctly states the issue.

“Water Districts are established for specific purposes and their actions are controlled by the applicable State laws and regulations designed to enhance the service provided by them to their constituency. They are no more or less autonomous than any other governmental agency. The board of directors of each such district is obligated by law to conform their conduct to the law and are answerable to their constituents periodically by the election process as is every other elected official in this state.”

FINDING # 12: Unification or consolidation of water districts, a complex process, requires that all parties or districts concerned must approve such action.

RESPONSE TO FINDING # 12: The District disagrees, in part, with this finding. The District would propose the following alternative finding which it believes correctly states the issue.

“Unification or consolidation of water districts may be accomplished by the process established by law. This law is not complex but rather it is well defined and straight forward. Those parties who must consent to unification are set forth in the state law. Without an act of the state legislature that law may not be modified and must be followed if unification or consolidation is pursued. Without the consent of the persons and entities prescribed by law unification and consolidation cannot be effected.”

FINDING # 13: Except for the City of Ukiah, accurate measurement and/or metering of water usage (industrial, agricultural, and residential) within most water districts varies widely. Currently, it is not possible to know exactly how much water is actually being used in the UV/PV area because of the multiple systems of accountability in use, as well as a degree of undocumented use.

RESPONSE TO FINDING # 13: The District disagrees with this finding in its entirety. The District would propose the following alternative finding which it believes correctly states the issue.

“This District is informed and believes that each District that retails water in the Ukiah Valley requires water meters to be installed by all customers. This District requires such meters. This District is also informed and believes that RRFCWCD has recently required agricultural users to install such meters. This District has no knowledge of the method of accounting used by PVID. Due to lack of repair or maintenance, an individual meter may be inaccurate, however the Districts are required by law to repair or replace any such meter as soon as such a defect is discovered. Each Districts that retails water keeps records of all water used by its customers and those records are as accurate as reasonably possible and are reported to the State of California. Those records are public records and anyone who wishes to calculate the water use of any or all of those Districts can easily do so.”

FINDING # 14: The amount of water used by many water purveyors is known and available from those required to file Statement of Use with State Water Resource Control Board (WRCB). Reporting has been haphazard, with no current consequence for non-compliance.

RESPONSE TO FINDING # 14: The District disagrees with this finding in its entirety. The District would propose the following alternative finding which it believes correctly states the issue.

“This District reports it’s water use in a proper fashion and does so as accurately as possible. This District has no information or belief that would enable it to say that other Districts or Agencies in this area neglect this requirement or are haphazard in the reporting of its water use. The Grand Jury has not presented a single fact or representation which would lead any reasonable person to believe that this District neglected to report their water use or did so in a haphazard fashion. Such an allegation by an official government agency is inappropriate unless supported by facts.”

FINDING # 16: Users with riparian rights, those whose property is immediately contiguous to a water source, are required to file a Statement of Use with WRCB. The requirement to report is currently not enforced, and many do not file. Currently, there is no requirement to report usage locally.

RESPONSE TO FINDING # 16: This District has no riparian rights. This District has no information or belief with respect to the actions of all riparian rights holders in this area. This District would assume that some riparian users do report their use. This District does not require, and has no authority to require, riparian users to report their use to this District. This District has no obligation to, or desire to, record the use of riparian uses or to maintain such a data base.

FINDING # 17: Projections of population growth and development within the County and specifically the UV/PV area, indicate that continued availability of adequate water resources will be problematic.

RESPONSE TO FINDING # 17: This District expects population growth at the rate of approximately 2% percent per year. This is based upon a report entitled "Master Service Element and Annexation Plan for the Willow County Water District". This District's planning has been based in part upon that assumption, however we expect the new draft of the Ukiah Valley Area Plan may have updated growth projections. If they are substantially different from the projections we are now using we will update our projections.

FINDING # 18: Increased demand for potable water within UV/PV area would require developing new water sources, conservation of existing sources and the construction of new treatment, storage or supply facilities. Construction of these facilities could have significant environmental effects.

RESPONSE TO FINDING # 18: This District agrees with the finding, except that this District believes if those facilities are properly planned and the construction properly and timely implemented the environmental impact from such construction, if any, will be properly mitigated.

FINDING # 19: The majority of UV/PV area water districts have adequate emergency and water management plans for responding to local emergencies, such as power outages, local and system-wide contamination, and/or distribution interruptions.

RESPONSE TO FINDING # 19: This District has emergency and water management plans for responding to local emergencies such as power outages, local and system-wide contamination, and or distribution interruptions. This District believes that those plans are as good as we can make them.

FINDING # 20: Except for the City of Ukiah, the plans of most UV/PV area water districts for responding to earthquakes and multi-year droughts are marginal to non-existent.

RESPONSE TO FINDING # 20: The District disagrees with this finding in its entirety. The District would propose the following alternative finding which it believes correctly states the issue.

The District has an approved Emergency Response Plan that complies with Section 1433(b) of the Safe Drinking Water Act and Public Law 107-188, Title IV - Drinking Water Security and Safety. These plans include earthquake preparedness, an area-wide pipeline inter-tie between all water agency's from Redwood Valley to Willow so that if a water source or storage facility of one of the agencies is put out of commission they can all share the others' source and storage. This District has a long standing commitment for mutual aid with all local water agencies and fire departments. The District participates in local emergency preparedness planning sessions in the Ukiah Valley Area. In addition to its own staff and equipment The District maintains a data base with office and emergency phone numbers of local contractors with experience and equipment to repair our infrastructure in the event the need should arise.

This District has a plan to respond to multi year droughts. Those plans include area wide inter-tie to share resources in the event it is needed, a water conservation plan, a source of supply restriction devices to compel reluctant customers to comply with cutbacks deep water wells, and a supply contract with RRFCWCD, among other things.

FINDING # 22: While there may be some arrangements between various water districts for water sharing, there is no official comprehensive plan or legal agreement among water districts for sharing water resources.

RESPONSE TO FINDING # 22: This District disagrees with this finding in part. This District proposes the following finding which it believes is more accurate.

This District has a written contract dealing with the subject of the use of the inter-tie between our system and the City of Ukiah and the use of water under certain circumstances. This District agrees that an area wide emergency water supply/storage/use agreement should be entered into by all purveyors on the inter-tie, even though (1) the local agencies have a long track record of mutual assistance in times of need and (2) in an emergency the SWRCB could direct a reluctant agency to participate in a water sharing plan.”

FINDING # 31: State, Federal, and local laws deal with environmental issues, water supply, water quality, and water rights, utilization and distribution.

RESPONSE TO FINDING # 31: This is a true statement.

FINDING # 33: Agencies outside Mendocino County influencing decisions regarding UV/PV area water resources include:

*Sonoma County Water Agency (SCWA)
California Water Resource Control Board (WRCB)
California Regional Water Quality Control Board (RWQCB)
California Department of Health Services (DHS)*

*Army Corps of Engineers (ACE)
National Marine Fisheries Services,
(NOAA-Fisheries)
State and Federal Courts*

RESPONSE TO FINDING # 33: This is a true statement.

FINDING # 34: There is universal agreement that the most efficient, inexpensive and environmentally sensitive method to increase water availability is to reduce demand through conservation.

RESPONSE TO FINDING # 34: This is a true statement.

RECOMMENDATIONS

The Grand Jury recommends that:

RECOMMENDATIONS 1. The BOS take a leadership role in developing long-range comprehensive management plans and strategic policy for dealing with all aspects of water resources (supply, rights, availability, usage, conservation, storage, distribution and infrastructure) countywide and specifically for the UV/PV area. (Findings 3, 10, 35-37)

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors did take a leadership role in developing a long-range comprehensive management when it joined the IWPC. However, it decided to retreat from that JPA for reasons that are clear only to the Board of Supervisors. The IWPC was created after months of hard work on the part of all of the water agencies and the Board of Supervisors: (1) to create a forum inside the county open to all water purveyors, the county and the public, where issues of common interest where inland water issues could be discussed, and debated (2) to deal with inland water issues that the rest of the county was not concerned with, (3) to create a grain of sand around which the most appropriate method of unified water management could be discussed, and evolve, (4) to create one unified voice on water issues with which inland

Mendocino County water purveyors would speak to the SWRCB and others outside of Mendocino County, which (5) would help us to develop the kind of “clout” on the Russian River water scene outside the County that this community deserves, and (5) to eliminate in the mind of the SWRCB, Sonoma County Water Agency and other outside agencies the prevalent attitude that the water purveyors in Mendocino County are so Balkanized as to be ineffective in outside water forums. By withdrawing from the IWPC the Board of Supervisors may have destroyed all of that. The Board of Supervisors should rejoin the IWPC.

RECOMMENDATION 2. The BOS establish a Water Resource Policy Council, composed of all water agencies/special districts and official water-related entities within the County and the UV/PV area. The Council should explore interests and concerns in order to develop common long-range plans and strategies to address the issues of adequate guaranteed water availability, usage, conservation and storage within the County. (Findings 3, 10, 35-37)

RESPONSE TO RECOMMENDATION #2:

The Water Resource Policy Council will be unnecessarily duplicative of the work of the IWPC. It appears that everything the MCGJ hopes to establish in this Council is already established in the IWPC. This District would prefer to use the mechanism of the IWPC to develop policies for the inland areas. A similar organization may be necessary for water issues outside the UV/PV area but this District takes no position on that issue. Water issues in the UV/PV area are best left to the local agencies working together with the County to provide for the current and future needs of the inland water users. It appears to this District that the County withdrew from the IWPC simply in order to rename it the Water Resource Policy Council, bring it under the absolute control of the County so it could get its hands on the revenue generated from present and future water sales. No benefit can be derived for local users by shifting a portion of our revenue to a county wide organization. The risk that those revenues would be diverted to other more pressing issues that the County may have makes it imperative that those funds not be placed in the hands of the County or in the County General Fund, but reserved for inland water development. The County should rejoin the IWPC and become a supportive member of that group, helping to guide inland water policy and to present a united front on inland water issues outside the county.

RECOMMENDATION 4. The BOS and the IWPC, perhaps in conjunction with other appropriate entities, arrange necessary financing for the matching funds to add to the ACE's 2005-2006 appropriated monies for the continued development of the Coyote Valley Dam Feasibility Study. (Findings 26-29, 36, 37)

RESPONSE TO RECOMMENDATION #4:

The IWPC, with the County as an active and supporting participant, should develop the necessary funding, financing and matching funds for continued development of the Coyote Valley Dam Feasibility Study.

RECOMMENDATION 5. The BOS take all steps necessary to ensure the water rights of any added water capacity be negotiated in favor of the County and UV/PV. (Findings 23,24,31)

RESPONSE TO RECOMMENDATION #5:

This District agrees that any additional water developed from Lake Mendocino, either by raising the level of the conservation pool in the lake, reducing the release of flood waters earlier in the year than is currently allowed under the Corps of Engineers operational guidelines, reducing

stream flow when not necessary for anadromous fish passage or agricultural, municipal or industrial use, securing and building alternative storage or raising the level of the dam, should be controlled by local water interests. This District believes the IWPC is the appropriate forum for controlling those additional waters. If other areas of the County that are not now currently being served by water from the lake wish to be so served they should join the IWPC and participate in the cost of securing that water. Areas of the County that do not wish to be served by such newly developed water should not be required to join the IWPC nor share in the cost of the developing the water.

RECOMMENDATION 6. The BOS by ordinance or other appropriate authority (activate Mendocino County Service Area #3) require all purveyors, providers, agencies and special districts, as well as riparian rights users, to install meters and/or measuring devices to track water usage for local reporting (Findings 13-16)

RESPONSE TO RECOMMENDATION #6:

It is doubtful that the BOS has this authority. More importantly, it is an unnecessary and redundant requirement since all purveyors now meter their water and are required by the SWRCB & DHS to do so. This District has no interaction with riparian users, takes no position on metering riparian users except that it will decline to monitor riparian users within its boundaries. If riparian uses are to be monitored or metered that is best left to the RRFCWCID.

RECOMMENDATION 7. The MCWA receive and compile water usage data for informational and planning purposes. (Findings 13-16)

RESPONSE TO RECOMMENDATION #7:

This District agrees that MCWA should compile water usage data for the entire county for planning and informational purposes, in fact this District would be shocked to learn that MCWA is not already doing this. This information has been provided in the past whenever the County requested it. This District has its water usage information readily at hand, provides the same regularly to numerous agencies and, since it is a public record, is certainly willing to share it with MCWA. This District believes the same is true of all purveyors in the area. However, the MCWA should be cautioned against attempting to institute a new, time consuming or expensive method of collecting this data.

RECOMMENDATION 8. All water agencies/special districts immediately develop and implement conservation programs, with an education component for residential, agricultural and industrial use. Devices such as reduced-flow water fixtures and irrigation equipment and other passive and active approaches, including reclaimed water (treated wastewater) systems, should be investigated and considered. (Findings 3, 18, 31)

RESPONSE TO RECOMMENDATION #8:

As far as this District is aware all water agencies and special district's in the county have a statutory obligation to develop and implement water conservation plans and are doing so. This District would like to see treated waste water used in agricultural irrigation because this may free first diversion water for municipal and industrial use. This District is of the opinion that the IWPC should make this a mid range priority issue. The long range priority should be developing additional storage in Lake Mendocino.