

MEMORANDUM OF PERMIT

This Memorandum is made and entered into this 19th 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:

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

(ii) 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.

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 11,000 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 ^{flow} 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.

DEPARTMENT OF WATER RESOURCES

NORTH DELTA WATER AGENCY

By Ronald B. Robie
Ronald B. Robie, Director

By W. R. Darsie
W. R. Darsie, President

Approved as to legal form
and sufficiency:

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