

**MINUTES** of a special Meeting of the Board of Directors of the Root Creek Water District (RCWD) held at 2:00 p.m., Tuesday, March 12, 2002 at the office of the District located at 39639 Avenue 10, Madera, California

**DIRECTORS PRESENT:** Philip R. Pierre - President  
Jeffrey D. Coulthard  
Rodger B. Jensen  
Al Bates – Secretary (via telephone conference)  
Dave Cobb

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Chris Campbell - Attorney  
Deborah Messer - Assistant Secretary  
Jim Provost, Manager- Engineer

**MINUTES**

President Pierre asked if there were any corrections to the January 17, 2002 meeting minutes. There being no corrections, the minutes were approved as submitted.

**TREASURER'S REPORT / PAYMENT OF BILLS**

On behalf of the Treasurer, the Assistant Secretary submitted the Treasurer's Report showing the following:

<u>Wells Fargo Bank – Checking Account</u>	
Balance as of January 3, 2002	\$17,638.82
<u>Disbursements (Operating expenses)</u>	<u>10,921.86</u>
Balance as of March 11, 2002	\$6,716.96

Upon motion by Director Coulthard, seconded by Director Jensen, the Treasurer's Report was approved and placed on file.

The Assistant Secretary submitted the following bills paid between January 3, 2002 and March 11, 2002 and the need for their ratification:

Disbursements	Description	Amount
Baker Manock & Jensen	Legal services	4,118.70
Madera Pumps	Well tests	620.50
Provost & Pritchard	Management services	1,182.66
US Dept of Interior	Bureau of Reclamation	5,000.00
	<b>Total Disbursements</b>	<b>\$10,921.86</b>

Upon motion by Director Jensen, seconded by Director Coulthard, the Board ratified the bills totaling \$10,921.86.

**LONG-TERM WATER SUPPLY**

President Pierred reviewed the status of obtaining additional water supplies from outside the Friant Division in order to ensure a reliable long-term water supply. President Pierre distributed copies of the Letter Of Intent, signed by RCWD and agreed and accepted by Butte Water District, to enter into an option agreement to acquire up to 15,000 acre fee of firm water supply.

**DISTRICT PROPOSED LEGISLATION**

Counsel reported that proposed energy legislation, SB1871, was introduced by Senator Monteith on February 22, 2002. The intent of this legislation is to grant RCWD the authority to provide other urban services. As of this morning, this proposed legislation has not been sent to committee and the recommended position is Favor.

Counsel stated that Pacific Gas & Electric (PG&E) would like to talk to RCWD about providing the necessary urban services. Counsel informed PG&E that this project will involve new infrastructure. PG&E has assigned a business team to negotiate with RCWD. It was suggested that RCWD make a diligent effort to speak with PG&E.

**RCWD,MID CONTRACT ISSUES**

- A. Attorney Campbell reviewed with the Board the proposed Agreement Between Madera Irrigation District (MID) and Root Creek Water District (RCWD) for the Conveyance and Sale of Water. Issues highlighted were the reservation of conveyance capacity, an option to purchase water, assistance on other matters and a payment procedure. Counsel indicated that the Village of Gateway proponents have agreed to make all initial payments required under the proposed contract and to fund the necessary environmental review to implement the contract. The Board concluded that the proposed agreement is a fair and reasonable method for obtaining conveyance capacity water supplies and other benefits to allow for urban development within RCWD.

Upon motion by Director Cobb, seconded by Director Bates, the Board unanimously passed and adopted

RESOLUTION 2002-08 authorizing President Pierre to sign the Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water on behalf of RCWD. In addition, the Board authorized and directed President Pierre and Attorney Campbell to negotiate an agreement with the Village of Gateway proponents for payment of all appropriate fees and charges in relation to the Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water and bring that back to the RCWD Board for review and approval.

- B. President Pierre notified the Board that MID has agreed to annex the Tatham property to provide for a pipeline easement to provide water from Lateral 6.2 to RCWD. Tatham has requested that RCWD agree to annex his property if and when it develops. Upon motion by Director Jensen, seconded by Director Coulthard, the Board unanimously adopted

RESOLUTION 2002-09 that RCWD will commit to annex the Tatham property when it is deannexed from MID and requests annexation to RCWD. The Board authorized President Pierre to communicate that to the Tatham owners in writing on behalf of RCWD.

**ADJOURNMENT**

There being no further business to come before the Board, President Pierre adjourned the meeting at 3:25 p.m.

Respectfully submitted,

  
Deborah C. Messer, Asst. Secretary

Approved:

  
Philip R. Pierre, President

**ROOT CREEK WATER DISTRICT  
TREASURER'S REPORT**

2002 Investment Report  
for  
Period Ending March 11, 2002

DATE: March 11, 2002  
TO: Board of Directors  
FROM: James M. Burkhart, Treasurer

In accordance with Government Code Section 53646 and the Root Creek Water District Investment Policy, the following shall constitute the quarterly report of investments on behalf of the Root Creek Water District:

1. As of the date of the report, the remaining District funds are deposited in Federal Deposit Insurance Corporation (FDIC) insured accounts at Wells Fargo Bank. Therefore, as provided by Government Code Section 53646 (e), attached is the most recent statement received by the District.
2. The portfolio of the District is in compliance with the District's Statement of Investment Policy.
3. It is expected the District will be able to meet its expenditure requirements for the next six months based on current account balances and projected revenue from benefit assessments.

**ROOT CREEK WATER DISTRICT**  
**TREASURER'S REPORT**

March 11, 2002

**OPERATING FUNDS:**

Checking Account Balance - 01/03/2002 \$ 17,638.82

**ASSESSMENTS RECEIVED:**

TOTAL FUNDS AVAILABLE 17,638.82

**DISBURSEMENTS:**

Baker Manock & Jensen	4,118.70
Madera Pumps	620.50
Provost & Prichard	1,182.66
US Dept of Interior Bureau of Reclamation	5,000.00

TOTAL DISBURSEMENTS 10,921.86

CHECKING ACCOUNT BALANCE ON MARCH 11, 2002 \$ 6,716.96

**BILLS FOR APPROVAL -**

\$ 0.00

ROOT CREEK WATER DISTRICT  
WELLS FARGO BANK  
ACCT #0407-645662

DATE	CK NO	ACCT NO	PAYOR / PAYEE	INV NO	AMT	FOR	(CK)DEP	BALANCE
07/01/2001-06/30/2002			BEGINNING BALANCE					3,811.83
07/02/2001	1067	711-01	Baker Manock & Jensen	12023	(79.00)	Services thru 06/20/2001	(79.00)	3,732.83
07/20/2001	Dep 861	111-02	S & J Ranch (on behalf of Dole Food Co.)		27,660.48	2001 Special Assessment	27,660.48	31,393.31
07/20/2001	1068	712-01	Provost & Pritchard	1591	(8,180.98)	Prepare grant applications for groundwater studies	(8,180.98)	23,212.33
07/20/2001	1069	712-01	Provost & Pritchard	1571	(942.85)	Prepare for and attend Board Meeting and general District work	(942.85)	22,269.48
08/02/2001	1070	711-01	Baker Manock & Jensen	12023	(725.00)	Services thru 07/20/2001	(725.00)	21,544.48
08/17/2001	1071	714-00	S & J Ranch	24955	(344.50)	Administrative services	(344.50)	21,199.98
	1072		VOID					21,199.98
08/28/2001	1073	711-01	Baker Manock & Jensen	12023	(335.50)	Services thru 07/20/2001	(335.50)	20,864.48
10/26/2001	1074	711-01	Baker Manock & Jensen	12023	(712.25)	Services thru 07/20/2001	(712.25)	20,152.23
10/26/2001	1075	713-00	ACWA		(695.00)	Annual Dues	(695.00)	19,457.23
11/19/2001	1076	712-01	Provost & Pritchard	2233	(172.22)	General administrative work	(172.22)	19,285.01
11/19/2001	1077	711-01	Baker Manock & Jensen	12023	(913.65)	Services thru 10/31/2001	(913.65)	18,371.36
12/10/2001	1078	711-05	Michael B. Cuitone, CPA	1139	(95.00)	Preparation of State Controller's Report	(95.00)	18,276.36
01/03/2002	1079	711-01	Baker Manock & Jensen	12023	(491.40)	Services thru 11/30/2001	(491.40)	17,784.96
01/03/2002	1080	715-00	S & J Ranch	26217	(16.14)	Postage 06/01-12/31/2001		17,784.96
01/03/2002	1081	714-00	S & J Ranch	26218	(130.00)	Administrative services 07/01-12/31/2001	(146.14)	17,638.82
01/31/2002	1082	715-00	Madera Pumps	41496	(620.50)	Pump tests	(620.50)	17,018.32
01/31/2002	1083	711-01	Baker Manock & Jensen	12023	(747.50)	Services thru 12/31/2001	(747.50)	16,270.82
02/13/2002	1084	712-05	US Dept of the Interior Bureau of Reclamati		(5,000.00)	Deposit LOA Contract #02-WC-20-2083	(5,000.00)	11,270.82
02/22/2002	1084	711-01	Baker Manock & Jensen	12023	(3,371.20)	Services thru 01/31/2002	(3,371.20)	7,899.62
03/01/2002	1085	712-01	Provost & Pritchard	2774	(1,182.66)	Services thru 01/31/2002	(1,182.66)	6,716.96

ROOT CREEK WATER DISTRICT  
RESOLUTION NO. 2002-08

WHEREAS, the Root Creek Water District (“RCWD”) entered into that certain Agreement Concerning Agricultural, Municipal and Industrial Water Use Within Root Creek Water District (the “Water Agreement”) with Madera Irrigation District (“MID”), Chowchilla Water District, and the Friant Water Users Authority on December 30, 1999; and

WHEREAS, the Water Agreement provides that RCWD and MID will negotiate additional implementing agreements.

WHEREAS, the MID Board has agreed to the terms of a long term contract that provides for reservation of conveyance capacity, an option to purchase water, assistance on other matters and a payment procedure.

WHEREAS, the Gateway Village proponents have agreed to make all initial payments required under the proposed contract and to fund the necessary environmental review to implement the contract.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Directors has reviewed the proposed contract with MID and determined that it is a fair and reasonable method for obtaining conveyance capacity water supplies and other benefits to allow for urban development within RCWD.
2. President Philip R. Pierre is hereby authorized to sign the Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water on behalf of RCWD.
3. In addition, President Philip R. Pierre and counsel are authorized and directed to negotiate an agreement with the Gateway Village proponents for payment of all

appropriate fees and charges in relation to the Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water and bring that back to the RCWD Board for review and approval.

ADOPTED this 12th day of March, 2002.

<u>Vote</u>	<u>Yes</u>	<u>No</u>
Philip R. Pierre, President	<u>✓</u>	<u>      </u>
Rodger B. Jensen	<u>✓</u>	<u>      </u>
Al Bates	<u>✓</u>	<u>      </u>
Dave Cobb	<u>✓</u>	<u>      </u>
Jeffrey D. Coulthard	<u>✓</u>	<u>      </u>

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**CERTIFICATE OF SECRETARY  
OF  
ROOT CREEK WATER DISTRICT**

I, DEBORAH MESSER, the duly elected and authorized Secretary of ROOT CREEK WATER DISTRICT (the "District"), do hereby certify that the following recitals and resolutions were duly approved and adopted by the Board of Directors of the District on March 12, 2002, and that said recitals and resolutions thereby approved and adopted have not been modified or rescinded and remain in full force and effect as of the date hereof:

RESOLUTION NO. 2002-08

WHEREAS, the Root Creek Water District ("RCWD") entered into that certain Agreement Concerning Agricultural, Municipal and Industrial Water Use Within Root Creek Water District (the "Water Agreement") with Madera Irrigation District ("MID"), Chowchilla Water District, and the Friant Water Users Authority on December 30, 1999; and

WHEREAS, the Water Agreement provides that RCWD and MID will negotiate additional implementing agreements.

WHEREAS, the MID Board has agreed to the terms of a long term contract that provides for reservation of conveyance capacity, an option to purchase water, assistance on other matters and a payment procedure.

WHEREAS, the Gateway Village proponents have agreed to make all initial payments required under the proposed contract and to fund the necessary environmental review to implement the contract.




NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Directors has reviewed the proposed contract with MID and determined that it is a fair and reasonable method for obtaining conveyance capacity water supplies and other benefits to allow for urban development within RCWD.

2. President Philip R. Pierre is hereby authorized to sign the Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water on behalf of RCWD.

3. In addition, President Philip R. Pierre and counsel are authorized and directed to negotiate an agreement with the Gateway Village proponents for payment of all appropriate fees and charges in relation to the Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water and bring that back to the RCWD Board for review and approval.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of March, 2002.

  
Deborah Messer, Secretary of  
ROOT CREEK WATER DISTRICT

ROOT CREEK WATER DISTRICT  
RESOLUTION NO. 2002-09

WHEREAS, the Root Creek Water District (“RCWD”) entered into that certain Agreement Concerning Agricultural, Municipal and Industrial Water Use Within Root Creek Water District (the “Water Agreement”) with Madera Irrigation District (“MID”), Chowchilla Water District, and the Friant Water Users Authority on December 30, 1999; and

WHEREAS, RCWD has approved the March 12, 2002 Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water with MID to implement the Water Agreement.

WHEREAS, MID has agreed to annex the Tatham property described in Exhibit “A” to provide for a pipeline easement to provide water from Lateral 6.2 to RCWD.

WHEREAS, Tatham has requested that RCWD agree to annex the Tatham property if and when it develops.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Directors has agreed that RCWD will commit to annex the Tatham property when it is deannexed from MID and requests annexation to RCWD.
2. President Philip R. Pierre is hereby authorized to communicate that to the Tatham owners in writing on behalf of RCWD.

ADOPTED this 12th day of March, 2002.

<u>Vote</u>	<u>Yes</u>	<u>No</u>
Philip R. Pierre, President	<u>✓</u>	<u>_____</u>
Rodger B. Jensen	<u>✓</u>	<u>_____</u>
Al Bates	<u>✓</u>	<u>_____</u>
Dave Cobb	<u>✓</u>	<u>_____</u>
Jeffrey D. Coulthard	<u>✓</u>	<u>_____</u>

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OF  
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I, DEBORAH MESSER, the duly elected and authorized Secretary of ROOT CREEK WATER DISTRICT (the "District"), do hereby certify that the following recitals and resolutions were duly approved and adopted by the Board of Directors of the District on March 12, 2002, and that said recitals and resolutions thereby approved and adopted have not been modified or rescinded and remain in full force and effect as of the date hereof:

RESOLUTION NO. 2002-09

WHEREAS, the Root Creek Water District ("RCWD") entered into that certain Agreement Concerning Agricultural, Municipal and Industrial Water Use Within Root Creek Water District (the "Water Agreement") with Madera Irrigation District ("MID"), Chowchilla Water District, and the Friant Water Users Authority on December 30, 1999; and

WHEREAS, RCWD has approved the March 12, 2002 Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water with MID to implement the Water Agreement.

WHEREAS, MID has agreed to annex the Tatham property described in Exhibit "A" to provide for a pipeline easement to provide water from Lateral 6.2 to RCWD.


WHEREAS, Tatham has requested that RCWD agree to annex the Tatham property if and when it develops.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Directors has agreed that RCWD will commit to annex the Tatham property when it is deannexed from MID and requests annexation to RCWD.

2. President Philip R. Pierre is hereby authorized to communicate that to the Tatham owners in writing on behalf of RCWD.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of March, 2002.

  
Deborah Messer, Secretary of  
ROOT CREEK WATER DISTRICT

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**CERTIFICATE OF SECRETARY  
OF  
ROOT CREEK WATER DISTRICT**

I, DEBORAH MESSER, the duly elected and authorized Secretary of ROOT CREEK WATER DISTRICT (the "District"), do hereby certify that the following recitals and resolutions were duly approved and adopted by the Board of Directors of the District on March 12, 2002, and that said recitals and resolutions thereby approved and adopted have not been modified or rescinded and remain in full force and effect as of the date hereof:

RESOLUTION NO. 2002-09

WHEREAS, the Root Creek Water District ("RCWD") entered into that certain Agreement Concerning Agricultural, Municipal and Industrial Water Use Within Root Creek Water District (the "Water Agreement") with Madera Irrigation District ("MID"), Chowchilla Water District, and the Friant Water Users Authority on December 30, 1999; and

WHEREAS, RCWD has approved the March 12, 2002 Agreement Between Madera Irrigation District and Root Creek Water District for the Conveyance and Sale of Water with MID to implement the Water Agreement.

WHEREAS, MID has agreed to annex the Tatham property described in Exhibit "A" to provide for a pipeline easement to provide water from Lateral 6.2 to RCWD.

WHEREAS, Tatham has requested that RCWD agree to annex the Tatham property if and when it develops.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Directors has agreed that RCWD will commit to annex the Tatham property when it is deannexed from MID and requests annexation to RCWD.

2. President Philip R. Pierre is hereby authorized to communicate that to the Tatham owners in writing on behalf of RCWD.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of March, 2002.

  
Deborah Messer, Secretary of  
ROOT CREEK WATER DISTRICT

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