

North Delta Water Agency
Special Board Meeting
Downey Brand Law Offices, Sacramento CA
Wednesday, March 24, 2014 at 10:00 a.m.

Minutes

Motion adopted by the NDWA Board of Directors on March 24, 2014

Motion by Chair Kuechler seconded by director Mello as follows:

- (1) authorizing and directing the Agency's legal counsel to prepare and send to the Chief Counsel of the California Department of Water Resources (DWR) a letter demanding that DWR immediately commence meetings with Agency staff and legal counsel for the purpose of negotiating the terms and conditions of a 2014 Operations Agreement, which Agreement shall be approved by DWR and NDWA on or before April 4, 2014. The Operations Agreement shall include, without limitation, provisions governing DWR's obligation to mitigate and/or compensate for all harm suffered by NDWA, its landowners and water users as a result of the installation or operation of temporary barriers within NDWA in contravention of the Contract dated January 28, 1981 between DWR and NDWA ("1981 Contract") or other applicable law.
- (2) In the event the Operations Agreement referenced in paragraph 1 has not been executed by NDWA and DWR on or before April 4, 2014, the Agency's legal counsel is authorized to file a lawsuit against DWR to require its compliance with all applicable terms and conditions of the 1981 Contract and other applicable law in connection with DWR's 2014 State Water Project operations.

This motion was unanimously approved by the NDWA Board of Directors, directors Kuechler, Mello, Van Loben Sells, Hamilton and Ruzich all voting in the affirmative.