

NDWA Actions in Drought

Presentation by Melinda Terry to NDWA Board of Directors

Tuesday, July 27, 2021 - 9:30 AM

DROUGHT PERIODS OF NOTE

- ▶ 1976-77
- ▶ 1987-1992
- ▶ 2012-2016

1976-77 DROUGHT

- ▶ **NDWA Executed Memorandum of Permit with DWR, Aug 1976** - Requires extensive surveys prior to install, includes mitigation measures (portable pumps/power, water quality monitoring, et al), and provides cost reimbursement to NDWA and hold harmless clause.
- ▶ **Amendment to Memorandum of Permit Adopted, Sept 1976** - After install, both parties agree to modify flow requirements in original permit in exchange for additional assurances by DWR regarding dam removal.
- ▶ **Interim Drought Agreements Between NDWA, DWR, and RD 341, March 1977 and June 1977** - Addresses water quality and construction of temporary water facilities on Sherman Island.

1987-1992 DROUGHT

- ▶ **Reduced Contract Payment, Dec 1987** - Reduced payment by the number of days DWR not in compliance with Contract water quality criteria.
- ▶ **NDWA-DWR Issued Report on Drought Mitigation Investigation, July 1988** - After field investigation by MBK, identifies problems experienced by NDWA water users in 1976-77 drought and recommends remedies.
- ▶ **Request for Temporary Drought Action, Sept 1988** - NDWA sent letter to DWR requesting implementation of special Claims Procedures in Art. 4(b).
- ▶ **Request Enforcement of 1981 Contract Remedies Provision, Oct 1988** - NDWA sent letter to DWR Dir. Kennedy requesting the State to stop diverting water to reservoir storage, cease all SWP exports, or release stored water (or combination) in order to maintain water quality compliance pursuant to Art. 12(a).
- ▶ **NDWA Petitions SWRCB for Emergency Regulation, July 1992** - Agency requests approval of water quality criteria different than 1981 Contract in order to trigger establishment of a special Claims Procedure by DWR pursuant to Art. 4(b).
- ▶ **1992 Claims Process Established by DWR** - Pursuant to an October 26, 1992 stipulated agreement with NDWA, DWR established claims procedures in accordance with Art. 4(b)(iv).
- ▶ **1995 Claims Process Established by DWR** - Pursuant to an Interim Agreement with NDWA, DWR established claims procedures in accordance with Art. 4(b)(iv).

2012-2016 DROUGHT

- ▶ **Informational Meetings and Notices** - NDWA held informational meetings for the public on the drought and sent notices of water quality exceedances to RDs and landowners.
- ▶ **Request Agreement with DWR on Barrier Installation, 2014** - NDWA proposes execution of Memorandum of Permit for install of barriers on Sutter and Steamboat Sloughs similar to 1976 legal agreement for Sutter barrier.
- ▶ **Request Compliance with Contract in Drought Planning, Jan 2015** - NDWA sent letter to DWR requesting that Drought Contingency Plan acknowledge intent to comply with 1981 Contract water quality criteria and the ongoing discussions between NDWA-DWR on agreement with mitigation measures for proposed installation of drought barriers on Sutter and Steamboat Sloughs.
- ▶ **Implementation of Special Claims Procedure, 2015** - NDWA notified DWR that Art. 4(b) emergency drought provision is triggered, requiring DWR to either provide alternative water supply or establish a special claims procedure to reimburse landowners for water quality damages. DWR established Claims Procedure in 2015 and paid 8 claims in 2017.