

Addendum 3
SUTTER SLOUGH BARRIER AGREEMENT

MEMORANDUM OF PERMIT

This Memorandum is made and entered into this 12th day of August, 1976, by and between the Department of Water Resources of the State of California, herein called Department, and North Delta Water Agency, herein called Agency.

RECITALS

(a) The Department proposes to install a temporary rock dam (herein called the dam) across Sutter Slough immediately upstream from the Sutter Island Upper Cross Road for the purpose of deflecting additional flows into the main channel of the Sacramento River, thence through the Delta Cross-Channel and into the interior delta to assist in maintenance of water quality in accordance with the prevailing delta quality objectives as established by the State Water Resources Control Board.

(b) Agency is formed for the purpose of negotiating, executing and enforcing agreements with the United States and with the State of California or either for:

(1) The protection of the water supply of the lands within the Agency against intrusion of ocean salinity; and

(1i) Assurance for the lands within the Agency of a dependable supply of water of suitable quality sufficient to meet their needs.

(c) Agency and its landowners are concerned as to the impact of the dam upon the level of water available in the slough for diversion downstream from the dam and the possible impact upon the quality of water available for such diversion during the period of the dam's installation unless written assurances are obtained from Department.

(d) Department desires approval by Agency of the installation of the dam and for Agency to withdraw or withhold any objection to approval of the installation of the dam by the State Reclamation Board or other regulatory agency or court.

TERMS OF PERMIT AND UNDERSTANDING

1. Agency gives its approval of the installation of the dam on the terms herein set forth and will not object to or oppose its installation before any regulatory State or Federal agency or court.

2. Department hereby agrees, during a period of two weeks prior to the installation of the dam, and at least once every two weeks while the dam exists:

(a) To measure water quality within Sutter, Miner, Steamboat Sloughs, and Cache Slough upstream from Liberty Cut, and determine the water quality in the Sacramento River at Rio Vista, Three Mile Slough, Emmaton, and Mayberry Slough.

(b) To measure tidal fluctuations within Sutter, Miner, Steamboat and Cache Sloughs.

3. Department will obtain, through Department personnel, the following information concerning all diversions within Sutter and Miner Sloughs that might be affected by the closure and are proposed to be used during the period of closure, as such effect is disclosed from the investigation of the Department or from the requests of the local districts or landowners:

(a) Measure a representative number of pumps and siphons for discharge capacity as mutually agreed upon.

(b) Elevation of pump bowls or siphon invert and, for centrifugal pumps, the elevation of the bottom of the intake and of the pump.

(c) Average pumping lift.

(d) Acreage and crops served by diversion.

4. Department will, during the period of closure, store a minimum of five portable pumps plus power plants within the affected area of the appropriate size to provide emergency water supply if required.

5. If the Department cannot provide alternate diversion capability within 24 hours of notice by the affected landowner, it will begin work immediately on breaching the dam, breaching to be completed within 48 hours to an extent sufficient to overcome the adverse effect on water supply.

6. Department will assure that water quality during the period of closure within Sutter, Miner and Steamboat Sloughs will not be more than 25 parts per million total dissolved solids higher than Greens Landing.

7. Department will assure that water quality during the period of closure at Rio Vista, Three Mile Slough, Emmaton, and Mayberry Slough will not be less than that which existed during the month of July.

8. Department will pay for the additional required energy to pump water during the period of closure based on the average pumping lift with and without the closure, taking into account pumping plant efficiencies.

DEPARTMENT OF WATER RESOURCES

By /s/ Ronald B. Robie

Approved as to legal form
and sufficiency:

/s/ P. A. Towner
P. A. Towner, Chief Counsel
Department of Water Resources

9. Department is making this request to meet conditions in this drought year. Department does not intend to request the installation of the dam in future years unless water supply conditions, measured by inflow to the Delta, are similar or worse than this drought year and then only after preparation of an environmental impact report. Agency reserves the right to object to any future request to install dam.

10. Department will assure a minimum flow in the Sacramento River at Sacramento of 1,000 cfs during the period of closure.

11. Department will reimburse Agency within 90 days after removal of dam for legal, engineering and manager costs directly attributed to the closure or to monitoring its effects.

12. Department will remove the dam and return the channel location to its prior condition by December 20, 1976 or the date on which the flow in the Sacramento River at Sacramento reaches a sustained or forecasted of 30,000 cfs for a period of 72 hours, whichever first occurs. Department will agree to rock riprap the disturbed area resulting from the installation, removal, and any downstream scour and will monitor the site and control erosion prior to placement of riprap.

13. Department agrees that the installation of such a dam will not adversely affect the water rights of any landowner or district, or of agency.

14. Department will hold agency harmless of and from any loss, injury or expense to Agency or claim or demand from third parties as a result of the installation of the dam.

NORTH DELTA WATER AGENCY

By /s/ W. R. Darsie, President

AMENDMENT TO PERMIT

This amendment is made and entered into this 30th day of September, 1976, by and between the Department of Water Resources of the State of California, herein called Department, and North Delta Water Agency, herein called Agency.

RECITALS

(a) Department and Agency entered into a Memorandum of Permit dated August 12, 1976, herein called the permit, under which Department was permitted to install a temporary rock dam, herein called the dam, across Sutter Slough immediately upstream from Sutter Island Upper Cross Road.

(b) Subsequent to the execution of the permit, Department installed the dam in the manner prescribed in the permit and has performed the monitoring and met the standards called for in the permit. Department has determined that the assurances as to quality in paragraphs 6 and 7 of the permit can be maintained with a lesser flow than that required in paragraph 10 of the permit. It has also determined that a lesser flow will not adversely affect the water supply available to diverters downstream from the dam in view of the provisions made by Department for standby capability in the event of such adverse effects, and in view of the reduced demand for irrigation water to be anticipated from the date of this amendment to the removal of the dam.

(c) Agency recognizes the desire of Department to preserve as far as possible

DEPARTMENT OF WATER RESOURCES

By /s/ Ronald B. Robie
Ronald B. Robie, Director

Approved as to legal form and sufficiency:

/s/ P. A. Towner
P. A. Towner, Chief Counsel
Department of Water Resources

the water presently remaining in storage in the event of a succeeding dry year, and is willing to remove the requirement of minimum flow from paragraph 10 of the permit in return for the assurances hereinafter set forth.

AGREEMENTS

1. The permit is amended as follows:

(a) Paragraph 10 is deleted;

(b) Paragraph 12 is amended to delete the first sentence thereof and to insert the following: "Department will commence removal of the dam on or before November 29, 1976, complete the removal of any rock within the channel above a depth of minus ten (-10) feet USGS on or before December 3, 1976, and restore the channel location to its prior condition by December 20, 1976, provided that Department will promptly commence and diligently pursue the removal of the dam and restoration of the channel prior to November 29, 1976 if the flow in the Sacramento River at Sacramento reaches 30,000 cfs and is forecast to continue at or above that flow for at least 72 hours, work to commence on or before the date such flow is reached."

2. Except as herein amended the permit shall remain in full force and effect, including all assurances as to the maintenance of water quality during the period of installation of the dam.

NORTH DELTA WATER AGENCY

By /s/ W. R. Darsie, President
W. R. Darsie, President

Approved as to legal form and sufficiency:

/s/ George Basye
George Basye, Attorney for
North Delta Water Agency

