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Attorneys for Real Party in Interest and Cross-Complainant
MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL AND
WATER CONSERVATION IMPROVEMENT DISTRICT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MENDOCINO

MILLVIEW COUNTY WATER DISTRICT,
THOMAS P. HILL, and STEVEN L. GOMES,

Petitioners and Cross-Defendants,
vs.

CALIFORNIA STATE WATER
RESOURCES CONTROL BOARD, and
DOES 1 through 1000 inclusive;
Respondents.

MENDOCINO COUNTY RUSSIAN RIVER
FLOOD CONTROL AND WATER
CONSERVATION IMPROVEMENT
DISTRICT,

Real Party in Interest and Cross-
Complainant;

SONOMA COUNTY WATER AGENCY,

Real Party in Interest and Cross-
Complainant.

ENDORSED-FILED

DEC 13 2012

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

JOHN LOZANO

Case No. SCUJ-CVPT-12-59715

SUPPLEMENTAL DECLARATION OF
SEAN WHITE IN OPPOSITION TO
APPLICATION FOR STAY

[Exempt from Filing Fees – Government Code
Section 6103]

Date: December 18, 2012
Time: 9:00 a.m.
Dept.: E
Judge: Hon. Leslie C. Nichols
Trial Date: N/A.
Action Filed: February 9, 2012

FAX FILED

Exhibit SCWA-7

1 **SUPPLEMENTAL DECLARATION OF SEAN WHITE**
2 **IN OPPOSITION TO APPLICATION FOR STAY**
3

4 I, Sean White, declare the following:

5 1. I am the General Manager of the Mendocino County Russian River Flood
6 Control and Water Conservation Improvement District ("RRFCD"), which is a real party in
7 interest and cross-complainant in this matter. I have personal knowledge of each fact
8 stated in this declaration.

9 2. RRFCD was formed in 1956 to serve as a local co-sponsor for the
10 construction of Lake Mendocino. As a co-sponsor, RRFCD received a pro-rata share of the
11 water rights in Lake Mendocino and is entitled to 8,000 acre feet a year ("Project Water").

12 3. Petitioner Millview County Water District ("Millview") and RRFCD are parties
13 to that certain Uniform Water Supply Agreement, a true and correct copy of which is
14 attached to this Declaration as Exhibit "A" ("UWSA"). Millview has up to 970 acre feet per
15 year of year-round Project Water available under the UWSA (UWSA, page 4, Section 1).

16 4. Millview also has access to an additional 550 acre feet per year of Project
17 Water should it desire to avail itself of that supply. This was a reallocation of Project Water
18 previously being used by another RRFCD customer, and the reason for the reallocation
19 was to alleviate the possible supply constraints Millview might face (e.g., during particularly
20 dry years) as a result of the issuance of the CDO at issue in this litigation. Environmental
21 review under the California Environmental Quality Act for this reallocation was completed
22 in 2011, with the Notice of Determination recorded on October 20, 2011 as document
23 number 2011-E0076, Official Records of Mendocino County. True and correct copies of
24 the public notice, initial study, proposed negative declaration and recorded Notice of
25 Determination are attached to this Declaration as Exhibit "B". Millview has not yet taken
26 advantage of this additional supply, which remains available for its use.

27 5. The UWSA has been in effect since 2004. On December 31 of each year, the
28 term of the UWSA is automatically extended for an additional year unless either party has

1 given notice of termination (UWSA, page 8, Section 9(a)). A notice of termination must be
2 given at least five years in advance of the then-current termination date, thus providing for
3 a rolling five-year term. Neither party has given notice of termination in 2012, and RRFCD
4 has no intention of doing so.

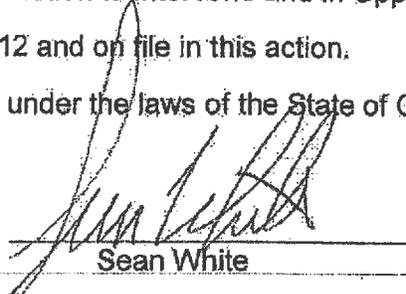
5 6. If Millview takes advantage of the additional 550 acre feet per year, that would
6 bring its supply of Project Water to 1520 acre feet per year. According to Department of
7 Public Health documents on file at RRFCD, Millview's annual total water use is
8 approximately 1,500 to 1,600 acre feet per year. Millview's supply of 1,520 acre feet per
9 year from RRFCD would exceed the amount of water Millview requires during that time of
10 the year when their own water rights are inadequate.

11 7. RRFCD has been working since 2010 to update the language of its UWSA in
12 use for all its contractors, including Millview. Both Millview and the Willow County Water
13 District raised objections to the revised UWSA that required legal review on behalf of
14 RRFCD. This effort was put on hold for several months in order to help control RRFCD's
15 expenditures on attorneys' fees. Given the relative inactivity in this pending litigation during
16 the late spring and summer of 2012 (while matters were being considered in the Court of
17 Appeal), RRFCD's expenditures for legal fees were reduced. Accordingly, on September
18 10, 2012, the RRFCD Board decided to proceed with retaining contract counsel to resume
19 its effort to update the UWSA. On November 13, 2012, the RRFCD Board retained new
20 counsel to pursue that project. Notwithstanding the resumption of progress to revise the
21 UWSA for all RRFCD customers, Millview's current UWSA remains in full force and effect.

22 8. Further details concerning Millview's UWSA and available water supply are
23 set forth in my Declaration in Support of Motion to Intervene and in Opposition to
24 Application for Stay dated March 23, 2012 and on file in this action.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct.

27 DATED: 12/13/2012


Sean White