

Mendocino County

Russian River Flood Control & Water Conservation Improvement District

P.O. Box 2104 Ukiah, CA 95482 707.462.5278 Website: RRFC.net DistrictManager@rrfc.net

February 24, 2026

Ms. Uma Hinman
Executive Officer
Mendocino Local Agency Formation Commission
200 S. School Street
Ukiah, CA 95482

Dear Ms. Hinman,

RE: RRFC Annexation of RVCWD's Complete Service Area (File No. A-2025-05)

Thank you for your letter dated November 18, 2025 requesting further information on the above listed application. Please find our responses to each of your questions below.

1. Adoption of property tax exchange agreement(s) per Revenue and Taxation Code (RTC) Section 99(b).

LAFCo Request:

Please note that we sent a Notice of Filing pursuant to RTC §99(b) on October 21, 2025 to the County Assessor and Auditor, with a copy to the CEO, to commence the process. A property tax exchange agreement is required even in cases of zero tax exchange (no base or tax increment).

RRFC Response:

Thank you for keeping the District staff informed on your efforts since October to receive an update from the County of Mendocino. The District understands the number of parcels in the proposed annexation area are higher than an average annexation and may be delaying the County's response.

2. Provide written responses to the following questions.

a) How much of the Stipulated Judgement surplus RRFC raw water (annual average of 850-acre-feet) is currently being used within the RVCWD boundary (non-overlap area) by customer type (e.g. residential, ag, commercial)?

RRFC Response:

This information is not currently tracked and reported to RRFC by RVCWD. Water use is not typically tracked separately between the area of RVCWD inside and outside of the RRFC boundary. Additionally, RRFC does not require Customers to report the amount of water used by type. The total acre feet delivered to RVCWD in the 2025 calendar year was 796 acre feet.

b) Post-annexation, will the same average amount of Stipulated Judgement surplus RRFC raw water by customer type (identified in question 1) continue to be available to those customers, if available?

RRFC Response:

Stipulated Judgment surplus RRFC raw water will no longer be relevant post-annexation. It is important to understand the Stipulated Judgment and the process for distribution of Stipulated Judgment surplus water to RRFC customers as described below.

The Stipulated Judgement requires that RRFC “sell to [RVCWD] so much of such surplus water as [RVCWD] desires to purchase, up to and including the entire amount of such surplus water...”. “Surplus Water” is defined in the Stipulated Judgment as “that portion, if any, of said 8,000 acre feet [now 7,960 af per license] which is not put to beneficial use **within the lands situated in the Mendocino District.**” In other words, RRFC must sell to RVCWD that portion of its 7,960 acre feet a year licensed water right not contracted for or needed by RRFC customers located within the RRFC boundaries in any given year.

Each year after RRFC customers annual use is projected, RRFC calculates the amount of available water and lets its in-district customers know that amount of water is available over their contracted quantities. In-district customers are entitled to all such available water¹. If any water is not claimed by in-district customers, that amount of remaining water is considered to be “surplus” under the Stipulated Judgment and made available to RVCWD.

Post-annexation, under the above process RVCWD would be eligible to purchase available water from RRFC at a higher priority as an in-district customer. RVCWD will no longer have to wait until RRFC has offered all available water to customers *within the RRFC boundaries* before RRFC can offer water defined as “surplus” under the Stipulated Judgment to RVCWD.

Post-annexation, there will in essence be no water available under the Stipulated Judgment because RVCWD will be within the RRFC district and thus will purchase any desired surplus as a customer under the UWS&PA. As such, the Stipulated Judgment process will become irrelevant.

c) On average, how much of the RVCWD contracted 328.85 acre-feet per year of water available under its pre-existing Uniform Water Supply & Purchase Agreement with RRFC is used in the overlap area (200 acres)?

RRFC Response:

RVCWD’s Uniform Water Supply & Purchase Agreement (Agreement) with RRFC was approved and effective as of May 5, 2025. At the time of approval, the RRFC Board accepted that under certain circumstances, 328.85 acre feet of water could be put to beneficial use in the contractual place of use though approval of an Agreement does not require formal water demand analysis. RVCWD did not have a mechanism in place to track and report the water used only in the contractual place of use during 2025. Instead, RVCWD chose to use Stipulated Judgement surplus water provided through the Stipulated Judgment in this overlap area which simplified the water use reporting.

¹ All RRFC customers may purchase surplus water in any given year that it is available under the terms of the Uniform Water Supply & Purchase Agreement. <https://rrfc.specialdistrict.org/customers#docaccess-a2d22c5bdc94bc0175000e1275d5b09464f9887e719bac9769b459118130bd8c>.

RVCWD's decision to purchase water under the Stipulated Judgement in 2025 rather than use water under its UWS&PA was made due to administrative workload.

d) Post-annexation, how will RVCWD define beneficial use for purposes of allocating the contracted 328.85 acre-feet per year of water available under its pre-existing Uniform Water Supply & Purchase Agreement with RRFC?

RRFC Response:

RRFC does not define beneficial use and does not dictate how its customers allocate their contracted supplies. The UWS&PA states:

10.5. Customer agrees to use District Water only pursuant to and in compliance with each and all of the requirements and provisions of the District's water rights, SWRCB Decision D-1030, District Enactments, and California law, including, but not limited to, the requirements of Article X Section 2 of the California Constitution that all water must be placed to reasonable and beneficial use.

e) What is the likelihood that the proposed RRFC annexation of RVCWD will result in a lower amount of water available for use by RVCWD agricultural customers in the short-term and long-term, and on what basis?

RRFC Response:

Post-annexation, RVCWD will continue to supply the 328.85 acre feet a year contracted under its UWS&PA to RVCWD for agricultural or other use without change. In addition, RVCWD will also be able to request additional water from RRFC if available under the process spelled out in the response to Item b. above. The proposed annexation cannot result in adverse impacts to the agricultural use within the RVCWD service area but instead provide some amount of potential increased reliability of water supplies.

This question is further addressed in RRFC's Response to Comments attached to the Initial Study for the Project. Please see Response to Comments 1.1, 1.3, and 2.4.

f) How will RVCWD customers be impacted if the proposed RRFC annexation of RVCWD is not completed?

RRFC Response:

No annexation will continue the status quo:

- RVCWD and its customers will continue to rely on RVCWD's own water right, surplus water from the Millview Water District, the 328.85 acre feet under its current RRFC contract, and any Stipulated Judgement surplus RRFC water available.
- If there is no annexation, any water available to RVCWD under its Uniform Agreement with RRFC would only be available for use within the current overlap area and RVCWD customers outside that area would have no access to that water nor the ability to receive additional water at a higher priority than the Stipulated Judgement surplus.

- In years with conditions like 2021 and 2022, RRFC may have little to no Stipulated Judgment surplus water available to RVCWD. Additionally, RVCWD's Lake Mendocino intake has physical limitations to pumping when lake elevation is low, around 700 feet, equivalent to approximately 20,000 acre feet of storage.

g) What is required to lift the court-ordered moratorium for domestic connections and the district board-initiated moratorium on irrigation connections?

RRFC Response:

Court Ordered Moratorium: In 1989, the Mendocino Superior Court issued a Peremptory Writ of Mandate to order the California Department of Health Services to prohibit any further connections for domestic use to the RVCWD system on the basis that the available water supply was not dependable. This moratorium on domestic service connections remains in effect today and will remain in effect until RVCWD has sufficient evidence of a reliable water supply to present to the California Department of Health Services and/or the court to warrant its removal (see language in case below).

The court imposed domestic moratorium was upheld by the court in *Residents for Adequate Water v. Redwood Valley County Water Dist.* (1995) 34 Cal.App.4th 1801 and the standard for lifting the moratorium was further explained. The court stated:

Safe Drinking Water Act provides that the operator of a public water system is charged with a mandatory duty to provide a reliable and adequate supply of pure, wholesome and potable water. (§ 4017, subd. (c).) No operator of a public water system shall modify its authorized distribution system unless the operator first submits an application to the Department of Health Services and receives an amended permit as provided in the Safe Drinking Water Act authorizing the modification. (§ 4016, subd. (a).) The California Waterworks Standards-the administrative regulations promulgated pursuant to the Safe Drinking Water Act-specifically provide that sufficient water shall be available from water sources and distribution reservoirs to supply adequately, dependably and safely the total requirements of all users under maximum demand conditions before agreement is made to permit additional service connections to a system. (Cal. Code Regs., tit. 22, § 64562, subd. (a); see Cal. Code Regs., tit. 22, ch. 16.) 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. (Cal. Code Regs., tit. 22, § 64568.) These statutes and regulations clearly impose an obligation on the district to determine whether an adequate water supply exists to serve existing needs before new service connections may be added and prohibit new service connections if these state requirements are not met.

It is neither intended nor anticipated that the proposed Annexation would provide a new adequate and dependable supply of water for the entire RVCWD service area. It will only increase its priority to in-district customer surplus and improve overall water supply reliability.

RVCWD Board Initiated Moratorium:

Lifting the RVCWD Board initiated moratorium is a policy decision of the RVCWD Board and RRFC cannot speak to what conditions would need to be met for RVCWD to lift the moratorium. RVCWD does not currently have a policy outlining the conditions under which it would reconsider the moratorium.

h) What is the rough cost difference between Stipulated Judgement surplus and agreement contracted water?

RRFC Response:

The cost to RVCWD of surplus water available under the Stipulated Judgement is calculated pursuant to a formula included in the Stipulated Judgement (linked below.) See the table for comparative prices:

	Surplus Price to RVCWD	Price under UWS&PA
2009	\$ 52.69	\$ 47.00
2010	\$ 27.26	\$ 94.00
2011	\$ 30.49	\$ 47.00
2012	\$ 32.82	\$ 47.00
2013	\$ 37.26	\$ 47.00
2014	\$ 58.75	\$ 58.75
2015	\$ 38.00	\$ 47.00
2016	\$ 38.00	\$ 47.00
2017	\$ 33.14	\$ 47.00
2018	\$ 34.54	\$ 47.00
2019	\$ 38.14	\$ 47.00
2020	\$ 32.39	\$ 47.00
2021	\$ 47.52	\$ 47.00
2022	\$ 59.48	\$ 47.00
2023	\$ 58.02	\$ 68.00
2024	\$ 75.21	\$ 61.00
2025	\$ 62.12	\$ 66.00

<https://rrfc.specialdistrict.org/stipulated-judgement-between-mendocino-county-russian-river-flood-control-water-conservation-improvement-district-and-redwood-valley-county-water-district-1980>)

3. Collaborate with the County Assessor and GIS staff to verify and finalize the Assessor Parcel Number (APN) list for the proposed annexation area.

RRFC Response:

Thank you for informing us that the annexation map and description will need to be modified upon Commission approval to include the short-term designation (RRFC Annexation of RVCWD’s Complete Service Area), LAFCo file number (A-2025-05), and disclaimer below.

DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

The District understands that now that the requested information has been provided to you, LAFCo will proceed with reviewing the application for consistency and bringing it to the Commission for consideration.

Please do not hesitate to contact the District if you have any further questions.

Sincerely,



Elizabeth Salomone
General Manager

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Christopher Watt

Vice President
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Treasurer
Tyler Rodrigue

Trustee
John Bailey

Trustee
Dave Koball