

***Mendocino County Russian River Flood Control &  
Water Conservation Improvement District***

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**RESOLUTION NO. 10-03**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
MENDOCINO COUNTY RUSSIAN RIVER FLOOD  
CONTROL & WATER CONSERVATION IMPROVEMENT  
DISTRICT ALTERING AND AMENDING STIPULATED  
JUDGMENT 42059**

WHEREAS, the Redwood Valley County Water District (Redwood) may purchase surplus water from the Mendocino County Russian River Flood Control and Water Conservation Improvement District (District) under the terms of 1980 Judgment 42059 issued in the Superior Court of the State of California In and For the County of Mendocino; and,

WHEREAS, Section 4 b. of that Judgment establishes that the purchase price of surplus water delivered to Redwood by District shall be determined by the cost of operation of District divided by 8,000 AF; and,

WHEREAS, Section 4 d. of that Judgment directs Redwood to allow District to examine the meter located at the intake pumps; and,

WHEREAS, Section 4 e. of that Judgment establishes August 1 as the payment date for all surplus water drawn in the previous year, effectively establishing a water accounting year from June 30 through July 1; and,

WHEREAS, Section 12 a. of that Judgment states that the terms of the Judgment may be altered, amended, or terminated by a written agreement between Redwood and District so long as that written agreement specifically recites that it is intended to alter, amend, or terminate this judgment; and,

WHEREAS, The State Water Resources Control Board limited the District's water availability to 4,000 AF between May and October of 2009; and

WHEREAS, Redwood wishes to enter into an agreement with District to alter and amend certain terms of the Judgment; and

NOW, THEREFORE, BE IT RESOLVED that the President of the Mendocino County Russian River Flood Control and Water Conservation Improvement District is hereby authorized to enter into a written agreement with the President Board of Directors of Redwood Valley County Water District to alter and amend Judgment 42059 as follows:

- Section 4 b. shall be amended to allow District to establish the purchase price for surplus water delivered in 2009 by dividing the cost of operations for 2009 by 4,000 AF. This amendment shall apply only to 2009. After establishing the cost for 2009 the method for establishing cost shall revert to the formula in the Judgment.
- Section 4 d. shall be altered to allow District to examine the electrical meter located at the intake pump power transformer compound and in addition to examine the water meter located in the meter vault at the intersection of Road D and Colony Drive.
- Section 4 e. shall be altered to establish a water accounting year from January 1 through December 31 with a bill for water usage the previous year to be presented by District to Redwood on February 1 of the following year.


PASSED, ADOPTED AND APPROVED at a meeting of the Board of Directors of the Mendocino County Russian River Flood Control and Water Conservation Improvement District on the 21st day of June, 2010, by the following roll call vote:

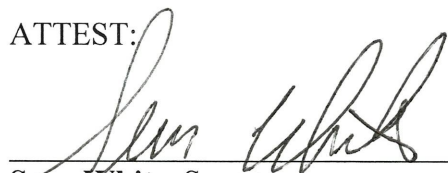
AYES: 4

NOES: 0

ABSTAIN: None

ABSENT: 1

  
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**Lee Howard, President**  
Board of Trustees

ATTEST:  
  
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**Sean White, Secretary**  
Board of Trustees