

Resolution #25-04
of the
**Mendocino County Russian River Flood Control
& Water Conservation Improvement District**

**Adopting the Temporary Addendum
to the Uniform Water Sale & Purchase Agreement**

WHEREAS, the Mendocino County Russian River Flood Control & Water Conservation Improvement District ("**District**") is an improvement district organized and operating pursuant to the provisions of Chapter 54 of the Water Agency Acts entitled the Mendocino County Water Agency Act ("**Act**"). Pursuant to Sections 101 and 102 of the Act, the District has all the rights, duties, powers, liabilities, purposes, privileges, and immunities conferred and specified by the Act on the Mendocino County Water Agency. Chapter 54 §3(s) of the Act provides that the District, as an improvement district within the Mendocino County Water Agency, has the power "to divert, produce, store, transmit, distribute, and sell or otherwise furnish surface waters and ground waters or beneficial uses within or without the Agency"; and

WHEREAS, the District has been granted the right to divert east fork Russian River Water, redivert water released from storage in Lake Mendocino, and withdraw water from storage in Lake Mendocino in a total amount not to exceed 7,940 acre feet per year pursuant to License 13898 issued by the California State Water Resources Control Board; and

WHEREAS, the District has adopted Ordinance 25-01 Establishing Regulations and Rules for Water Sales which provides a method by which Customers who wish to purchase a specific amount of District Water may file an application with the District to purchase such water and, upon approval of the application by the District, enter into a Uniform Water Supply & Purchase Agreement ("**Agreement**") which provides the terms under which District Water is sold and used; and

WHEREAS, the District is currently preparing a Petition for Change ("**Petition**") to be filed with the California State Water Resources Control Board Division of Water Rights ("**State Board**") that will request the following changes to the District's licensed water right, License 13898 ("**License**"):

- (1) Remove the acreage cap on the place of use within the District for irrigation purposes to authorize use anywhere within Petitioner's service area;
- (2) Remove the acreage cap on the place of use within the Redwood Valley County Water District ("**RVCWD**") for irrigation purposes to authorize use anywhere within the service area of RVCWD;

- (3) Expand the licensed place of use to make the boundaries of the District's place of use coterminous with the boundaries of water suppliers to which the District supplies water and to meet existing agricultural demands;
- (4) Remove the condition that only surplus water be supplied to RVCWD on satisfaction of the condition that RVCWD be annexed into the District; and
- (5) Add additional points of rediversion, abandon existing licensed points of rediversion, and update existing licensed points of rediversion.

WHEREAS, the District is filing the Petition in response to requests from landowners and water suppliers within the boundaries of the District to divert water under the District's License at additional points of rediversion not included in the License, on additional historically irrigable acreage, and in an expanded place of use; and

WHEREAS, the District Board of Trustees has determined that it is in the best interest of the District to develop a Temporary Addendum to the Uniform Water Sales & Purchase Agreement ("**Temporary Addendum**") (Exhibit A) to temporarily implement Customer's requested changes to the License as requested in the Petition during pendency of the Petition; and

WHEREAS, no expansion of water use will occur under the Temporary Addendum, as the District will continue to deliver the same amount of water (as limited by its License) but to additional points of rediversion, for use on additional historically irrigable acreage, and in an expanded place of use; and

WHEREAS, upon approval of the Petition by the State Board, Customer and District may implement this change as a permanent amendment to the Agreement; and

WHEREAS, the Board of Trustees heard and fully considered all oral and written public comment and General Manager's report on the Temporary Addendum at a Regular Board Meeting on July 7, 2025 to solicit public comments on the Temporary Addendum.

NOW, THEREFORE, BE IT RESOLVED that the District Board of Trustees hereby approves the following:

1. The facts set forth in the recitals above and in the documents referenced therein are true and correct, and the Board so finds and determines.
2. The Temporary Addendum to the Uniform Water Sales & Purchase Agreement is hereby approved.

3. The General Manager is hereby authorized to implement the Temporary Addendum.
4. Approval of the Temporary Addendum is categorically exempt from further proceedings under CEQA pursuant to Guidelines §15301, because it merely provides for continued operation of an existing facility. Approval of the Agreement will not create any effects on the environment that make categorical exemptions inapplicable pursuant to CEQA Guidelines §15300.2.

ADOPTED 7th of July, 2025 by the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District, by the following vote:

Christopher Watt	Yes/ No / Abstain / <u>Absent</u>
Tyler Rodrigue	<u>Yes</u> / No / Abstain / <u>Absent</u>
John Bailey	Yes/ No / Abstain / <u>Absent</u>
John Reardan	<u>Yes</u> / No / Abstain / <u>Absent</u>
Dave Koball	<u>Yes</u> / No / Abstain / <u>Absent</u>

Signed: 
 Tyler Rodrigue, Board of Trustees Vice President

7/7/2025
 Date

Attest: 
 Elizabeth Salomone, General Manager

7/7/25
 Date

MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL & WATER CONSERVATION IMPROVEMENT DISTRICT

TEMPORARY ADDENDUM to the UNIFORM WATER SALE AND PURCHASE AGREEMENT

This Temporary Addendum to Uniform Water Sale and Purchase Agreement (“**Addendum**”) is entered into by and between ****CUSTOMER NAME**** (“**Customer**”) and MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT (“**District**”) as of ****INSERT DATE****.

RECITALS

WHEREAS, capitalized terms not otherwise defined herein shall have the same meaning as in Customer’s Uniform Water Sale and Purchas Agreement (“**Agreement**”).

WHEREAS, the District is currently preparing a Petition for Change (“**Petition**”) to be filed with the California State Water Resources Control Board Division of Water Rights (“**State Board**”) that will request the following changes to the District’s licensed water right, License 13898 (“**License**”):

- (1) Remove the acreage cap on the place of use within the District for irrigation purposes to authorize use anywhere within Petitioner’s service area;
- (2) Remove the acreage cap on the place of use within the Redwood Valley County Water District (“**RVCWD**”) for irrigation purposes to authorize use anywhere within the service area of RVCWD;
- (3) Expand the licensed place of use to make the boundaries of the District’s place of use coterminous with the boundaries of water suppliers to which the District supplies water and to meet existing agricultural demands;
- (4) Remove the condition that only surplus water be supplied to RVCWD on satisfaction of the condition that RVCWD be annexed into the District; and
- (5) Add additional points of rediversion, abandon existing licensed points of rediversion, and update existing licensed points of rediversion.

WHEREAS, the District is filing the Petition in response to requests from landowners and water suppliers to divert water under the District’s License at additional points of rediversion not included in the License, on additional irrigable acreage, and in an expanded place of use.

WHEREAS, by this Addendum, Customer and District desire to temporarily implement Customer’s requested changes to the License as requested in the Petition during pendency of the Petition.

WHEREAS, upon approval of the Petition by the State Board, Customer and District may implement this change as a permanent amendment to the Agreement.

WHEREAS, Section 17.5 of the Agreement authorizes the District to modify the Agreement in writing by mutual agreement signed by both Customer and District.

NOW, THEREFORE, in consideration of the foregoing recitals of fact, the mutual covenants described herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following temporary Addendum to the Agreement:

AGREEMENT

1. **CHANGES TO AGREEMENT.** By this Addendum, District agrees to temporarily implement those changes to Customer's Agreement as set forth on the revised exhibit(s) to the Agreement attached hereto and incorporated herein.

2. **TEMPORARY NATURE.** Customer and District expressly agree and acknowledge this Addendum is intended to be temporary in nature pending review of the Petition by the State Board. During the pendency of the Petition, should the State Board at any point (i) threaten to initiate or initiate enforcement proceedings, (ii) impose a curtailment on the District's water right, or (iii) deny the Petition, Customer and District agree this Addendum shall immediately terminate upon District's twenty-four (24) hours' notice to Customer. In the event the Petition is approved by the State Board, Customer's Agreement shall be permanently amended and this Addendum of no further force and effect.

3. **NO OTHER CHANGES.** Except as otherwise expressly set forth in this Addendum, the Agreement shall not be amended or modified and the Agreement, as supplemented hereby, is hereby ratified and confirmed and shall continue in full force and effect between the Parties.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the last date written below.

MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT

By: _____ Date _____
President of the Board of Trustees

ATTEST:

Secretary of the Board of Trustees Date _____

CUSTOMER

By: _____ Date _____

****CUSTOMER NAME, COMPANY NAME****
****ADDRESS ****
****PHONE NUMBER ** **EMAIL ADDRESS****

