

ATTACHMENT K

**VIII. Recommended Conditions of Approval,
Sphere of Influence Update 9/27/23 comments in red. *LAFCO Responses in Blue***

1. RNVWD Will-Serve Letters shall have a sign-off signature/stamp from a licensed qualified engineer with appropriate expertise confirming that, with the annexation, the RNVWD will continue to fulfill the Vacaville Fire Protection District's minimum requirement that the system provides a minimum of 250 GPM at a minimum of 60 PSI for 20 minutes.

Completed. Will serve letter states that the district meets all current fire standards and SID the districts engineer signs on the cover sheet of all construction documents for system expansion. Current Fire Department standards, as we understand current 2022 fire department requirements are based on the ISO rating for our rural area is 250 GPM at 20 psi for 20 minutes. Many will serve letters are not system expansions and those are written by the GM. For example, all the homes being rebuilt from the LNU fire get a will serve letter to notify the building department that they have had a water right for 20 years. There is a variety of will service letters including single family homes adjacent to existing district infrastructure. See policy #3135 attached. This is somewhat redundant as this is addressed in the MSR.

- *There is some confusion regarding SID being the District's engineer. According to SID, they are not.*
- *Attachment B of the June 12, 2023 Item 7.C is a letter from Chief Wood specifically advising that the "system should be able to provide a minimum of 250 GPM at a minimum of 60 PSI for 20 minutes. The Executive Officer met with Chief Wood earlier this year and he advised that the requirement has never changed.*
- *This requirement is not redundant. The MSR requirement recommendation did not specifically request confirmation that the 250 GPM at 60 PSI for 20 minutes be met. This specification was added during SOI Update because the District has not shown documentation from either the Fire Chief or the Fire Marshall contrary to the Attachment B letter.*

2. RNVWD Board adopted Resolutions of Application shall include a clause confirming that the District has the capacity to meet the CCR §64544 Maximum Daily Demand requirements.

Does this mean Resolution of Application for Annexation? Yes, we can include that capacity confirmation. All past and current Annexations will use the transfer of supplemental water right to others not changing the current 533 number of connections at this time. Sellers of water rights exceed the demand for water rights. Reference the Coastland Report regarding capacity study in the MSR response update.

- *Correct, it refers to the Resolution of Application for an annexation.*
- *The capacity does not refer to the number of connections (533) or "water rights". It is a volume of water determined by the maximum daily demand. This volume divided by the average per connection drawing water is a rough estimate of number of connections threshold.*

3. RNVWD Board adopted Resolutions of Application shall include a clause confirming that the District has the pressure to meet the Vacaville Fire Protection District's minimum requirement that "the system provides a minimum of 250 GPM at a minimum of 60 PSI for 20 minutes."

If hydrants are required by Annexations, then these annexations construction documents will show the required fire hydrants and conform to current Fire Department standards and SID will sign off prior to planning and building department approval. We do this all the time for the many projects currently being developed in the district for property owners in the district with existing supplemental water rights. Same as number 1 and number 2 above.

- *We are requesting the imposition of this clause to make sure that the RNVWD Board is fully aware of what they are signing their names to.*
- *As in #1, SID advises they are not the District's engineer and no longer sign.*

4. Given that there are a limited number of available connections (135) and approximately 300 APNS without a connection (== 90 in-District and 210 in the existing SOI), District shall survey parcels to determine intent/interest in RNVWD services.

The district has commenced an effort to survey parcels in the District. Surveys have been mailed out and more will be sent via email survey software. The findings of this survey may not be accurate to what we are seeking and are unlikely to meet expectations. This process should be completed by mid-December 2023. LAFCO to verify how many of the APNs listed above are legal properties. Remember, many properties in the original proposed boundary of the district during formation requested to be excluded from the district. See Attached.

- *There is no mention who the survey target is. For example, only paying customers? All the district – connected or not? SOI?*
- *“Findings may not be accurate to what we are seeking and are unlikely to meet expectations”????*
- *While the effort to survey is appreciated, it was recommended by LAFCO staff that this would be a terrific opportunity to gather information regarding many issues (i.e. ADUs, subdivisions, future growth, how the RNVWD Board is viewed, etc.) and that a professional survey firm should be considered to maximize results.*

5. The District shall regularly publish connection information in the District Newsletter, prominently on the website, and/or through direct mailing.

The district rules and regulations are always on the website and clearly provide connection information. Also on the website is a list of sellers looking for buyers and buyers looking for sellers and a water right tracking log. Also the district issues newsletters twice a year and we have for many years achieved a District Transparency Certificate of Excellence. See attached.

- *Condition of Approval #5 was intended to make the information regarding “water rights”/connection availability more prominent, not the nuts and bolts of the connecting process.*
- *The information for “water rights”/connections is on the website but not in a prominent position.*
- *Could find no mention in the last several newsletters.*

SOI #1



RURAL NORTH VACAVILLE WATER DISTRICT

POLICY TITLE: Will Serve Letters
POLICY NUMBER: 3135
ADOPTION: 2-14-23
REVISIONS: None

3135 1. A Will Serve Letter demonstrates that the District intends to provide service to the property site. The District evaluates the following criteria prior to issuance of a will serve letter:

1. That the District has the ability to serve the parcel(s) requesting annexation. **GM to perform.**
2. District will confirm that the property is located within the SOI. **GM to perform.**
3. District will confirm addition of new service connections within allowed capacity. **GM to perform.**
4. New service connections will meet District Standards, Specifications and Fire Department Standards and local Fire Marshal requirements. **SID to perform.**
5. New service connections are in compliance with all requirements of appropriate regulatory agencies. **SID to perform.**
6. Verify that the District has the capacity that meets State Water Works Standards including MOD requirements per CCR §64544. **Coastland Civil Engineers.**

501#4



Rursl North Vacaville Water District

P.O. Box 5097
Vacaville, CA 95696

Current address or APN # _____

If you are a current customer of the District and are not using District water, do you expect that to change over the next 5 years? Yes or No. Circle one.

If you are a current customer of the District and using water only occasionally or seasonally, do you expect that to change over the next 5 years? Yes or No. Circle one.

If you are a current customer of the District, do you plan or anticipate the construction of a Secondary Dwelling Unit in the next 5 years to be built on your property? Yes or No. Circle one.

If you are a current customer of the District, and if you have additional supplemental water rights, do you plan on subdivision of your property over the next 5 years? Yes or No or Not Applicable. Circle one.

If you are NOT a current customer of the District, do you anticipate asking to join the water district and connect to the public water system in the next 5 years? Yes or No. Circle one.

5015



April 12, 2022

Rural North Vacaville Water District
PO Box 5097
Vacaville, CA 95696

RE: District Transparency Certificate of Excellence Approval

Congratulations! The Rural North Vacaville Water District has successfully completed the District Transparency Certificate of Excellence program through the Special District Leadership Foundation (SDLF).

On behalf of the SDLF Board of Directors, I would like to congratulate your district on achieving this important certificate. By completing the District Transparency Certificate of Excellence Program, the Rural North Vacaville Water District has proven its dedication to being fully transparent as well as open and accessible to the public and other stakeholders.

Congratulations and thank you for your dedication to excellence in local government.

Most sincerely,

Sandy Seifert Raffelson
SDLF Board President

2015

RNVWD WATER RIGHT TRACKING LOG 6-9-23	
DescriQtions	Notes
Total Base Water Rights	417 (1 Base per property/address) "Active Connections"
Total Supplemental Water rights	114 (any water right(s) in addition to an existing Base water right)
Total Base+ Supplemental Water Rights	531 Verified with monthly billings _____
Total of water right sales being processed	2 These rights are not currently included in Base or Supplemental
Water Rights Owned by the District (for sale)	0 Current Available, see balance below
Total Water Rights	533
Control Check Total	533
<i>Variance</i>	0
District Water Rights Sales Processing (Not included in base or SUQQlemental number)	
RNVWO Res 2021-51 approved 4/13/21 English Hills LLC	1 Pending LAFCO annexation vote, add to Sphere
RNVWD Res 2021-50 approved 4/13/21 Ralph Perkins	1 Pending LAFCO annexation vote & lot split, add to Sphere
Total District Water Rights Processing	2 District Water Rights Potential Sales
Available Water Rights Owned by the District	0 Balance For Sale (AVAILABLE)
Total Water Rights	533
Water Connections[Rights Available	<i>Supplemental Water Rights for Sole</i>
Mike Messer	10 APN 0105-110-630
Henry Robinson	1 APN 0105-020-650
Shelly Pecotte	1 APN 0105-200-470
Harry Schrontz	1 APN 0123-060-430
Total	13 Water Connections/Rights Available

5015



RURAL NORTH VACAVILLE WATER DISTRICT

P.O. Box 5097, Vacaville, CA 95696

Phone: 707-447-8420

GM@RNVWD.com

UPDATED: June 8, 2023

Interested Sellers of Water Rights

The following **RNVWD** property owner(s) are interested in selling/buying their water right/ connection(s). The price and terms of a water right sale and transfer is subject to the amount being that which a willing seller and willing buyer agree upon. The District also has a limited number of (extra) water rights for sale at a fixed price. Please call the General Manager for further clarification.

<u>Name</u>	<u>APN</u>	<u>Address</u>	<u>Phone</u>
Harry Schrantz	123-060-430	Morningbird	707-372-2284
Mike Messer	105-110-630	Cantelow Rd	707-580-0345
Henry Robinson	105-020-650	English Hills Rd	707-447-1692
Shelly Pecotte	105-200-470	Gibson Canyon	707-448-8341

Interested Buyers of Water Rights

<u>Name</u>	<u>APN</u>	<u>Address</u>	<u>Phone</u>
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ATTACHMENT L

Re: RNVWD - water rights

From: Rich Seithel (rseithel@solanolafco.com)
 To: lamazzella@solanocounty.com
 Cc: dale@rnvwd.com; rseithel@solanolafco.com
 Date: Wednesday, November 15, 2023 at 02:36 PM PST

Hi Lori,

LAFCO staff has asked the Rural North Vacaville Water District (District) to please provide clarification of their coined term “water right.” We did receive and appreciate your November 2021 email providing some background for the District’s “water right,” but we have additional concerns and several questions we asked of the District that have not been answered in regard to the definition, use, and function of “water rights.”

We asked the RNVWD Board if your input, as RNVWD’s Counsel, could be solicited since they were unable to answer (and many Board members were curious themselves). They advised they had no problem and that we reach out to you with the Board’s blessing.

Lori, following is a list of questions we have:

1. Your November 1, 2021 email stated that the concept of “water rights” was born from the following:
 - a. *Large loans were taken out. The District planned to rely on assessments to pay back these loans. The District wanted to assess parcels that had signed up to use water.*
 - b. *There was a concern about giving voting rights (especially under Prop 218) to properties that weren’t going to use the service and might tend to vote down any proposed rates.*

The above may be factors RNVWD use to “create” their “water rights,” however they do not provide a definition of the term. Additionally, both factors have since become irrelevant:

- a. The loans that were “taken out” were for the initial construction of the complete water system have now been completely paid off. Therefore, what is the purchase price of the “water right,” which is separate from the connection cost for new connections/new users?
- b. the District admitted several times that they themselves changed the original policies that required/limited parcels within the District’s boundary to have a “water right” when they removed the policy to detach if/when no longer have a “water right.” Therefore, the statement that “all parcels/lots in the District have a “water right” and only parcels/lots with “water rights” can vote” is inaccurate because any parcel/lot in the District has a legal right to vote regardless of their having a “water right.” Unless our understanding of voting rights when parcels/lots are in the District is incorrect. If so, please correct us and include the legislative code section for our reference.

2. Our continued question is “what is a ‘water right’ as the term is used by the District? To help guide the information on the function of the “water rights” we are seeking, we mean:
- a. What is the difference between the District’s “water right” and a water-right under water law?
 - b. What is the difference between the District’s “water right” and a water connection (we understand this to be a separate cost).
 - c. What is the difference between the District’s “water right” and a property-right under property law? If so, what ‘right’ does the “water right” confer?
 - d. Does the District’s “water right” run with the land? Is it a recorded benefit/asset on the property’s title?
 - e. How is a Notice of a “water right” provided a property owner or potential buyer? Is ‘Notice’ publicly and transparently available for a potential purchaser to find?
 - f. How is the “water right” transferred to another purchaser? Is it sold with the land? Is it sold separately? Can it be sold separately and off of the land?
 - g. How are sales of the “water rights” tracked? What mechanism is exchanged or provided to show ‘proof of purchase’ – a certificate, record on title, permit...? How is this mechanism affected when the “water right” is transferred to a different parcel/lot?
3. In terms of financing and a financial mechanism, LAFCO has had the following questions:
- a. The District stated that they have sold all the “water rights” in the ‘bank’ and now the “water rights” can only be purchased on the secondary market from another private-party/property owner. If so, what is the purpose of the “water right” now? Is the District still getting commissions or a portion of the money from private-to-private sales or transfers?
 - b. The District stated they provide financing options for all sales of “water rights” but did not clarify if this included the private-to-private too. If so, how is this accomplished and for what public-agency purpose?

Thanks, Lori

Rich

Rich Seithel
 Executive Officer
 Solano LAFCO
 675 Texas St.
 Suite 6700
 Fairfield, CA 94533
 (707) 439-3897

On Monday, November 1, 2021 at 01:52:24 PM PDT, Mazzella, Lori <lamazzella@solanocounty.com> wrote:

Hi Rich-

I don't think it's mysterious when we look at the history of the District. Admittedly, I researched other water districts first and found that some did charge a new user fee in the neighborhood of 5 figures (\$20-40k) in addition to the connection fee - -although it is not called a water right. But talking with someone who was around at District formation was a real "lightbulb" moment for me. In other words, I could see the logic in what they did at the time, even though it appears to be a mess now.

At any rate, here is what happened at RNVW District formation:

1. Large loans were taken out. The District planned to rely on assessments to pay back these loans. The District wanted to assess parcels that had signed up to use water.
2. There was a concern about giving voting rights (especially under Prop 218) to properties that weren't going to use the service and might tend to vote down any proposed rates.

So, the concept of "water rights" was born. Water rights will designate which properties to assess and who gets voting rights. There was some benefit in giving water rights prior to the property being actually connected - -in this manner, payback of the loans would be facilitated by the assessments. (Parenthetically, I am aware that RNVWD admin staff does communicate with the ROV regularly, but I have not confirmed independently how many voters are in the District.)

Purchasing one "water right" will give the owner right to one connection only. Even if they build an ADU, they will not get a second connection - they can connect the ADU to the same water line as the main unit.

Supplemental water rights have been sold to property owners who planned to subdivide their properties. (e.g. Don Pippo, who was on the Board, purchased multiple supplemental rights as he was interested in developing his property.) The District will not sell supplemental rights if the property is too small to be subdivided (e.g. if 2.5 acres is the minimum parcel size, the main parcel will have to be at least 5 acres to purchase supplemental rights.)

Gordon informs me that he tried to work with LAFCO staff in the past to get an accurate map of the District. Unfortunately, not having a lot of direct experience with public agencies, he did not know that some lots have multiple APN numbers. Some of the "holes" you are seeing in the District are possibly second and third APN numbers for the same legal lot that has a connection and is "in the District."

Lots that pay for fire protection only but are close enough to water lines are also considered to be in the District.

As of today, those lots that do not have water rights but are within the outer boundaries of the District and are close enough to the water lines to get a connection are considered in the sphere of influence.

What the District says about the "magic" number of 533 was confirmed as well: the number was arrived at looking at acreage, number of parcels, average water usage, etc. I've been told that the District will commission another engineer's report next year to look at these original assumptions that landed on 533 to see if the number should go up or down.

Let me know if you have any questions or need any other information.

Lori Mazzella

Deputy County Counsel

(707)784-2945

Confidential Attorney Client Privileged Communication/Attorney work product

From: Rich Seithel <rseithel@solanolafo.com>
Sent: Friday, October 29, 2021 2:09 PM
To: Mazzella, Lori <LAMazzella@SolanoCounty.com>
Subject: Re: RNVWD - water rights

Thanks, Lori

I am really interested in seeing what you have been able to discover. It's clearly a prime driver for the District but it seems obscure and mysterious.

Have a great weekend

Rich

Rich Seithel

Executive Officer

Solano LAFCO

675 Texas St.

Suite 6700

Fairfield, CA 94533

(707) 439-3897

On Friday, October 29, 2021, 02:05:51 PM PDT, Mazzella, Lori <lamazzella@solanocounty.com> wrote:

I am getting my bearings on it. I think I have figured it out - -it had a lot to do with how the District was formed 20 years ago.

Lori

From: Rich Seithel <rseithel@solanolafco.com>
Sent: Friday, October 29, 2021 12:47 PM
To: Mazzella, Lori <LAMazzella@SolanoCounty.com>
Subject: RNVWD - water rights

Happy Friday, Lori

How is the RNVWD water rights project coming? I just received the initial draft of the special study and it would be great to include a section on water rights before finalized.

Thanks

Rich

Rich Seithel
Executive Officer
Solano LAFCO
675 Texas St.
Suite 6700
Fairfield, CA 94533
(707) 439-3897

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click or open suspicious links or attachments.



Solano Local Agency Formation Commission

675 Texas St. Ste. 6700 • Fairfield, California 94533

(707) 439-3897 • FAX: (707) 438-1788

Date: November 15, 2023

To: Lori Mazzella – Legal Representation for RNVWD
Deputy County Counsel
Solano County

From: Rich Seithel, Executive Officer

RE: **Memorandum Regarding Clear Definition, Use, and Function of Rural North Vacaville Water District’s Term “Water Right”**

Hi Lori,

LAFCO staff has asked the Rural North Vacaville Water District (District) to please provide better clarification of their coined term “water right.” We did receive and appreciate your November 2021 email providing some background for the District’s “water right,” but we have additional concerns and several questions we asked of the District that have not been answered in regard to the definition, use, and function of “water rights.”

You have been the only one who we thought could answer our questions, so we asked the RNVWD Board if your input, as RNVWD’s Counsel, could be solicited since they were unable to answer (and many Board members were curious themselves). They advised they had no problem and that we reach out to you with the Board’s blessing.

Lori, following is a list of questions we have:

1. Your November 1, 2021 email stated that the concept of “water rights” was born from the following:
 - a. *Large loans were taken out. The District planned to rely on assessments to pay back these loans. The District wanted to assess parcels that had signed up to use water.*
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The above may be factors RNVWD use to “create” their “water rights,” however they do not provide a definition of the term. Additionally, both factors have since become irrelevant:

- a. The loans that were “taken out” were for the initial construction of the complete water system have now been completely paid off. Therefore, what is the purchase price of the “water right,” which is separate from the connection cost for new connections/new users?

Commissioners

Nancy Shopay, Chair • Ron Kott, Vice-Chair • John Vasquez • Mitch Mashburn • Steve Bird

Alternate Commissioners

Robert Guerrero • Alma Hernandez • Wanda Williams

Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Aaron Norman, Analyst II • Tova Guevara, Office Administrator/Clerk • Tyra Hays, Project Specialist • Mala Subramanian, Lead Legal Counsel

- b. the District admitted several times that they themselves changed the original policies that required/limited parcels within the District's boundary to have a "water right" when they removed the policy to detach if/when no longer have a "water right." Therefore, the statement that "all parcels/lots in the District have a "water right" and only parcels/lots with "water rights" can vote" is inaccurate because any parcel/lot in the District has a legal right to vote regardless of their having a "water right." Unless our understanding of voting rights when parcels/lots are in the District is incorrect. If so, please correct us and include the legislative code section for our reference.
2. Our continued question is "what is a 'water right' as the term is used by the District? To help guide the information on the function of the "water rights" we are seeking, we mean:
 - a. What is the difference between the District's "water right" and a water-right under water law?
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 - d. Does the District's "water right" run with the land? Is it a recorded benefit/asset on the property's title?
 - e. How is a Notice of a "water right" provided a property owner or potential buyer? Is 'Notice' publicly and transparently available for a potential purchaser to find?
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 - b. The District stated they provide financing options for all sales of "water rights" but did not clarify if this included the private-to-private too. If so, how is this accomplished and for what public-agency purpose?

Sincerely,

Rich Seithel
Dale Matowski, General Manager for RNVWD

enclosed: November 1, 2021 email "*RE: RNVWD – water rights*"

DIRECTORS

Patrick Sweeney President	Steven Strickland Vice President
Elizabeth Miles Director	Bob Whitehouse Director
Ken Swenson Director	



STAFF

Dale Motiska. General Manager	Brenda Kane Billing Manager
Rick Trites Meter Reading/Backflow	Nancy Veerkamp Board Clerk/Admin
Solano Irrigation District Operator & Maintenance	

November 27, 2023

Rich Seithel
Executive Officer
Solano LAFCO
675 Texas St.
Suite 6700
Fairfield, Ca. 94533
(707) 439-3897

Dear Rich,

Concerning our District’s clarification of “water rights”, I would like to address each of the several items in your email request to District counsel dated November 15, 2023.

The District is atypical in that rather than including all of the properties within a certain geographic boundary, it was formed on a voluntary or “opt in” basis. As discussed in the email from counsel, concerns included ensuring only properties which had the right to use the water would be able to vote for the purpose of Prop.218. Contrary to LAFCO’s assertion in its November 15th email, this concern still remains relevant and will be as long as the District operates. Rate increases due to the increased cost of providing services is unfortunately an ongoing concern.

Originally the District boundaries along with the Sphere of Influence were never clearly defined. Over the course of years, the Sphere of Influence became more defined with the input of our Board, the hiring of consultants and LAFCO. As was originally determined the district has only 533 water rights. Those rights/parcels (only one right per legal parcel) would have the “voting rights” for the district. While it is true that at one point, the District stopped requiring those who sold their water rights to detach from the District, this has only resulted in a handful of residents of parcels without water rights to retain voting rights.

I will now do my best to answer the various questions as posed by LAFCO’s email, noting that some of these are either irrelevant to the District or appear to be generated by a misunderstanding of how the District does or should operate.

- a. “Water law” is an extremely broad topic: some portions of it may be relevant, while others are not. For example, riparian rights are an entirely different matter, while the right to access and use the water provided in a general sense is the District’s concern. Our District defines a “water right” as a right to connect to our system in our Rules and Regulations.

- b. A water right provided by the District is analogous to a permit. A “water right” can support a Developed, Undeveloped or Supplemental Connection as described in District Rules and Regulations. The purchase of a water right entitles the owner to one connection. Regardless of how many residences are constructed on the property, the rule is one connection for legal parcel. The property owner is responsible for ensuring the residences are appropriately attached to the District connection. The cost for connecting to the District main will vary depending on the cost for the District to supply the materials and labor necessary to establish a connection. This connection fee is equivalent to the District’s costs. Fee estimates for a water connection and costs for water rights are posted on the District’s website.
- c. What constitutes a “property right” is a vague and broad question, as it concerns the application of federal, state and local laws. As stated, a water right allows the property to obtain and use water as a District member. Those properties that “opted in” the District at formation and purchased a water right are entitled to a connection. Also, a property outside the District desiring to have a District connection can and must be annexed from the SOI to the District with the approval of the District Board of Directors and LAFCO.
- d. The District’s water rights generally do not “run with the land”. No deeds are executed and nothing is recorded with the county. A “water right/permit” can be transferred within the District under Section 20 of the Rules and Regulations. However, the transfer of that right is not allowed for parcels smaller than 2.5 acres as this is the minimum lot size and conditions of development generally require actual potable water from the District to be supplied to the property. Also, County Building Permits for new construction will not be issued unless a water right or permit has been obtained from our district that is non-transferrable.
- e. At the present time no notice of a “water right” is provided to a potential buyer. Each legal parcel within the district is identified with a serial number that can be reviewed on the District website showing the status of the right to district water. A potential property buyer or real estate agent often calls the general manager directly to inquire of the status of the water connection. All other property owners within the district with “water connections” or “supplemental connections” receive a billing statement from the district.
- f. A water right is either sold with the land or transferred under Sections 19 and 20 of the Rules and Regulations (other than the conditions stated in item d above). It can be sold separately within the District and the SOI, subject to conditions discussed. A Supplemental water right is speculative in nature as there is only one water right and connection per legal parcel. Supplemental rights have been sold to property owners that have plans to subdivide their land.

- g. A water right that is sold or transferred is simply reviewed by the Board of Directors for approval and then processed with our billing department. There is a Purchase and Sales Agreement with conditions posted on the district's website. As discussed above, each water right is given a serial number for tracking purposes and the District keeps updated records.

Lastly mentioned, the district only has two "reserved" water rights to sell. Those will be financed at 3% interest or paid in full with cash. The district has a \$1500 processing fee for this service. There are no commissions for the district regarding sales of water rights transfers on the secondary market. Private to private water right sales, price and terms, are completely negotiable between the owners and buyers subject to RNVWD board approval.

I hope that we have adequately addressed all your concerns regarding water rights.

Sincerely,

Dale Motiska

General Manager RNVWD

ATTACHMENT M

TABLE 1: PARCEL ANALYSIS

		CRITERIA					OPTIONS				
		APN	Remnant Parcel (4 Points)	Within 50' Water Line Halo (3 Points)	CAL FIRE High Fire Hazard Severity Zone (2 Points)	In Assessment Zone 2 (1 Point)	Total Score	Option 1: Clean-up Parcels	Option 2: Point System	Option 3: Option 2 + Balance of District Recommendation	Option 4: Commission Recommendation
District Proposed Parcels	1	0104150350	✓	✓	X	✓	8	✓	✓	✓	✓
	2	0104150450	✓	X	X	✓	5	✓	✓	✓	✓
	3	0105070310	✓	✓	✓	✓	10	✓	✓	✓	✓
	4	0105170050	✓	✓	✓	✓	10	✓	✓	✓	✓
	5	0105170100	✓	X	✓	✓	7	✓	✓	✓	✓
	6	0105200180	✓	✓	✓	✓	10	✓	✓	✓	✓
	7	0105220120	✓	✓	✓	✓	10	✓	✓	✓	✓
	8	0105220130	✓	✓	✓	✓	10	✓	✓	✓	✓
	9	0102230070	X	✓	✓	✓	6	X	✓	✓	✓
	10	0105050410	X	✓	✓	✓	6	X	✓	✓	✓
	11	0105050420	X	✓	✓	✓	6	X	✓	✓	✓
	12	0105050950	X	✓	✓	✓	6	X	✓	✓	✓
	13	0105060460	X	✓	X	✓	4	X	✓	✓	✓
	14	0105070370	X	X	✓	✓	3	X	X	✓	
	15	0123030060	X	X	✓	X	2	X	X	✓	
	16	0123070020	X	X	✓	X	2	X	X	✓	
	17	0105110730					N/A				
	18	0105170250					N/A				
Other Parcels Analyzed	19	0104120850	✓	X	X	✓	5	✓	✓	✓	✓
	20	0102070030	X	✓	✓	X	5	X	✓	✓	✓
	21	0105180290	X	✓	X	✓	4	X	✓	✓	✓
	22	0105060550	X	✓	X	✓	4	X	✓	✓	✓
	23	0105150310	X	✓	X	✓	4	X	✓	✓	✓
	24	0105150320	X	✓	X	✓	4	X	✓	✓	✓
	25	0105180620	X	✓	X	X	3	X	○	○	
	26	0105180190	X	✓	X	X	3	X	○	○	
	27	0105180110	X	✓	X	X	3	X	○	○	
	28	0105180180	X	✓	X	X	3	X	○	○	
	29	0105180820	X	✓	X	X	3	X	○	○	
	30	0105150120	X	✓	X	X	3	X	○	○	
	31	0105150050	X	✓	X	X	3	X	○	○	
	32	0105120320	X	✓	X	X	3	X	○	○	
	33	0105140060	X	✓	X	X	3	X	○	○	
	34	0105140110	X	✓	X	X	3	X	○	○	
	35	0105140030	X	✓	X	X	3	X	○	○	
	36	0105140100	X	✓	X	X	3	X	○	○	
	37	0105140020	X	✓	X	X	3	X	○	○	
	38	0105140080	X	✓	X	X	3	X	○	○	
	39	0105060630	X	✓	X	X	3	X	○	○	
	40	0105030750	X	✓	X	X	3	X	○	○	
	41	0104120470	X	✓	X	X	3	X	○	○	
	42	0104120320	X	X	X	✓	1	X	X	X	X
	43	0104120390	X	X	X	✓	1	X	X	X	X
	44	0104120400	X	X	X	✓	1	X	X	X	X
	45	0104120410	X	X	X	✓	1	X	X	X	X
	46	0104120420	X	X	X	✓	1	X	X	X	X
	47	0104120430	X	X	X	✓	1	X	X	X	X
	48	0104120440	X	X	X	✓	1	X	X	X	X
	49	0104120670	X	X	X	✓	1	X	X	X	X
	50	0104120680	X	X	X	✓	1	X	X	X	X
	51	0105030400	X	X	X	✓	1	X	X	X	X
	52	0105060200	X	X	X	✓	1	X	X	X	X
	53	0105180050	X	X	X	✓	1	X	X	X	X

✓	Yes
X	No

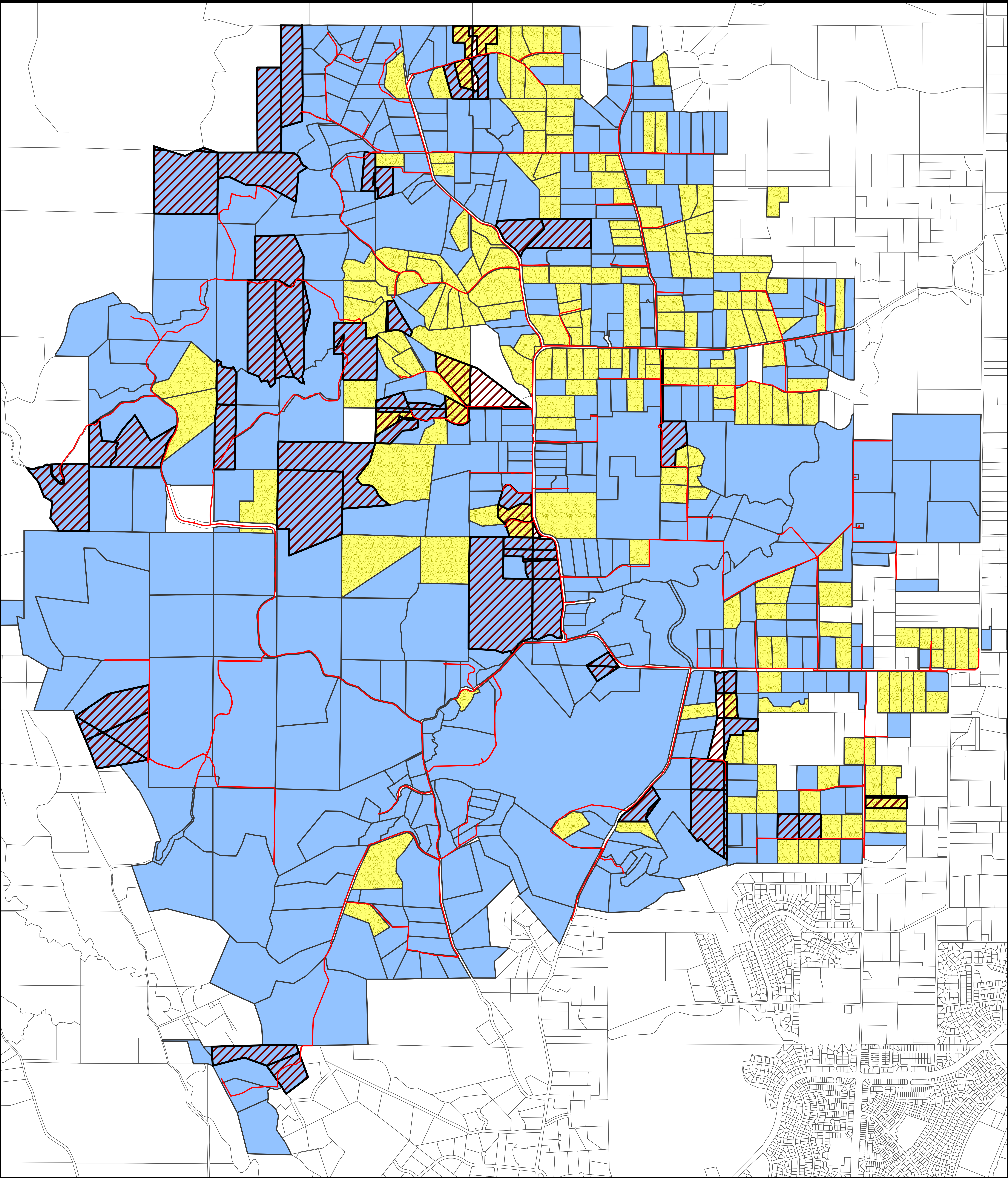
✓	Yes
○	To Be Determined
X	No

Note: These three parcels are not being recommended by staff primarily due to their distance from the existing water delivery infrastructure. (approx. 200', 434', and 842' respectively)

Note: These two parcels are already in the district. They are the product of a subdivision, and the original parcel was in the district. Therefore, no action

Note: The inclusion of these parcels is up for discussion because they have close proximity to the existing water delivery infrastructure, but do not fall within any of the other attributes analyzed. Proximity to the water main was weighted heavily when determining staff recommendations, but it is unclear whether being within this halo automatically constitutes being an area of "probable" growth.

ATTACHMENT N



Rural North Vacaville Water District Legal Lots

- Water Lines
- In District
- In SOI
- Legal Lots
- Parcels

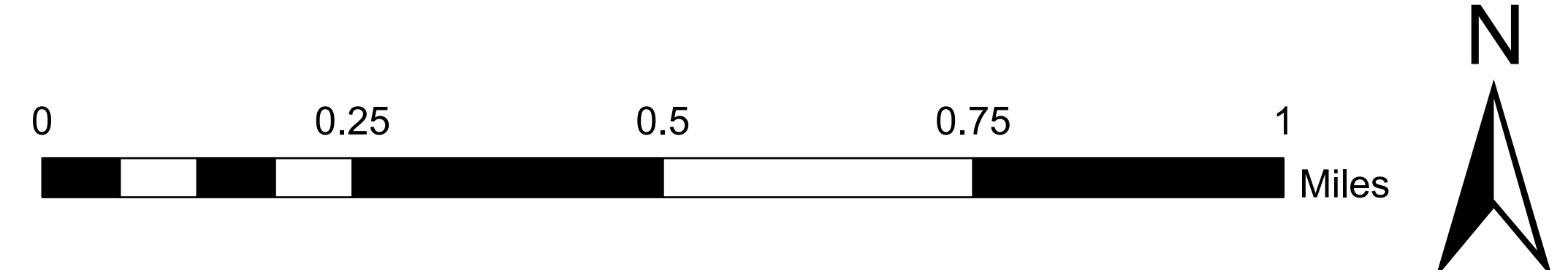
	Parcels	Parcels with No Water Rights	Legal Lots	Legal Lots with No Water Rights
CURRENT				
In District	490	68	450	43
In SOI	209	206	204	202
Outside	3	N/A	3	N/A
Total	702	274	657	245

Parcels in a Legal Lot: 95
Legal lots: 45

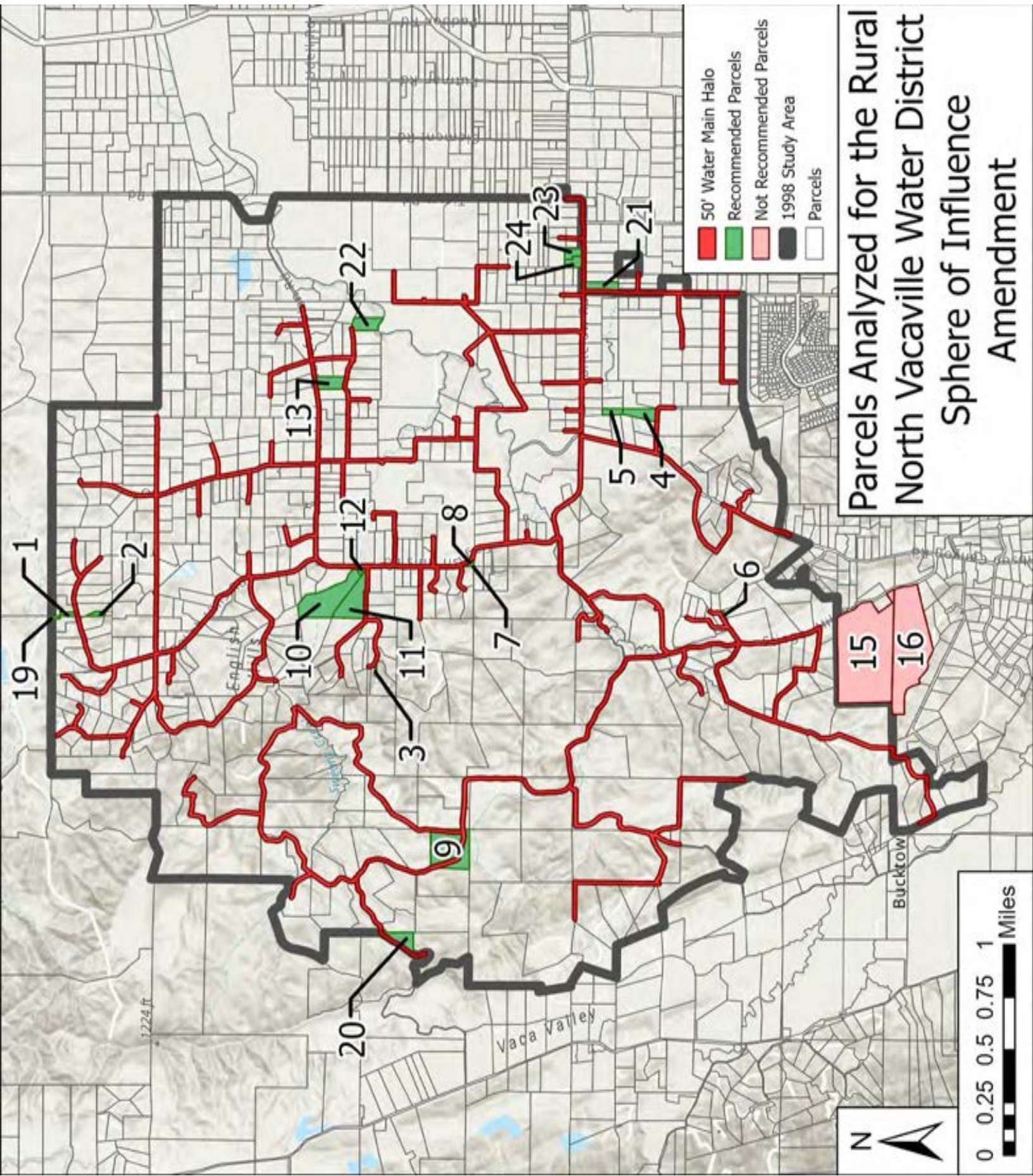
Data Source: Solano County Planning Division via SCIPS



Disclaimer: The information shown is intended to be used for general display purposes only, and is not to be used as an official map.



ATTACHMENT O



ATTACHMENT P

Historical summary of the creation and design of the RNVWD

The following is a summary review of the formation proceedings and documents of the RNVWD, focusing on the environmental review documents. This summary has been completed in an effort to provide more knowledge of the process followed for the creation of the new Community Service District and for the development of a water supply system for domestic water and fire suppression water.

English Hills Specific Plan

The impetus for the Rural North Vacaville Water District was a water supply assessment and groundwater investigation that were conducted for the English Hills Specific Plan. The 1992/1993 Environmental Impact Report for the English Hills Specific Plan identified a need for a new public water supply system in the northeastern area of the Specific Plan. The Specific Plan was never adopted, however, the environmental review was the basis for the subsequent tiered reviews for the creation of the new community services district, later called Rural North Vacaville Water District.

1995 Negative Declaration for the Formation of Community Service District

The RNVWD Community Service District was created in 1996 with a general CEQA review in a Negative Declaration¹. The October 2, 1995, LAFCO staff report for the public hearing on the formation of the RNVWD CSD, staff explained that the Negative Declaration was sufficient for the formation because the project description relied on and incorporated mitigation measures from the 1995 Solano Water Authority “North Central Solano County Groundwater Resources Report.” The Report found that continued extraction of groundwater would not result in any potentially significant cumulative impacts on groundwater recourse on nearby shallow wells, provided that several mitigation measures were implemented.

According to the project description in the Negative Declaration, “The project consists of the formation of a Community Service District (CSD) [that will] build and maintain a public water system for the provision of potable water for home and garden use and water for fire suppression sized to serve existing and future parcel within the project’s proposed boundaries.” (page 2-3). The document also states that the review is general in nature with no defined size of the proposed District or the Sphere, nor the number of parcels. However, since the project description included the mitigation measures, from the SWA Report, since it conformed to County policies regarding the establishment of a public water supply, and since it would not be growth-inducing – a Negative Declaration was adopted. Such an adoption was consistent with PRC §21080(c)(2).

1998 Supplemental EIR for Construction and Operation of RNVWD Water System

Supplemental review is required when a proposal project will have one or more significant effect not discussed in a previous EIR. This EIR tiered off the English Hills Specific Plan EIR, incorporated the mitigations from the Solano Water Authority Report, and relied on the approved District Boundary. The maps included in the EIR depicted the pipeline design, water supply and demand necessary to the design, and system operations to meet the supply and demand for domestic water supply and fire suppression.

¹ Negative Declaration of the Solano County Local Agency Formation Commission for Rural North Vacaville Water District

2000 RNVWD Addendum to the 1998 Supplemental EIR

Changes to the Proposed Project (construction and operation of water system) that consist of minor adjustments to the pipeline alignment due to property access issues. Field surveys were completed in all areas where the pipeline alignment changed, and it was determined that no significant impacts would be created. Therefore, an addendum was sufficient for the review.

Staff learned that several water main extensions have been completed over the last thirty years, in addition to new subdivisions. However, no evidence of updated system analysis for water transmission or fire suppression pressure, water supply assessment, or actual water demand/use has been completed by RNVWD.

Detailed table with pages cited for reference

<p>1988, May</p>	<p>Solano Irrigation District Report on English Hills Water Study</p> <p>Water problems in what is referred to as the English Hills area have existed for several years. The worst problems have been encountered in the western section where geologic formations are not favorable for extracting groundwater. In general, water quality has not been good, but quantity has been questionable and unreliable. Property owners discussed the idea of constructing a community water system to increase the dependability of their supplies. A small group of residents initiated a study to develop a private water system, while other residents were concerned about the adverse effects of such a system on their wells. As a result, SID was directed to conduct a study over the 21 square mile English Hills area to determine if it were feasible to construct and operate a water system. <i>(Section 1)</i></p> <p>P 1-1: Conducted a study because of several reports of unreliable residential wells, especially in the western section P 1-2: Purpose was to collect data and analyze the demand for potential water systems and funding options. Included preliminary analysis of various options for the design of a water facility.</p>
<p>1991, Jan</p>	<p>English Hills Specific Plan Groundwater Investigation</p> <p>Solano County conducted a study for groundwater resources in the English Hills Specific Plan. The objectives of the investigation were to determine the adequacy of groundwater within the Specific Plan to support development and outline alternatives for ensuring an adequate water supply.</p> <p>The report recommended a supplemental water supply system be developed for the area with groundwater monitoring. <i>(p 38, Rec. 2 and 3)</i></p>

<p>1991, Nov</p>	<p>Steiger Hills Water Association Report on Proposed Domestic Water System</p> <p>Driven by residents in the Steiger Hills area (Cliff Poole, Don Pippo, Ray Silva, Herb Minatree)</p> <p>This report studied a part of the English Hills area where all the water supply came from individual wells. Some of the property owners were unable to obtain a significant quantity of water from the groundwater, particularly in the western section. The report found that generally, the water quality was good, but that quantity was questionable and unreliable.</p> <p>The report reviewed all previous work, evaluated existing facilities, determined water demands, fire flow requirements, and determined capacities of supply sources and storage units to propose a new domestic water and fire suppression system with cost estimates.</p> <p>First mentioned of fire suppression requirements from Vacaville Fire Protection District: minimum flow of 250 gpm for 2 hours and minimum of 20 psi at point of delivery. (p 3-4)</p>
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<p>1992, Dec</p>	<p>Draft Environmental Impact Report for English Hills Specific Plan</p> <p>CEQA report analyzing potential impacts of the English Hills Specific Plan. EIR reports that the development of the Specific Plan will support agricultural operations and preserve existing rural character without creating unnecessary burdens by exceeding capacities of available water resources and public services. <i>(Executive Summary)</i></p> <p><i>Chapter V – Water supply, water demand, water quality</i> Section B, starting on page 74, recognizes issues with reliable domestic water supply and well failures in the western area of the Specific Plan. Consistent with previous hydrological studies, a need for a municipal water supply system in the western portions of the study area. The public water system with deep water wells is necessary for resolving current issues and future issues. Water supply is a potentially significant impact.</p> <p><i>B.3 on page 78: Institutional Arrangements</i> Lays out three institutional options for constructing, maintaining, and operating a new water supply system within the Specific Plan area.</p> <ul style="list-style-type: none"> - 1: Solano Irrigation District provides service to area. - 2: Create a new County Service Area (CSA) - 3: Create a new Special District <p>The EIR does not analyze the actual project of constructing a supply system.</p> <p><i>Mitigation Measures – to reduce water supply impacts</i></p> <ul style="list-style-type: none"> - <u>5-1.A: Groundwater Management Agency</u>: Requires a groundwater management agency – Solano County Water Agency – to work with the future water supply agency for monitoring of groundwater use. Also requires SID or a new County Service Area or Community Service District to construct and manage a municipal water system. - <u>5-1.B: Environmental Impact Report on proposed water system</u>: Requires a separate project-specific EIR for a new water system.
<p>1993</p>	<p>Final Environmental Impact Report for English Hills Specific Plan, Response to Comments</p> <p>This document provides comments submitted to the County by public agencies and individuals on the Draft EIR received during the public review period.</p> <p><i>Chapter 5, starting on page 109</i>: Several comments were submitted regarding concerns on impacts to water use and groundwater recharge from the development of the Specific Plan and of a new domestic water supply system. Responses consistently state that more details will be determined with a separate CEQA review for a proposed water system, but details are not known or analyzed at the time of the [1991] EIR.</p> <p>Specifically:</p> <ul style="list-style-type: none"> - 5-1: States EIR does not include or propose a water system - 5-8: States a separate EIR will be done for a public water system [5-26; 5-28; 5-57]

	<ul style="list-style-type: none"> - 5-99: References an option/recommendation to create a public water system to be able to serve new development as lots subdivide - 5-128: States future water system will be analyzed by future EIR
<p>1995, Aug</p>	<p>Negative Declaration of the Solano County Local Agency Formation Commission for Rural North Vacaville Water District</p> <p>This CEQA review is a programmatic review of the administrative creation of a new CSD.</p> <p><i>Project Description, page 2-3:</i> “The project consists of <u>the formation of a Community Service District (CSD)</u> to [that will] build and maintain a public water system for the provision of potable water for home and garden use and water for fire suppression sized to serve existing and future parcel within the project’s proposed boundaries. [...] Neither the size of the proposed District or Sphere of Influence, or the number of parcels within the District of Sphere of Influence are known at this time. Rather, at the conclusion of its public hearing, LAFCO will consider a set of five possible District scenarios.” (Statement was repeated on page 6)</p> <p><i>Revised Project Description</i> on page 6 and the reference to Table 2 state that the maps included in the Negative Declaration are the possible maximum boundary of the new CSD based on the English Hills Specific Plan. “It is also stated that the Negative Declaration is general in nature, addressing primarily the formation of the District, plus those generalized impacts related to the construction of a new well and water delivery system that can be foreseen at this preliminary stage of the project.”</p> <p>**RVNWD letter – reference of Exhibit D map from the 1995 Neg Dec: pg 6, second paragraph states: “For purposes of this Initial Study, the study area has been drawn large enough to incorporate into the analysis all the properties that may ultimately be included within the District and Sphere of Influence boundaries by LAFCO. This will ensure that LAFCO will have the greatest flexibility in determining the final boundary for the District at the conclusion of this public hearing. This is reflected on the attached map (Exhibit D).”</p> <p>The analysis within <i>III. Environmental Review Checklist</i> (starting at page 9) focuses on the formation of a new CSD and does not include any details on the boundary or the construction of the system.</p>

<p>1995, Oct</p>	<p>October 5, 1995 Solano LAFCO Staff Report Agenda Item 4b Public Hearing on formation of a new Community Service District to be called Rural North Vacaville Water District and establishment of a Sphere.</p> <p>Several Staff Recommended Actions. Generally – review district options and adopt “Option B,” then direct staff to make map or boundary based on “Option B” and return with resolutions for formation with map and legal description of boundary for final adoption.</p> <p>The staff reports also shares that some property owners expressly noticed the County of their objection to being included in the district, and therefore were excluded from any boundary or CEQA analysis in deference to the direction of the property owners.</p> <p>Directed staff to create a map with a defined boundary and written legal description for the resolutions of adoption and return to a later meeting.</p> <p>LAFCO Standards: <i>#6: Effect on Natural Resources</i> Based on testimony and letter received on a proposed Steiger Hills Community Services District in 1994, it was determined that an EIR was required for a new CSD formation because of potential cumulative impact on the Tehama formation from continued withdrawals of water, and on the potential impact of continued withdrawal from the Tehama formation on nearby shallow wells. (page 16)</p> <p>May 1995, Solano Water Authority released the “North Central Solano County Groundwater Resources Report” that found that continued extraction of groundwater would not result in any potentially significant cumulative impacts on groundwater recourse or nearby shallow wells, provided that several mitigation measures were implemented by the agencies involved. Since the project description included the mitigation measures from the SWA report, since it conformed to County policies regarding establishment of a public water supply, and since it would not be growth inducing, a Negative Declaration was prepared and recommended for adoption.</p> <p><i>#10: Provision and Cost of Services</i> Supply v. Demand analysis was determined acceptable through the Solano Water Authority released the “North Central Solano County Groundwater Resources Report, specifically addressing cumulative impacts. Financial capacity to provide services.</p> <p>Discussion and determination was continued to October 16, 1995, and again to January 8, 1996.</p>
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<p>1995, Oct</p>	<p>October 16 LAFCO Commission Public Hearing – <i>continued from Oct 2</i></p> <p>Staff returned with additional Boundary options based on comments provided at the October 2 meeting. Staff presented all the options and asked for direction on which option to move forward with to create a map and legal descriptions for resolutions of adoption.</p>
<p>1996, Jan</p>	<p>January 8, 1996 Solano LAFCO meeting minutes – <i>RNVWD formation hearing continued to January</i></p> <p>Detailed discussion of why a new CSD is proposed and how the governance will be set up. Presentation of the Negative Declaration that was completed for the formation of the agency with an explanation that the Negative Declaration did not define the district boundaries or include an analysis of the development or operations of a water system. Commission directed staff to conduct further outreach to parcels in the area to determine who wants to be in the district, and then design the system, determine funding, and construct the system to meet the needs of those participants.</p> <p>Part of the adoption procedures included the process and timing for electing a new Board for the new District.</p>
<p>1996, Jan</p>	<p>Resolution No. 96-1: Making Findings of Compliance with LAFCO Standards for Formation of the Rural North Vacaville Water District</p> <p>Resolution No. 96-2: Approving the Formation of the Rural North Vacaville Water District</p> <p>Resolution No. 96-3: Approving the Establishment of a Sphere of Influence for Rural North Vacaville Water District</p> <p>Resolution No. 96-4: Correcting Map and Description for the Rural North Vacaville Water District</p>
<p>1998, June</p>	<p>Draft Supplemental Environmental Impact Report for Construction and Operation of Rural North Vacaville Water District Water System – <i>(Supplement to English Hills Specific Plan EIR)</i></p> <p>P 1-3: Supplemental review is required when a proposed project will have one or more significant effects not discussed in a previous EIR.</p> <p>Analysis of the construction and operation of the water system of approximately 50 miles of distribution pipeline, 2 pumps, and 2 tanks to service 5,143 acres consisting of 364 parcels with the possibility of subdividing into an additional 220 parcels.</p> <p>Figure 2-2 shows the District Boundary that was relied on for the construction and operation of the physical structure of the water supply system.</p>

	<p>Page 2-3: Fire protection will continue to be provided by Vacaville Fire District, however the water for fire-fighting will be provided by the new water system. The system is designed to provide 2 hours of maximum fire-fighting.</p> <p>Page 4-4: Cumulative Impacts: Conclusions The Proposed Project will have growth-inducing impacts and will contribute to cumulative impacts; however, the cumulative and growth-inducing impacts of the Proposed Project will be limited by the design capacity of the proposed system. The system has been designed to provide water to existing parcels within the RNVWD, and possibly within future subdivisions for which supplemental water connections have been requested consistent with the Solano County General Plan.</p> <p>Attachment A, A-4-8: 1998 Notice of Preparation/Completion of Draft SEIR for the Construction and Operation of Rural North Vacaville Water District Water System, with Map of District.</p> <p>**Revisions and extensions to the water supply system may have reasonably foreseeable potentially significant impacts to water supply, water distribution, fire-fighting suppression, population/growth-inducing, and cumulative impacts that were not previously considered in 1995, 1998, or 2000. Additionally, conditions likely have changed since the last CEQA review, and therefore an updated review is warranted under CEQA.</p> <p>**SEIR changes conditions of 1998 Neg Dec by more narrowly and specifically analyzing the impacts directly related to the construction/development of the water system.</p>
<p>1998, Oct</p>	<p>Final Supplemental Environmental Impact Report for Construction and Operation of Rural North Vacaville Water District Water System, Response to Comments</p> <p>Addressed updated biological and cultural resource field surveys related to changes in the water supply system design. The Final SEIR identified new mitigations to avoid any new potential impacts to water resources, noise, land use, fire protection, and other direct or indirect impacts.</p>
<p>1999, Feb</p>	<p>February 1, 1999 Staff Report on an Amendment to the RNVWD Sphere of Influence</p> <p>Commission considered two amendments to the SOI. The parcel northeast of Timm Road at the intersection of Peaceful Glen Road was denied because “to serve the property [...] would require redesign of the water system and additional environmental review to extend the water line along Peaceful Glen Road further east.”</p> <p>**Similarly, the parcels to the south on Steiger Hill requires redesign not originally reviewed or considered.</p>

<p>2000, Dec</p>	<p>RNVWD Addendum to Supplemental Environmental Impact Report for Construction and Operation of Rural North Vacaville Water District Water System</p> <p>Changes to the Proposed Project (construction and operation of water system) that consist of minor adjustments to the pipeline alignment due to property access issues. Field surveys were completed in all areas where the pipeline alignment changed, and it was determined that no significant impacts would be created. Therefore, an addendum was sufficient for the review.</p>
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