

Declaration #21-03
of the
**Mendocino County Russian River Flood Control
& Water Conservation Improvement District**

Declaring
A Water Shortage Emergency
Pursuant to California Water Code Section 350

WHEREAS:

1. The Mendocino County Russian River Flood Control & Water Conservation Improvement District (District) holds the right to 7,940 acre-feet of Project Water stored in Lake Mendocino.
2. On April 21, 2021, the Governor of California issued a State of Emergency Proclamation whereby a state of emergency existing in Mendocino and Sonoma Counties due to drought conditions in the Russian River Watershed was proclaimed.
3. As of May 12, 2021, the water supply in Lake Mendocino is 36,753 acre-feet, which is 42% of the target water supply curve of 81,064 acre-feet.
4. In accordance with provisions in the Order approving the 2021 Sonoma County Water Agency (Sonoma Water) Temporary Urgency Change Petition, minimum flow requirements for the Upper Russian River are 25 cubic feet per second which is approximately 1,500 acre-feet per month.
5. Reservoir operator (Sonoma Water) is currently recommending a minimum storage target of at least 20,000 acre feet to remain in Lake Mendocino by October 1, 2021 to provide public health and safety supplies and fish and wildlife releases in case 2022 is another dry year.
6. Precipitation in the Upper Russian River has been below normal for two years and is currently 38% of average.
7. The Board of Trustees (Board) has found and determined that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there may be insufficient water for human consumption, sanitation, and fire protection while meeting the minimum storage target.
8. In accordance with Judgement No. 42059 issued by the Superior Court for the County of Mendocino, the District may notify Redwood Valley County Water District in writing of the unavailability of surplus water.

9. The Board has been working cooperatively with its customers, the State Water Resources Control Board (Water Board), Sonoma Water, the Russian River Drought Response Group, the Water Resiliency Task Force, and others.
10. Given the severity of the water shortage in the Russian River, it is essential that the priority of water rights in the Russian River watershed be enforced to protect and preserve the water supply available to the District and its customers.
11. The Board held a public hearing on May 3, 2021 at which its customers had an opportunity to be heard and comment on the declaration and to present their respective needs.
12. Notice of the time and place of the hearing was published pursuant to Section 6061 of the Government Code at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed.
13. The Board heard and fully considered all verbal and written public comment including the General Manager's report and recommendations at the Regular Board Meeting on May 3, 2021, as well as all testimony and comments submitted during the public hearing held at that Board Meeting.

NOW, THEREFORE, the District Board hereby declares as follows:

- There is insufficient surface water available in the Upper Russian River and storage of Project Water in Lake Mendocino to meet the total volume of contracted water by District customers.
- In an effort to extend current supplies of water and minimize the effects of the current and possible future water supply shortage, the Board is calling for District municipal customers to implement drought contingency measures, and be prepared to prioritize diversions for public health and safety and fire suppression.
- All water available to the District in 2021 under its water right has been, or will be, put to beneficial use on lands situated within the District and such amount will be insufficient to meet all District water demands; therefore, the Board declares no surplus water, defined by Judgement No. 42059 as that portion of the District's water right not put to beneficial use within lands situated in the District, is available for purchase by Redwood Valley County Water District.
- The District will work with its customers and others in the watershed, including Redwood Valley County Water District, in an attempt to secure public health and safety supplies.
- The District will work with the Water Board and others to ensure that water right priorities are respected in order to protect the surface water supply available to the customers of the District.
- The Board has established a goal of reserving 4,400 acre feet of Project Water stored in Lake Mendocino under its water right for use in June through October, 2021. The District's ability

to achieve that goal depends upon a strict District customer demand management program as well as other uses of river water including closely managed diversions for human health and safety requirements, potential unauthorized diversions, and other factors. The Board will continue to monitor and maximize water availability, but recognizes that water supply conditions will continue to change and intends to be agile in its approach and response to changed conditions.

- District regulations requiring demand management, diversion scheduling, and online forecasting will allow the District to provide reservoir operator (Sonoma Water) with information to reduce reservoir releases.
- The Board hereby adopts a moratorium on applications for new water supply contracts, including increased contract quantities to existing Uniform Water Supply & Purchase Agreements, until the Board determines water supply conditions have improved.
- A Russian River watershed-wide approach to the water supply shortage, drought condition response, and water system management is needed through coordination with all water users in the Upper Russian River watershed.
- The Board will work with Sonoma Water, the State of California, and others in an attempt to further reduce the minimum flow requirements and operational buffers for the Upper and Lower Russian River to preserve project water for its customers.
- The Board acknowledges that this Declaration and future regulations and restrictions on delivery and consumption of water may conflict with the provisions of its Uniform Water Sale & Purchase Agreement; however, pursuant to California law, this Declaration and any regulations and restrictions adopted pursuant to California law shall prevail over the provisions of the Uniform Water Supply Contract for the duration of the period of emergency.
- This Declaration supersedes all prior drought declarations by the Board.

District Staff is directed to:

- a. Continue to work with customers, Sonoma Water and the Water Board to determine and update water availability, accommodate changes in water availability, and communicate changes with District customers in a timely manner.
- b. Develop and adopt regulations to address, at a minimum, the following:
 - i. Restrictions on the availability of water and the consumption within the District for public use and to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection;
 - ii. Direction to District municipal customers to implement mandatory conservation measures, demand management, and declare drought emergencies;

- iii. Require internal water allocation agreements with District customers based upon District supply and demand analysis;
- iv. Require District customers to comply with District water allocation and diversion schedule, demand forecasting tools, and water usage reporting as may be required to minimize water usage.
- c. Continue providing the Board and customers with updates on the drought conditions, reservoir storage levels, and any anticipated changes through a weekly Water Supply Conditions email and other outreach.
- d. Continue Russian River watershed-wide coordination to address the water supply shortage, drought condition responses, and water system management.
- e. Continue public outreach to emphasize the reduced surface water and storage supplies necessitating significant reduction in water consumption by utilizing local and social media, public comment and presentations at regional entity meetings, the District's website, correspondence, etc.

The Board thanks District customers and the public for their anticipated cooperation and fully understands that it will take all residents and water leaders in the Russian River watershed to successfully navigate this situation.

ADOPTED 17th of May, 2021 by the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District, by the following vote:

Christopher Watt, President	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Alfred White, Vice President	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Matthew Froneberger, Treasurer	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
Tyler Rodrigue, Trustee	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent
John Reardan, Trustee	<input checked="" type="checkbox"/> Yes / No / Abstain / Absent

Signed:  5/18/21
Christopher Watt, Board of Trustees President Date

Attest:  5/18/21
Elizabeth Salomone, General Manager Date