

**Meeting of the Central Valley Flood Protection Board  
July 24, 2015**

**Staff Report**

**Natomas Central Mutual Water Company  
American Basin Fish Screen and Habitat Improvement Project: Sankey  
Diversion and Canal, Proposed Real Estate Action**

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**1.0 – REQUESTED ITEM**

Consider approval of Resolution No. 2015-10 (Attachment B), authorizing the Sacramento and San Joaquin Drainage District (SSJDD), acting by and through the Central Valley Flood Protection Board, to transfer fee title to real property currently owned by the SSJDD to the Natomas Central Mutual Water Company, with a reservation of a flood control easement and an easement for public access to the Sacramento River.

**2.0 – APPLICANT**

Natomas Central Mutual Water Company (NCMWC)

**3.0 – LOCATION**

The property proposed for transfer consists of approximately 0.801 acres located north of Sacramento approximately 0.25 miles south of the confluence of the Natomas Cross Canal, and is identified by Sutter County APN 35-010-020 (Property). (See Attachment A).

**4.0 – DESCRIPTION**

Pursuant to Board Encroachment Permit No. 18491, NCMWC constructed its American Basin Fish Screen and Habitat Improvement Project: Sankey Diversion and Canal (Sankey Diversion Project) on the Property. The Sankey Diversion Project consists of a pump station, intake structure and fish screen located on both the Property and an adjacent parcel to the north owned by Verona Village River

Resort LLC (Verona Village Property). The construction of the Sankey Diversion Project was subject to extensive review and permitting by the Central Valley Flood Protection Board, the U.S. Army Corps of Engineers, and Reclamation District 1000. (See Attachment C)

In order to ensure NCMWC's long term ability to operate and maintain the Sankey Diversion Project, and to facilitate NCMWC's ability to fulfill certain conditions of the Board Encroachment Permit for the Project, NCMWC has offered to purchase fee title to the Property, and to reserve to the SSJDD an easement for flood control.

## **5.0 – AUTHORITY OF THE BOARD**

Water Code Sections 8655-8661 and 8676.

## **6.0 – PROJECT ANALYSIS**

### **6.1 – Project Background and Objectives**

The Sankey Diversion Project was developed to address concerns regarding the potential adverse effects to local fish species caused by previous diversion facilities owned and operated by NCMWC, while assuring the reliability of the water supply for beneficial uses within the Natomas Basin. The purposes of the Sankey Diversion Project are: (1) to avoid or minimize potentially adverse effects to fish, particularly anadromous juvenile fish, due to water diversions by NCMWC and other small pumps operated by individual landowners for diversion of water into the Natomas Basin; (2) ensure reliability of NCMWC's water diversion and distribution facilities for beneficial uses of its water supply within its service area; and (3) to maintain important habitat within the Natomas Basin created by the operation of the NCMWC's water distribution facilities.

An Environmental Impact Statement/Environmental Impact Report was prepared and ultimately adopted for the Sankey Diversion Project by the Bureau of Reclamation, which was the lead Federal agency under the National Environmental Policy Act, and the California Department of Fish and Game, which was the State lead agency under the California Environmental Quality Act (CEQA). Prior to approving Encroachment Permit No. 18491 for the Project, the Board as a responsible agency made and concurred with the CEQA findings of the Department of Fish and Game.

On April 30, 2010, the Central Valley Flood Protection Board issued Encroachment Permit No. 18491, authorizing NCMWC to construct the Sankey Diversion Project. In July 2010, the Department of Water Resources (DWR) issued a Temporary Permit for Entry onto State-Owned Land to NCMWC for purpose of site preparation for the Sankey Diversion Project. The SSJDD, acting by and through the CVFPB, thereafter issued a License to NCMWC for construction of the Sankey Diversion Project as approved by Encroachment Permit No. 18491 (See Attachment D). The Project was funded by the Bureau of Reclamation and the California Department of Fish and Game, and cost approximately \$40,000,000. Later that year SAFCA began constructing the Sacramento River East Levee setback levee. The setback levee was constructed approximately 200 feet landward of the existing levee. The parcel owned in fee by SSJDD is entirely on the waterside of the new setback levee. SAFCA is currently working with DWR's Real Estate Branch to have the SSJDD easements for the newly constructed setback levee recorded.

## **6.2 – Background Regarding the Proposed Purchase**

Condition 16 in the Board Encroachment Permit requires NCMWC to provide the SSJDD fee ownership, a permanent easement and/or a joint use agreement granting all flood control rights upon, over and across the property that is occupied by the pumping plant, including that portion of the plant located on the Verona Village Property. Because the Project is located on only a small portion of the Verona Village Property, the simplest way to acquire the necessary property rights from Verona Village River Resort LLC (both for long term operation and maintenance of the Project and in order to comply with Condition 16) is through a lot line adjustment with the Property. A lot line adjustment would enable NCMWC to purchase just the small portion of Verona Village River Resort LLC's property that the Project sits on (without running afoul of the Subdivision Map Act), and would result in the Project being located on a single parcel owned by NCMWC, and encumbered by a flood control easement to the SSJDD.

In December 2013, counsel for NCMWC met with DWR and CVFPB staff to discuss the real estate issues pertaining to the Sankey Diversion Project. At the meeting NCMWC proposed to purchase the Property from the SSJDD for fair market value, and to reserve back to the SSJDD a permanent flood control easement over the Property. CVFPB staff evaluated the proposed transfer of property and determined that fee interest in the property is not necessary for the Board's flood control interests. Once NCMWC acquires the Property, it would then purchase just the necessary portion of the Verona Village Property, and grant a flood control

easement to SSJDD over that property as well. With the easements, the Board will be able to adequately protect its flood control interests.

After the December 2013 meeting, NCMWC counsel worked extensively with DWR counsel and staff to prepare a grant deed with a flood control easement reservation. NCMWC has also agreed to reserve an easement over the southern ten feet of the property for public access to the Sacramento River as required by Public Resources Code Section 6210.4. The proposed deed (see Attachment E) has been reviewed and approved by staff for the CVFPB, NCMWC, DWR, and RD 1000.

### **6.3 – Terms of Proposed Transfer**

In November 2014, NCMWC provided an appraisal of the Property to DWR staff for review. The appraisal concludes that the fair market value (FMV) of the land, as encumbered by the highly restrictive proposed flood control easement to the SSJDD, is \$410. In January 2015, the DWR, Division of Engineering (DOE), Real Estate Branch, Appraisal Section approved NCMWC's appraisal of the Property. Pursuant to DWR policy, the proposed purchase price for fee title to the Property is rounded to \$500 (nominal). Because the state is receiving FMV for the property the disposal does not constitute an impermissible gift of state property. Pursuant to Water Code § 8658, the purchase price when paid to the State Treasurer will be credited to such fund as the Board directs.

This proposed property transfer is exempt from the Department of General Services (DGS) review and approval as the conditions of the DGS Exemption Notice issued to the CVFPB are complied with (see Attachment F).

The terms of the proposed easement reservation to the SSJDD are set forth in Attachment E hereto. The easement grants the SSJDD rights for flood control purposes, and states that those rights are the dominant and superior rights. The easement rights include the following:

- The right to construct, reconstruct, enlarge, fence, plant with trees, shrubs or other vegetation growth desirable for project purposes, repair, use, operate and maintain flood control works on the Property.
- The right to clear and remove any obstructions, improvements, trees and vegetation from flood control works.
- The right to flow waters and materials on the Property.
- The right to deposit material on the Property.
- The right to excavate and remove material from the Property.

- The right to locate or relocate roads and public facilities on the Property.
- The right to restrict NCMWC from exploring, extracting, removing, drilling, mining, or operating through the surface to a depth of 100 feet on the Property.
- The right to restrict any use on the Property by anyone which may interfere with the flood control rights granted in the easement.

The easement also grants a non-exclusive public access easement on, over and across a portion of the property for the purpose of providing convenient access to a navigable stream or other body of navigable water pursuant to Public Resources Code section 6210.4.

DWR DOE Geodetic Branch has approved the legal descriptions of the Property for the proposed transfer (see Attachment E)

### **7.0 – CEQA FINDINGS**

This action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and thus is not a “project” for the purposes of the California Environmental Quality Act (Public Res. Code § 21056; Guidelines § 15378(a)).

### **8.0 – STAFF RECOMMENDATION**

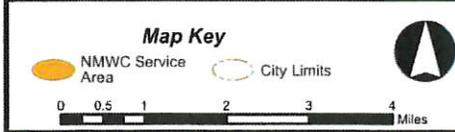
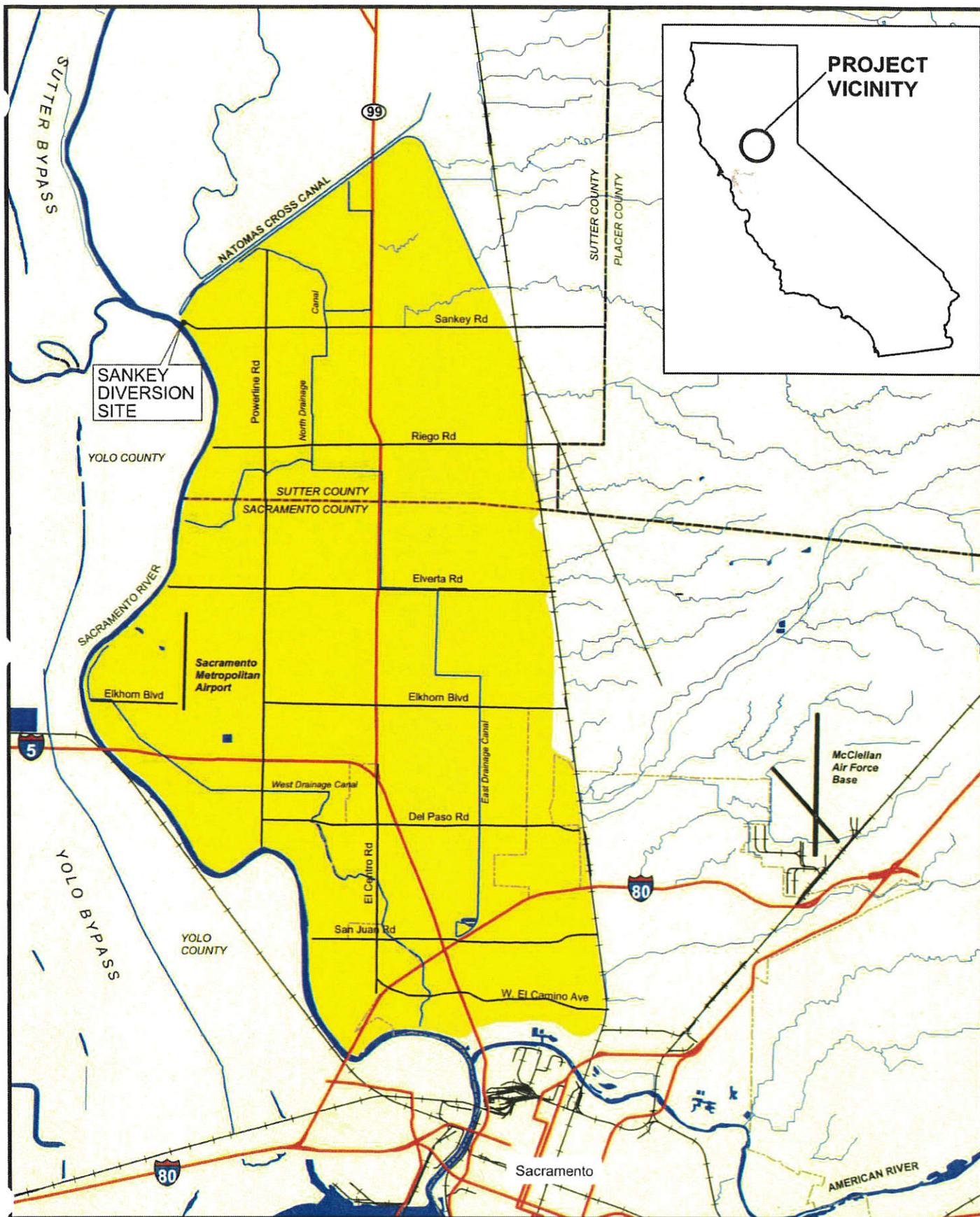
Staff recommends that the Board approve Resolution No. 2015-10.

### **9.0 – LIST OF ATTACHMENTS**

- A. Property Location Map
- B. Draft Resolution No. 2015-10
- C. Board Encroachment Permit No. 18491
- D. Temporary Permit for Entry onto State-Owned Land and License
- E. Grant Deed
- F. Department of General Services Exemption Notice dated 10/01/2013.

|                       |   |
|-----------------------|---|
| Prepared By:          | Thomas O’Neil   |
| Environmental Review: | Andrea Buckley, Senior Environmental Scientist (Specialist)   |
| Staff Report Review:  | Nicole Rinke, Deputy Attorney General<br>Mitra Emami, Operations Branch Chief<br>Leslie Gallagher, Acting Executive Officer |

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# EXHIBIT A

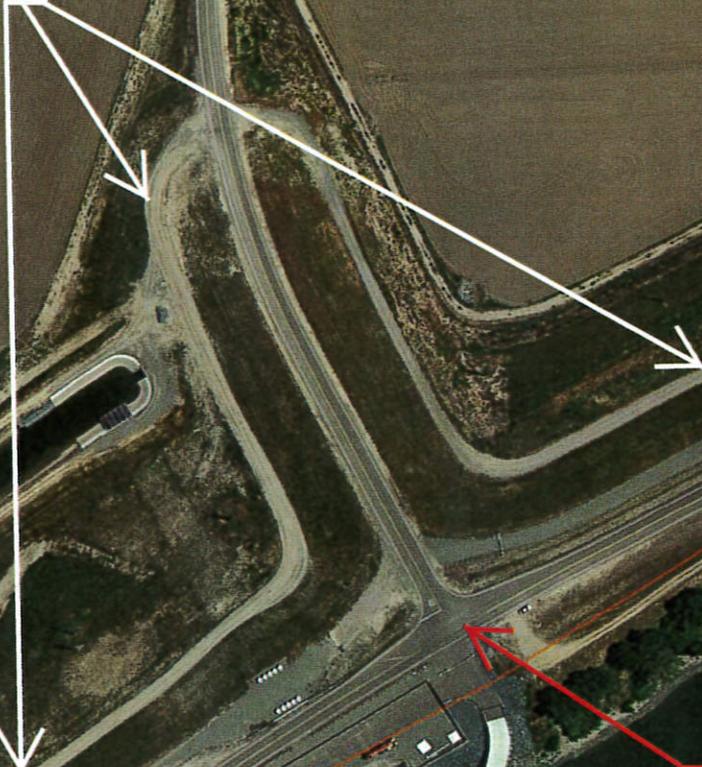
**FIGURE 1**  
**PROJECT LOCATION MAP**  
 AMERICAN BASIN FISH SCREEN AND  
 HABITAT IMPROVEMENT PROJECT  
 SANKEY DIVERSION

**CH2MHILL**

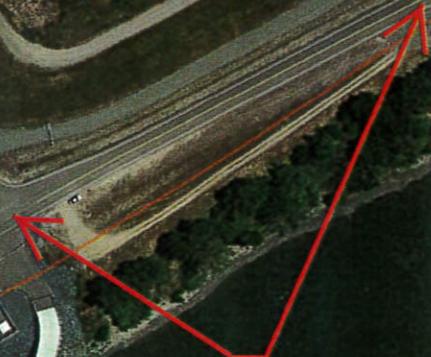


700 ft

Natomas Setback Levee



Current Levee - Garden Highway



Sankey Diversion



Natomas Central Mutual Water Company

Sankey Diversion

**Attachment B - Draft Resolution No. 2015-10**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
CENTRAL VALLEY FLOOD PROTECTION BOARD

DRAFT RESOLUTION NO. 2015-10

**NATOMAS CENTRAL MUTUAL WATER COMPANY  
AMERICAN BASIN FISH SCREEN AND HABITAT IMPROVEMENT PROJECT: SANKEY  
DIVERSION AND CANAL,  
PROPOSED REAL ESTATE ACTION**

**WHEREAS**, the Sacramento and San Joaquin Drainage District (SSJDD) owns certain real property consisting of approximately 0.801 acres located north of Sacramento in Sutter County, approximately 0.25 miles south of the confluence of the Natomas Cross Canal, that is identified by Sutter County APN 35-010-020 (Property); and

**WHEREAS**, the Central Valley Flood Protection Board (CVFPB), pursuant to Permit No. 18491, permitted the Natomas Central Mutual Water Company (NCMWC) to construct its American Basin Fish Screen and Habitat Improvement Project: Sankey Diversion and Canal (Sankey Diversion Project) on the Property; and

**WHEREAS**, the Sankey Diversion Project was constructed to address concerns regarding the potential adverse effects to local fish species caused by previous diversion facilities owned and operated by NCMWC, while assuring the reliability of the water supply for beneficial uses within the Natomas Basin; and

**WHEREAS**, NCMWC has made an offer to purchase fee title the Property from the SSJDD, acting by and through the CVFPB, for a purchase price of \$500, and to reserve back to the SSJDD a permanent flood control easement over the Property and a non-exclusive public access easement over the southern ten feet of the property in compliance with Public Resources Code Section 6210.4; and

**WHEREAS**, the CVFPB wishes to assist the NCMWC through its Sankey Diversion Project to address concerns regarding adverse effects to local fish species caused by previous diversion facilities owned and operated by NCMWC; and

**WHEREAS**, the CVFPB intends to reserve flood control rights in the form of an easement from its fee rights to the Property as described in said Grant Deed dated May 21, 1973, and recorded on October 10, 1973 at Book 8162 at page 419, and Grant Deed dated July 13, 1973, and recorded on December 18, 1973 at Book 820 at page 14; and

**WHEREAS**, the California Department of Water Resource (DWR) staff, acting on behalf of the CVFPB, has determined that the proposed purchase price of \$500 for the Property constitutes the fair market value of the Property as encumbered by a permanent flood control easement, and that NCMWC's offer of compensation for the Property is therefore appropriate and the disposition does not constitute an impermissible gift of state property; and

**EXHIBIT B**

**Attachment B - Draft Resolution No. 2015-10**

**WHEREAS**, DWR and CVFPB staff have determined under Sections 8598(d) and 8655 of the Water Code of California that fee title to the Property is no longer needed for the purposes of flood control works or other necessary or convenient purposes, and is in excess of what will be required; and

**WHEREAS**, CVFPB staff determined that this action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and thus not a project for the purposes of the California Environmental Quality Act (Public Res. Code § 21056; Guidelines § 15378(a)).

**WHEREAS**, the proposed sale of the Property to NCMWC and reservation of a flood control easement to SSJDD is exempt from the Department of General Services (DGS) review and approval because the conditions of the DGS Exemption Notice issued to the CVFPB are complied with.

**WHEREAS**, the monies received for the property when deposited with the State Treasurer will be directed to such fund as the Board directs, pursuant to Water Code Section 8658.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby accepts the offer of NCMWC to purchase the Property for a price of \$500, and to reserve a flood control easement over the Property to the SSJDD in substantially the form attached hereto; and

**BE IT FURTHER RESOLVED**, the Board hereby delegates to the Board President, the authority to execute the Grant Deed Subject to Reservation of Flood Control Easement and Non-Exclusive Public Access Easement in substantially the form attached hereto along with any associated documents necessary for the real estate transaction.

DATED:

THE CENTRAL VALLEY FLOOD PROTECTION  
BOARD OF THE STATE OF CALIFORNIA

By: \_\_\_\_\_  
William Edgar, President

By: \_\_\_\_\_  
Jane Dolan, Secretary

Approved as to Legal Form  
and Sufficiency

\_\_\_\_\_  
Robin E. Brewer, Assistant Chief Counsel  
Office of the Chief Counsel  
Department of Water Resources  
State of California

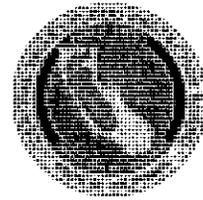
**Attachment C - Board Encroachment Permit No. 18491**

STATE OF CALIFORNIA - CALIFORNIA NATURAL RESOURCES AGENCY

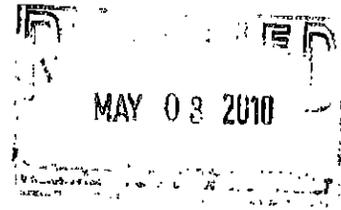
ARNOLD SCHWARZENEGGER, GOVERNOR

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0685 FAX: (916) 574-0682



APR. 30 2010



Permit No. 18491 BD

Natomas Central Mutual Water Company  
2601 West Elkhorn Blvd.  
c/o Dee Swearingen  
Rio Linda, California 95673

Enclosed is your approved Central Valley Flood Protection Board Encroachment Permit Conditions.

Under the Standard General Condition Four (4) of the permit, you are required to accomplish the work under direction and supervision of the Department of Water Resources; therefore, you must advise the Department at 3310 El Camino Avenue, Sacramento, California 95821, attention Lorraine Pendlebury, telephone (916) 574-0609, at least ten days prior to starting your project. An addressed postcard is enclosed for your convenience.

Please note that the permit grants the work proposed in your application. This permit, in addition to the twelve (12) standard conditions, includes special conditions, which may place limitations on or require modifications to your project. You are advised to read all conditions prior to starting the project. Commencing any work under this permit shall constitute an acceptance of the provisions of the permit and an agreement to perform accordingly. This permit does not relieve you from the responsibility for obtaining authorization from any State, local, or federal agencies for your proposed project.

Please refer to your permit number when communicating with this office. For further information, contact Michael Petersen at (916) 574-0685.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Yego".

FOR Jon Yego, Chief  
Floodway Protection Section  
Division of Flood Management

Enclosure

**EXHIBIT C**

**Attachment C - Board Encroachment Permit No. 18491**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**THE CENTRAL VALLEY FLOOD PROTECTION BOARD**

PERMIT NO. 18491 BD

This Permit is issued to:

Natomas Central Mutual Water Company  
2601 West Elkhorn Blvd.  
c/o Dee Swearingen  
Rio Linda, California 95673

To place rock riprap, and construct a pump station and intake structure with five 48-inch-diameter pipelines crossing up and over the left (east) bank levee of the Sacramento River. The project is located north of Sacramento approximately 0.25 miles south of the confluence of the Natomas Cross Canal (Section 23, T11N, R3E, MDB&M, Reclamation District 1000, Sacramento River, Sutter County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

APR 30 2010

Dated: \_\_\_\_\_

*Jay S. Rumba*

Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection

## Attachment C - Board Encroachment Permit No. 18491

Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

### SPECIAL CONDITIONS FOR PERMIT NO. 18491 BD

**THIRTEEN:** No work on the cofferdam is allowed until the permittee submits a set of construction drawings for the cofferdam to the Central Valley Flood Protection Board for review and approval.

**FOURTEEN:** The permittee shall submit a scour analysis and bank protection plans to the Central Valley Flood Protection Board for review and approval prior to the start of construction.

**FIFTEEN:** When work is proposed on land owned in fee by the Central Valley Flood Protection Board, the permittee shall secure an easement, license, or temporary entry permit from the Central Valley Flood Protection Board prior to commencement of work. Contact Angelica Aguilar at (916) 653-5782.

**SIXTEEN:** Within three years from completion of the construction of the work authorized under this permit, the permittee shall provide the Sacramento and San Joaquin Drainage District, acting by and through the Central Valley Flood Protection Board of the State of California, fee ownership, a permanent easement and/or a joint use agreement granting all flood control rights upon, over and across the property that is or will be occupied by the to-be-constructed pumping plant including the area of the discharge piping. The fee ownership, easement, or joint use agreement must include the area of the project within the Central Valley Flood Protection Boards' jurisdiction not presently encumbered by a Central Valley Flood Protection Board easement. For information regarding existing Central Valley Flood Protection Board Easements, please contact Angelica Aguilar at (916) 653-5782.

**SEVENTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

## Attachment C - Board Encroachment Permit No. 18491

EIGHTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Reclamation District No. 1000 or any other agency responsible for maintenance.

NINETEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY: The permittee shall provide supervision and inspection services acceptable to the Central Valley Flood Protection Board. A professional engineer registered in the State of California shall certify that all work was inspected and performed in accordance with submitted drawings, specifications, and permit conditions.

TWENTY-ONE: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 1000 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY-TWO: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-THREE: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

TWENTY-FOUR: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-FIVE: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

TWENTY-SIX: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-SEVEN: Upon completion of the project, the permittee shall submit as-built drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite LL30, Sacramento, California 95821.

TWENTY-EIGHT: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency

## Attachment C - Board Encroachment Permit No. 18491

responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-NINE: Prior to construction the permittee shall install an X, Y, Z axis based coordinate monitoring system to monitor the levee before, during and after all pile driving activities.

THIRTY: During construction of the project, any and all anticipated or unanticipated conditions encountered which may impact levee integrity or flood control shall be brought to the attention of the Flood Project Inspector immediately and prior to continuation. Any encountered abandoned encroachments shall be completely removed or properly abandoned under the direction of the Flood Project Integrity and Inspection Branch Inspector.

THIRTY-ONE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

THIRTY-TWO: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

THIRTY-THREE: No material stockpiles, temporary buildings, or equipment shall remain in the floodway during the flood season from November 1 to April 15.

THIRTY-FOUR: At all times during construction, at least one lane of the levee crown roadway shall be kept clear for vehicular access.

THIRTY-FIVE: The stability of the levee shall be maintained at all times during construction.

THIRTY-SIX: The clear spacing between adjacent piping and the trench walls shall be as shown on the submitted drawings.

THIRTY-SEVEN: Polyvinyl chloride plastic pipe Schedule 40, or better, may be used as a conduit for power or communication cables.

THIRTY-EIGHT: All piping within the levee section and within 10 feet of the levee toes shall be placed in an open cut with side slopes of 1 horizontal to 1 vertical or flatter.

THIRTY-NINE: The piping shall be installed through the levee section at a right angle to the centerline of the levee.

FORTY: All piping must be separated from parallel pipelines, conduits, and utility lines by a minimum of 12 inches, or the diameter of the largest pipeline, conduit, or utility line, whichever is larger, to a maximum of 36 inches.

FORTY-ONE: The permittee shall ensure that all pipe joints are watertight.

## Attachment C - Board Encroachment Permit No. 18491

FORTY-TWO: Pipes and joints shall be designed to withstand all anticipated loading conditions.

FORTY-THREE: The pipeline shall be tested and confirmed free of leaks by X-ray, pressure tests, or other approved methods during construction or anytime after construction upon request by the Central Valley Flood Protection Board.

FORTY-FOUR: The invert of the piping through the levee section shall be above the design flood plane elevation of 41.3 feet, NGV Datum.

FORTY-FIVE: A positive-closure device that is readily accessible during periods of high water shall be installed on each pipe on the waterward side of the levee.

FORTY-SIX: A suitable siphon breaker and protective housing shall be installed on the apex of each pipe and shall be located off the levee patrol road.

FORTY-SEVEN: All pipe joints within the levee section shall be butt welded or threaded.

FORTY-EIGHT: Excavations below the design flood plane and within the levee section or within 10 feet of the projected waterward and landward levee slopes shall have side slopes no steeper than 1 horizontal to 1 vertical. Flatter slopes may be required to ensure stability of the excavation.

FORTY-NINE: The permittee shall be responsible for all damages due to settlement, consolidation, or heave from any construction-induced activities.

FIFTY: Fill material shall be placed only within the area indicated on the approved plans.

FIFTY-ONE: All fill material (except as modified by the submitted plans) shall be imported impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

FIFTY-TWO: Imported material shall be used when developing the waterside slope fill area, and no cuts shall remain in the levee section upon completion.

FIFTY-THREE: Prior to placement of fill against the levee slope and within 10 feet of the levee toe, all surface vegetation shall be removed to a depth of 6 inches. Organic soil and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

FIFTY-FOUR: Fill on the levee slope shall be keyed into the existing levee section with each lift.

FIFTY-FIVE: Any excavations made in the levee section or within 10 feet of the levee toes (except as modified by the submitted drawings) shall be backfilled in 4- to 6-inch layers with impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Backfill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

## Attachment C - Board Encroachment Permit No. 18491

FIFTY-SIX: Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within the levee section or within 10 feet of the levee toes.

FIFTY-SEVEN: The piping shall be buried at least 24 inches below the levee crown and the levee slopes.

FIFTY-EIGHT: All fencing, gates and signs removed during construction of this project shall be replaced in kind and at the original locations. If it is necessary to relocate any fence, gate or sign, the permittee is required to obtain written approval from the Central Valley Flood Protection Board prior to installation at a new location.

FIFTY-NINE: All temporary fencing, gates and signs shall be removed upon completion of the project.

SIXTY: Any lock on a gate must be accessible to maintenance and inspection personnel and must not be casehardened.

SIXTY-ONE: Keys shall be provided to the local maintenance agency and the Department of Water Resources for all locks on gates providing access to the floodway, levee ramp, levee toe, and along the levee crown.

SIXTY-TWO: Revetment shall be uniformly placed and properly transitioned into the bank, levee slope, or adjacent revetment and in a manner which avoids segregation.

SIXTY-THREE: Revetment shall be quarry stone and shall meet the following grading:

### Quarry Stone

| Stone Size | Percent Passing |
|------------|-----------------|
| 15 inches; | 100             |
| 8 inches;  | 80-95           |
| 6 inches;  | 45-80           |
| 4 inches;  | 15-45           |
| 2 inches;  | 0-15            |

SIXTY-FOUR: The revetment shall not contain any reinforcing steel, floatable, or objectionable material. Asphalt or other petroleum-based products may not be used as fill or erosion protection on the levee section or within the floodway.

SIXTY-FIVE: The permittee shall replant or reseed the levee slopes to restore sod, grass, or other non-woody ground covers if damaged during project work.

SIXTY-SIX: The project site shall be restored to at least the condition that existed prior to commencement of work.

SIXTY-SEVEN: All debris generated by this project shall be disposed of outside the floodway and off the levee section.

## **Attachment C - Board Encroachment Permit No. 18491**

SIXTY-EIGHT: In the event existing revetment on the channel bank or levee slope is disturbed or displaced, it shall be restored to its original condition upon completion of the proposed installation.

SIXTY-NINE: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

SEVENTY: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

SEVENTY-ONE: If the proposed project result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

SEVENTY-TWO: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated April 1, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.

SEVENTY-THREE: The permittee shall comply with all conditions set forth in the letter from Reclamation District No. 1000 dated March 30, 2009, which is attached to this permit as Exhibit B and is incorporated by reference.

**Attachment C - Board Encroachment Permit No. 18491**  
**EXHIBIT A**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. Army Engineer District, Sacramento  
Corps of Engineers  
1326 J Street  
Sacramento, California 95814-2922

April 1, 2010

Flood Protection and Navigation Section (18491)

Mr. Jay Punia, Executive Officer  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room LL40  
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed a permit application by the Natomas Central Mutual Water Company (application number 18491). This project includes constructing a pump station and intake structure with five 48 inch diameter pipelines crossing up and over the left (east) bank levee of the Sacramento River. The project is located north of Sacramento, approximately 0.25 miles south of the Natomas Cross Canal, at 38.7780°N 121.6018°W NAD83, Sutter County, California. The applicant proposes to install the pump station and appurtenant structures after the project levee is set back (currently under construction with permit number 18159-3).

The District Engineer has no objection to approval of this application by your Board from a flood control standpoint, subject to the following conditions:

- a. That no excavation shall be performed or remain open in the channel during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That in the event trees and brush are cleared, they shall be properly disposed of by either complete burning or complete removal outside the limits of the project right of way.
- c. That the applicant must submit a scour analysis and bank protection plans to the USACE, Sacramento District, for review and approval before the start of construction.
- d. That if USACE determines by visual inspection that erosion has occurred as a result of the structure, the applicant shall repair the eroded areas and place adequate bank protection on the riverbank to prevent future erosion. Any erosion repairs not made prior to the next flood season may affect the eligibility of the Reclamation District 1000 - Natomas Basin system for PL84-99 rehabilitation assistance.

-2-

e. That the proposed work shall not change the streamflow in such a way, which might cause damage to the existing waterside levee slope or reduce the channel flow capacity.

f. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood damage reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

g. That the proposed bank protection (riprap) work shall be placed uniformly and properly transitioned into the natural bank.

h. That all the debris that accumulates around the screen/intake structure shall be completely removed following the flood season and immediately after major accumulations.

i. That the project section and roadways shall be restored to the existing lines and grade.

j. That any debris collected by this project shall be disposed of outside the limits of the project right-of-way.

k. That the proposed excavation within the freeboard area should be sloped no steeper than 1V on 1.5H and be backfilled with flowable fill. Flowable fill shall consist of either controlled low-strength material (CLSM) or lean mix concrete. The CLSM or lean-mix concrete shall have a 28-day compressive strength of between 15 and 50 psi.

l. That the invert of the pipes through the levee section shall be above the design profile, which is referenced as 41.3 feet COE datum in the Sacramento River Flood Control Project, Levee and Channel Profiles, file number 50-10-3334, sheet 1 of 4, dated March 15, 1957. The Sacramento District of the Corps of Engineers is currently working to determine the exact relationship between design profiles (which are referenced to a "Corps of Engineers datum" or to a "U.S. engineer datum"), to NAVD88.

m. That the proposed pipe crossing shall be designed and constructed in accordance with U.S. Army Corps of Engineers' Engineering Manual (EM) 1110-2-1913, dated April 30, 2000, Design and Construction of Levees, Sacramento District's Levee Design Guidance Standard Operating Procedure #3, and California Code of Regulations Title 23 Waters, Division 1 Reclamation Board.

n. That the proposed pipe shall be designed and constructed to prevent 1) flotation, 2) scour or embankment erosion, 3) damage from debris, particularly during flood flows, 4) leakage, 5) corrosion, and 6) damage from vehicular loads.

-3-

o. That the proposed pipes shall include shut-off valves on the waterside edge of the levee crown.

p. That the applicant shall periodically inspect the shut-off valves to ensure they are functioning properly.

q. That the applicant shall provide and install suitable siphon breakers on the pipes.

A copy of this letter is being furnished to Mr. Daniel Meyersöhn, Acting Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,

*for Bruce Handal*

Kevin Knuuti, P.E.  
Chief, Engineering Division

**Attachment C - Board Encroachment Permit No. 18491**

**EXHIBIT B**  
The Resources Agency

State of California

DEPARTMENT OF WATER RESOURCES  
CENTRAL VALLEY FLOOD PROTECTION BOARD

**APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD  
ENCROACHMENT PERMIT**

Application No. -18491  
(For Office Use Only)

1. Description of proposed work:

The proposed project includes a new diversion fish screen/intake, new canal work to provide for connection to the existing Natomas Mutual's irrigation system, and demolition and/or decommissioning of some existing facilities. Please see Attachment A (Project Description) for a complete description of the proposed work.

2. Location: Sacramento River/Natomas Cross Canal County, in Section Sutter County, 13,23,24,25 & 26

Township: 11 N (N) (S), Range 3 E (W), M. D. B. & M.

3. Dee Swearingen, NCMWC of 2601 West Elkhorn Blvd  
Name of Applicant Address

|                  |           |              |                     |
|------------------|-----------|--------------|---------------------|
| <u>Rio Linda</u> | <u>CA</u> | <u>95673</u> | <u>916-419-5936</u> |
| City             | State     | Zip Code     | Telephone Number    |
|                  |           |              | <u>916-419-8691</u> |
|                  |           |              | Fax Number          |

4. Endorsement: (of Reclamation District)

We, the Trustees of Reclamation District 1000  
Name and District Number

approve this plan, subject to the following conditions:

Conditions listed on back of this form       Conditions Attached       No Conditions

Paul Amy 3/30/2009  
Trustee Date Trustee Date  
Not required by Resolution of the Board of Trustees  
September 14, 1984

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

|   |   |              |
|---|---|--------------|
| <u>Odysseus Farms</u>                           | <u>PO Box H, Yuba City, CA</u>                      | <u>95992</u> |
| Name  | Address   | Zip Code     |
| <u>Sacramento/San Joaquin Drainage District</u> | <u>9<sup>th</sup> and O Streets, Sacramento, CA</u> | <u>95814</u> |
| <u>Faces, Inc.</u>                              | <u>2000 K Street, Sacramento, CA</u>                | <u>95814</u> |

**RD1000**

RECLAMATION  
DISTRICT 1000

**Permit Conditions**

**Permit Application No.** Unnumbered

**Location:** Sacramento River East Levee—RM 78.8 (approx)

**Applicant:** Natomas Central Mutual Water Company

**Description:** Construct Sankey Diversion Water Intake Structure

**CONDITIONS:**

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such removal, alteration, relocation or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the encroaching facilities interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work
4. Permittee shall notify the District one week in advance of the start of construction.
5. Permittee shall coordinate this project with the proposed Natomas Levee Improvement Project (NLIP) by the Sacramento Area Flood Control Agency (SAFCA). The plans dated December 2008 shall be revised to conform with the latest proposed NLIP improvement plans, as they may subsequently be revised by SAFCA. Such modifications by SAFCA may require subsequent modifications by Permittee. Such modifications shall be at Permittee's sole cost. The current proposed NLIP plans include an adjacent levee at this location. The revised plans shall be submitted and approved by the District and the Central Valley Flood Protection Board (CVFPB) prior to construction.
6. Construction of the proposed encroachment shall be scheduled and done in a manner so as not to interfere with or delay construction of the proposed NLIP levee improvements at this location.

**Attachment C - Board Encroachment Permit No. 18491**

7. All work within the channel and/or on the levee must be done between April 15 and November 1 unless otherwise approved by the District and the CVFPB.
8. Permittee may not use the levee crown or adjacent easement area for staging construction or storing materials without specific approval by the District. If approved by the District, the levee crown shall be fully restored to its pre-project condition to the satisfaction of the District. In addition, if adverse weather conditions are forecast or other emergency condition arises, the Permittee shall immediately remove any equipment or materials stored on the levee and restore the levee surface for all-weather access to the satisfaction of the District.
9. Permittee shall remain responsible for any damages to the flood control system caused by the permitted encroachment including, but not limited to, erosion on the landside or waterside levee slope, or bank erosion. Any such damage shall be repaired prior to the next flood season to the satisfaction of the District.
10. The District reserves the right to request reasonable modifications to the project during construction as field conditions warrant.
11. Permittee shall restore the levee and adjacent area to the satisfaction of the District upon completion of the project.

# Attachment D - Temporary Permit for Entry onto State-Owned Land and License

## DEPARTMENT OF WATER RESOURCES

- Exploration  
 Survey  
 Construction

Project Name: Natomas Mutual Water Company  
Sankey Diversion Project  
Parcel No.: Sutter County APN 35-010-020

### TEMPORARY PERMIT FOR ENTRY ONTO STATE-OWNED LAND

Permission is hereby granted to the undersigned PERMITTEE to enter upon a portion of the property of the Sacramento and San Joaquin Drainage District, acting by and through the Central Valley Flood Protection Board of the State of California, hereinafter referred to as **STATE**, referenced above and shown on the attached drawing or description labeled Exhibit "A" in the county of Sutter, State of California, for the purpose of site preparation for the Natomas Mutual Water Company, Sankey Diversion Project.

STATE hereby grants this non-assignable permit subject to the following terms and conditions:

1. This Permit is made upon the express condition that the State of California is to be held harmless from all liability and claims for damages by reason of any injury to any person or persons including PERMITTEE, or property of any kind whatsoever and to whomsoever belonging, including PERMITTEE, from any cause or causes whatsoever while in, upon, or in any way connected with the Premises during the term of this Permit or any occupancy hereunder, except those arising out of the sole negligence of the STATE. PERMITTEE agrees to defend, indemnify and save harmless the State of California from all liability, loss, cost or obligation on account of or arising out of any such injury or loss, however occurring.
2. In the exercise of the rights herein granted, PERMITTEE is responsible for any damage, destruction or loss occurring to the property or facilities of STATE, its water contractors, lessees, licensees, permittees or other members of the public. PERMITTEE shall indemnify and save harmless STATE for all such damage, destruction or loss, or at the option of STATE, PERMITTEE shall repair or replace said property to the satisfaction of STATE.
3. All personal property, tools, or equipment taken onto or placed upon the permit property by PERMITTEE shall remain the personal property of PERMITTEE. Such personal property shall be promptly removed by PERMITTEE, at its sole risk and expense, upon the expiration or sooner termination of this Permit. STATE does not accept any responsibility for any damage, including damage caused by flooding or theft, to any personal property, including any equipment, tools or machinery on the permit property.
4. STATE may terminate this permit without cause or fault at any time during the term of the permit.
5. PERMITTEE agrees to vacate the premises within twenty-four (24) hours in the event of emergency as determined by STATE.
6. PERMITTEE shall furnish to STATE a Certificate of Insurance at the time the permit is signed, stating that there is liability insurance presently in effect for PERMITTEE with bodily injury and property damage limits of not less than \$1,000,000 per occurrence. The certificate of insurance will provide:
  - a. That insurer will not cancel the insured's coverage without 30 days' prior written notice to STATE.
  - b. That STATE, its officers, agents, employees and servants are included as additional named insureds, but only insofar as the operations under this permit are concerned.
  - c. That STATE will not be responsible for any premiums or assessments on the policy.
  - d. That premises included in this permit is covered by the policy.

PERMITTEE agrees that the bodily injury liability insurance herein provided for shall be in effect at all times during the term of this permit. In the event said insurance coverage expires at any time or times during the term of this permit, PERMITTEE agrees to provide at least thirty (30) days prior to said

**Attachment D - Temporary Permit for Entry onto State-Owned Land and License**

expiration date, a new certificate of insurance evidencing insurance coverage as provided for herein for not less than the remainder of the term of the permit. In the event PERMITTEE fails to keep in effect at all times insurance coverage as herein provided, STATE may, in addition to any other remedies it may have, terminate this permit upon the occurrence of such event.

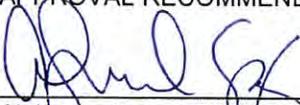
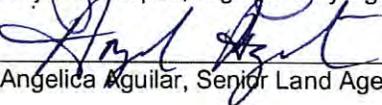
7. Special Conditions attached  yes  no (Exhibit B)

PERMIT EXPIRES JUNE 30, 2011

PERMITTEE's Name and Address:

Dee E. Swearingen  
Natomas Mutual Water Company  
2601 West Elkhorn Blvd.  
Rio Linda, California 95673

APPROVAL RECOMMENDED:

 7/9/2010  
Alejandra Lopez, Right of Way Agent Date  
 7/12/10  
Angelica Aguilar, Senior Land Agent Date

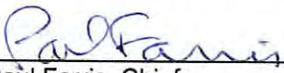
  
Signature

Date: 6-18-2010

Signature

Date: \_\_\_\_\_

APPROVED:  
SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through the Central Valley Flood Protection Board of the State of California

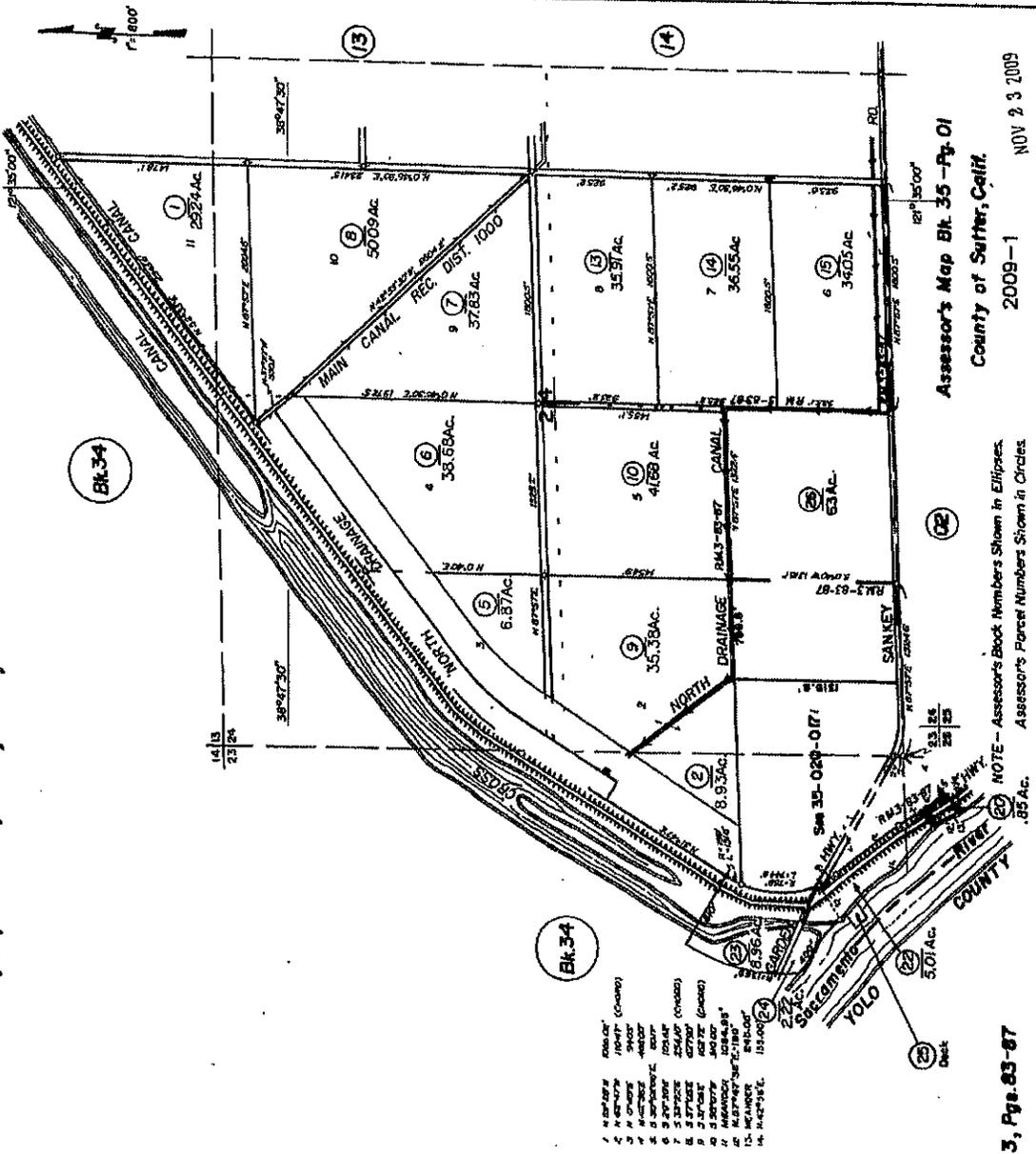
  
Paul Farris, Chief  
Real Estate Branch

Date: 7/12/10

**Attachment D - Temporary Permit for Entry onto State-Owned Land and License**

**POR SECS. 13, 23, 24 & 26, T11N, R3E, M.D.B.M.**

**Tax Area Code 62-004 35-01**



**Assessor's Map Blk. 35 - Pg. 01**  
**County of Sutter, Calif.**  
 2009-1 NOV 23 2009

**NOTE - Assessor's Block Numbers Shown in Ellipses.**  
**Assessor's Parcel Numbers Shown in Circles.**

**Natomas Bennett Subd., R.M. Blk. 3, Pgs. 83-87**

# Attachment D - Temporary Permit for Entry onto State-Owned Land and License

State of California

Department of Water Resources

California Natural Resources Agency

Maint. Yard: Sutter Maintenance Yard  
Location: Section 23, T11N, R3E, MDB&M  
Parcel Nos.: Board Parcel Nos. 10631 and 10766  
APN 35-010-020 (Sutter County)

State of California

## CENTRAL VALLEY FLOOD PROTECTION BOARD

### LICENSE

THE SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through the Central Valley Flood Protection Board of the State of California, hereinafter referred to as BOARD, licenses revocable, nonexclusive use of State property, hereinafter referred to as PREMISES, at the location and under conditions set forth in Sections 1, 2, and 3 of this License.

### SECTION 1

**LICENSEE:** NATOMAS CENTRAL MUTUAL WATER COMPANY

**LICENSEE ADDRESS AND PHONE:** 2601 West Elkhorn Boulevard  
Rio Linda, California ~~95697~~  
95673

**STATE ADDRESS:** The Central Valley Flood Protection Board  
c/o Department of Water Resources  
Division of Engineering  
Real Estate Branch  
Post Office Box 942836  
Sacramento, California 94236-0001

**LOCATION:** Sutter County. See Section 3 (map)

**LICENSED USE:** To place rock riprap, and construct a pump station and intake structure with five 48-inch diameter pipeline crossing up and over the left (east) bank levee of the Sacramento River as approved by Board Encroachment Permit No. 18491. The project is located north of Sacramento approximately 0.25 miles south of the confluence of the Natomas Cross Canal (Section 23, T11N, R3E, MDB&M, Reclamation District 1000, Sacramento River, Sutter County).

### IMPROVEMENTS LICENSED FOR USE:

**TERM:** 1 Year - February 1, 2014 - January 31, 2015

**LICENSE FEE:** \$500 annual fee

**INSURANCE REQUIRED:**  yes  no

**CONSENT OF TENANT REQUIRED:**  yes  no

### SPECIAL CONDITIONS:

LICENSEE shall comply with all laws regarding work hours, noise levels, lights, and/or other local impacts.

LICENSEE shall prevent the contamination of the PREMISES and surrounding land and waterways through the use of Best Management Practices for erosion and contamination control as outlined in the State of California Department of Transportation March 2003 Construction Site Best Management Practices (BMP) Manual. Specifically, LICENSEE shall comply to Section 7, subsection NS-8 (vehicle and equipment cleaning), NS-9 (vehicle and equipment fueling) and NS-10 (vehicle and equipment maintenance) (attached) if any of the covered activities are performed on the Premises.

LICENSEE shall comply with the conditions of the Environmental Clearance Permit dated 9/17/09 (attached).

# Attachment D - Temporary Permit for Entry onto State-Owned Land and License

## SECTION 2

1. **USE OF PREMISES: LICENSED USE** is to be strictly construed. LICENSEE shall not use or permit use of any part of PREMISES for any purpose or purposes other than the use hereinabove specified. This License is revocable permission, grants no interest in real property to LICENSEE for the use herein licensed, and BOARD does not warrant that the land is capable of being used for the licensed use. This License and the uses licensed hereunder are not assignable.  
  
LICENSEE shall exercise reasonable care that no damage shall occur to PREMISES and shall not do or permit any act or thing to be done upon the PREMISES which is a nuisance or which may disturb the quiet enjoyment by BOARD or interfere with the operations of BOARD or any tenant of property.  
  
BOARD makes no warranty or representation as to its title to the area covered by this License. Licensed uses shall be subordinate to all existing easements, covenants, servitudes, licenses and rights of way for canals, ditches, levees, roads, highways, telegraph, telephone and electric power lines, railroads, pipeline and other purposes whether recorded or not and rights of others under any existing oil, gas, mineral lease or other leases or uses affecting the PREMISES or any portion thereof, whether recorded or not.
2. **COMPLIANCE WITH LAW:** LICENSEE shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements and orders whatever, present or future, of the national, State, county or municipal government which may in any way apply to the use, maintenance or occupation of or operations on the PREMISES by LICENSEE hereunder.
3. **INDEMNIFICATION:** This License is made upon the express condition that the State of California is to be held harmless from all liability and claims for damages by reason of any injury to any person or persons, including LICENSEE, or property of any kind whatsoever and to whomsoever belonging, including LICENSEE, from any cause or causes whatsoever while in, upon, or in any way connected with the PREMISES during the term of this License or any occupancy hereunder, except those arising out of the sole negligence of BOARD. LICENSEE agrees to defend, indemnify and save harmless the State of California, its officers, employees, contractors and agents from all liability, loss, cost or obligation on account of or arising out of any such injury or loss, however occurring.
4. **DAMAGE:** In the exercise of the rights herein granted, LICENSEE is responsible for any damage, destruction or loss occurring to the PREMISES or facilities of BOARD, its water contractors, lessees, LICENSEES, permittees or other members of the public. LICENSEE shall indemnify and save harmless BOARD for all such damage, destruction or loss, or at the option of BOARD, LICENSEE shall repair or replace said property to the satisfaction of BOARD.
5. **FUTURE MOVING OF INSTALLATION:** LICENSEE shall at the LICENSEE's sole cost and expense, remove, alter, relocate or reconstruct all or any part of the work herein approved immediately upon the order of BOARD to do so, and in the manner prescribed thereby, should said work or any portion thereof not conform to the provisions of this order, or should said work or any portion thereof be injurious to or damage any works necessary to any plan of BOARD or the Legislature, or should it interfere with the successful execution, functioning or operation of any such plan of flood control, or should such removal, alteration, relocation or reconstruction be necessary under or in conjunction with any present or future flood control plans for the area in which the work herein approved is to be accomplished, and in case applicant delays acting upon any such order of BOARD, BOARD may proceed to perform the required work, and the cost thereof shall be paid by LICENSEE.
6. **MAINTENANCE:** The LICENSEE shall properly maintain any encroachment placed by LICENSEE on BOARD's property.

## Attachment D - Temporary Permit for Entry onto State-Owned Land and License

7. **INSURANCE:** If required by Section 1, LICENSEE shall furnish to BOARD a Certificate of Insurance at the time the License is signed, stating that there is liability insurance presently in effect for LICENSEE with bodily injury and property damage limits of not less than \$1,000,000 per occurrence. The certificate of insurance will provide:

- a. That the insurer will not cancel the insured's coverage without thirty (30) days' prior written notice to BOARD.
- b. That BOARD, its officers, agents, employees and servants are included as additional named insureds, but only insofar as the operations under this License are concerned.
- c. That BOARD will not be responsible for any premiums or assessments on the policy.
- d. That PREMISES included in this License is covered by the policy.

LICENSEE agrees that the bodily injury liability insurance herein provided for shall be in effect at all times during the term of this License. In the event said insurance coverage expires at any time or times during the term of this License, LICENSEE agrees to provide at least thirty (30) days prior to said expiration date, a new certificate of insurance evidencing insurance coverage as provided for herein for not less than the remainder of the term of the License, or for a period of not less than one (1) year. In the event LICENSEE fails to keep insurance coverage in effect at all times as herein provided, BOARD may, in addition to any other remedies it may have, terminate this License upon the occurrence of such event.

8. **HAZARDOUS MATERIALS:** LICENSEE shall not possess, use or dispose of any hazardous materials or waste on BOARD's property, or cause to be possessed, used or disposed, without the express written consent of BOARD.
9. **TERMINATION:** Either party herein reserves the right to terminate this License upon providing written notice to the other party. This License is revocable by BOARD without cause or fault.
10. **VACATION:** LICENSEE agrees to vacate PREMISES within twenty-four (24) hours in the event of emergency as determined by BOARD.
11. **TERMINATION AND RESTORATION OF THE PREMISES:** Termination of this License in any manner as to all or any part of the PREMISES, shall not relieve LICENSEE from any obligation or liability theretofore accrued hereunder, nor prejudice, or in any way affect the right of BOARD to enforce any right or remedy it may have had before such termination. Upon any such termination, LICENSEE shall within three (3) days remove all of LICENSEE's improvements and personal property from the PREMISES and restore them to a condition satisfactory to BOARD. At its option, BOARD may remove the same and restore the PREMISES, and LICENSEE agrees to reimburse BOARD for the cost thereof upon demand.
12. **DEFAULT, ENFORCEMENT, OR BREACH COSTS:** LICENSEE shall pay, upon demand, all costs and expenses (including attorney's fees in a reasonable amount) incurred by BOARD to enforce any of the covenants, conditions and provisions of this License, or to dispossess LICENSEE, irrespective of whether or not court action shall be brought.
13. **NOTIFICATION:** Any notice or demand by either party to the other in connection with this License shall be deemed to be fully given or made when written and deposited in a sealed envelope in the United States mail, registered or certified and postage prepaid, and addressed to the party to whom given at the address specified in Section 1. Either party may change its address by giving the other party written notice of its new address as herein provided. BOARD may give notice by phone to LICENSEE in emergency situations which may require LICENSEE to vacate PREMISES within twenty-four (24) hours.

**Attachment D - Temporary Permit for Entry onto State-Owned Land and License**

SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through the Central Valley Flood Protection Board of the State of California

ACCEPTED:

Paul Farris

Paul Farris, Chief  
Real Estate Branch

Date: 2/28/14

Natomas Muluk Water Company

Dalton  
Licensee

Date: 1-28-14

APPROVED as to Legal Form and Sufficiency:

[Signature]  
Legal Counsel for the Central Valley Flood Protection Board

Date: 2.27.14

Address 2601 West Elkhorn Blvd  
Gr. Linda, CA 95673

Phone: \_\_\_\_\_

Consent of Tenant(s)

We as tenant(s) of the land described in this License do hereby consent to the execution of said License for the purposes herein set forth.

Tenant: \_\_\_\_\_

Tenant: \_\_\_\_\_

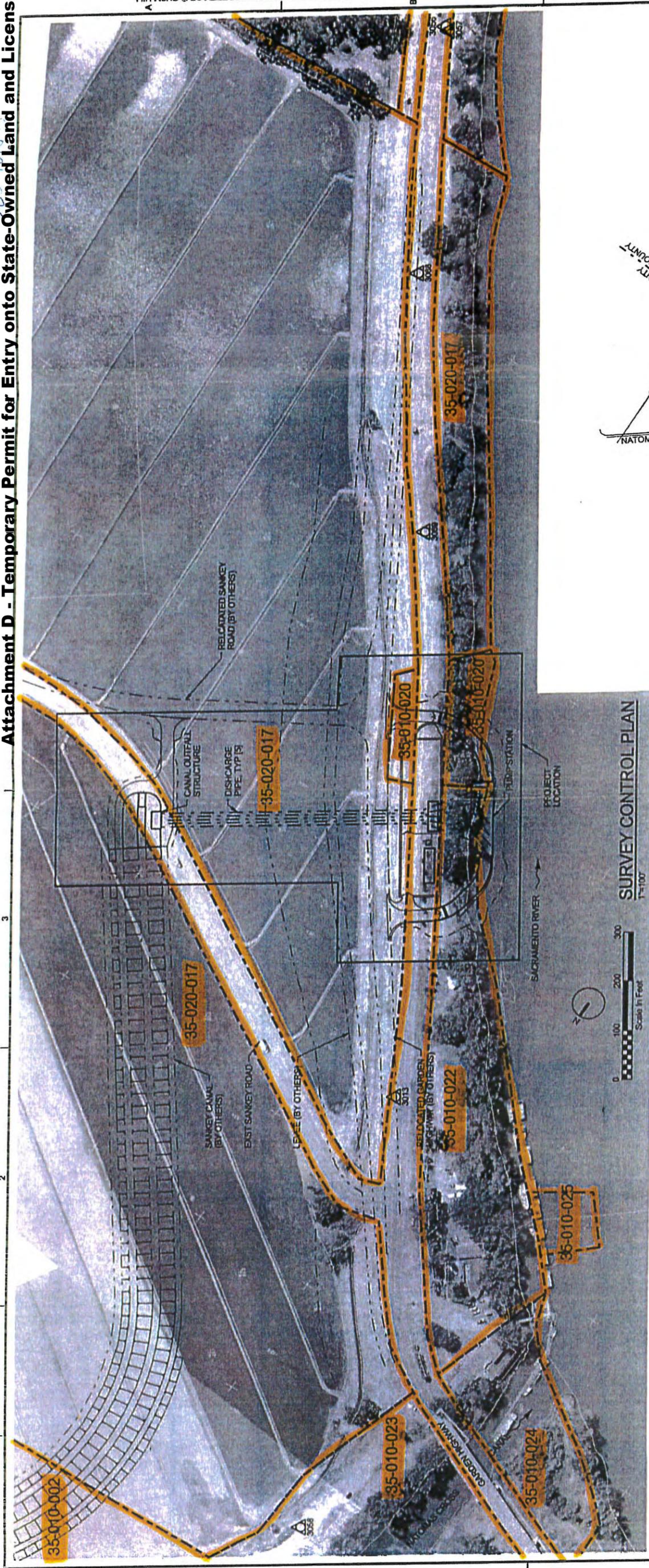
Address: \_\_\_\_\_

Address: \_\_\_\_\_

**SECTION 3 (MAP)**

**Attachment D - Temporary Permit for Entry onto State-Owned Land and License**

SECTION 2

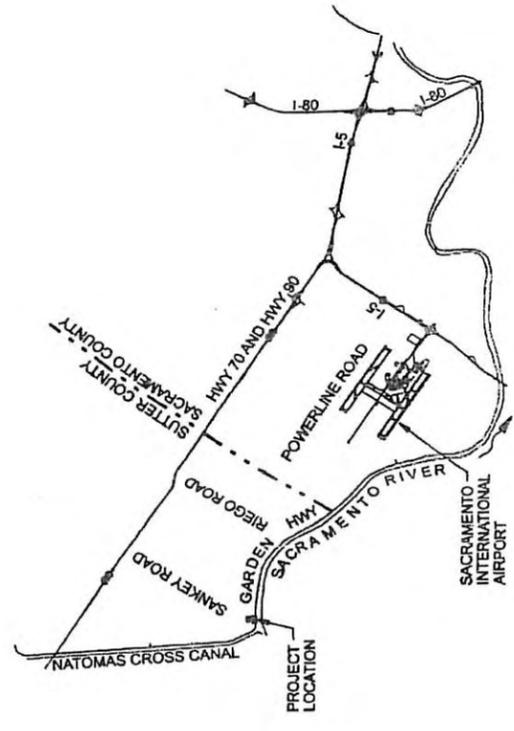


**HORIZONTAL AND VERTICAL SURVEY CONTROL POINT DATA**

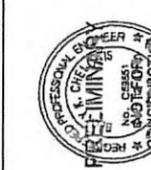
| POINT # | NORTHING   | EASTING    | ELEVATION | DESCRIPTION                          |
|---------|------------|------------|-----------|--------------------------------------|
| 2056    | 2047984.02 | 6675482.68 | 41.51     | 5/8" REBAR WITH CAP STAMPED "PSOMAS" |
| 3013    | 2045845.47 | 6675078.51 | 42.90     | 2" ALUM. CAP "ANDREGG 960-13"        |
| 3056    | 2044014.84 | 6676249.90 | 36.05     | 3 1/2" BRASS CAP "GAGING STATION"    |
| 3057    | 2044017.43 | 6676238.93 | 36.05     | STAFF BOARD MARKED "39.00"           |
| 3058    | 2046656.87 | 6674730.89 | 42.90     | 1/2" RB+KASL CAP                     |
| 3059    | 2050516.86 | 6676105.68 | 43.07     | 1/2" RB+KASL CAP                     |
| 3068    | 2044451.98 | 6676003.89 | 41.78     | 1/2" RB+KASL CAP                     |
| 3069    | 2044874.62 | 6675693.71 | 41.81     | 1/2" RB+KASL CAP                     |
| 4021    | 2054285.11 | 6682985.71 | 41.99     | 1/2" RB+KASL CAP                     |
| 4022    | 2053958.95 | 6682544.70 | 42.12     | 1/2" RB+KASL CAP                     |
| 4023    | 2053874.54 | 6682170.41 | 41.70     | 1/2" RB+KASL CAP                     |
| 4024    | 2053301.46 | 6681712.40 | 41.87     | 1/2" RB+KASL CAP                     |
| 4025    | 2053831.16 | 6682370.24 | 42.48     | 1/2" RB+KASL CAP                     |

**NOTES:**

- COORDINATES ARE BASED ON THE CALIFORNIA STATE PLANE, ZONE 2, NORTH AMERICAN DATUM OF 1983 (NAD83).
- ELEVATIONS ARE BASED ON THE NATIONAL GEODESIC VERTICAL DATUM OF 1929 (NGVD29).
- MAPPING SHOWN WAS PREPARED BY PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY DATED [REDACTED] AND WAS PREPARED BY [REDACTED]. CONTOUR INTERVAL SHOWN ON PLAN SHEETS IS ONE FOOT. DASHED CONTOURS AND UNDERLINED SPOT ELEVATIONS IN AREAS OF DENSE VEGETATION MAY DEVIATE FROM TRUE ELEVATION BY ONE HALF THE HEIGHT OF THE VEGETATION.



**LOCATION MAP**  
NTS

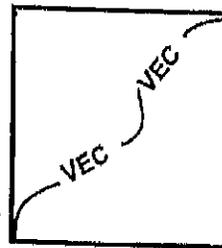
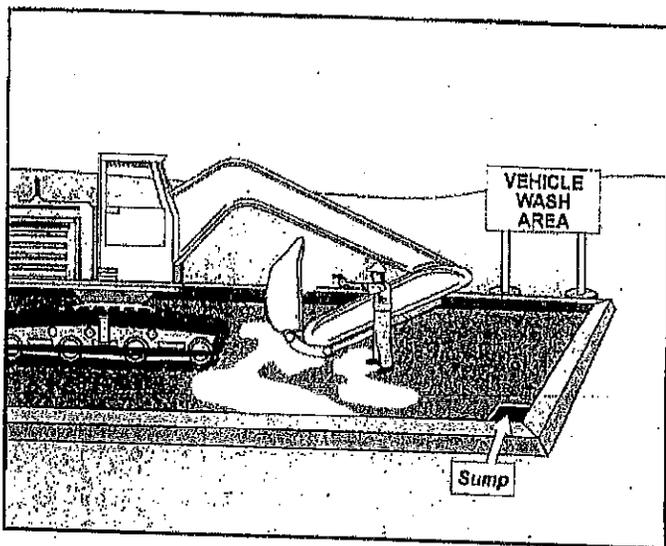


|   |                      |   |   |
|---|----------------------|---|---|
| <b>CH2MHILL</b><br>AREA OFFICE:<br>2408 NATOMAS PARK DR.<br>SUITE 100<br>SACRAMENTO, CA 95833<br>(916) 434-3300 |                      | VERIFY SCALE<br>BAR IS ONE INCH ON<br>ORIGINAL DRAWING.<br>IF NOT ONE INCH ON<br>THIS SHEET, ADJUST<br>SCALES ACCORDINGLY.<br>(SEE 205-300) | DESIGN OFFICE:<br>2525 ARPAK DR.<br>REDDING, CALIFORNIA<br>96001-2033   |
| DESIGN: B. CHELONIS<br>DR. B. CHELONIS<br>CHK: L. ALLIGER<br>APVD: P. RYAN                                      | NO. DATE<br>REVISION | BY APVD   | NATOMAS MUTUAL WATER COMPANY<br>AMERICAN BASIN FISH SCREEN AND<br>HABITAT IMPROVEMENT PROJECT<br>SANKEY DIVERSION |
| CIVIL<br><b>SANKEY DIVERSION</b><br><b>LOCATION MAP AND SURVEY CONTROL PLAN</b>                                 |                      | SHEET<br>DWG SNK-G-3<br>DATE NOVEMBER 2008<br>PROJ 172791   | FLOTTING: 1/1/2009<br>PLOTTING: 2/9/2009  |

REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL.

# Vehicle and Equipment Cleaning

**NS-8**



Standard Symbol

**BMP Objectives**

- Soil Stabilization
- Sediment Control
- Tracking Control
- Wind Erosion Control
- Non-Storm Water Management
- Materials and Waste Management

**Definition and Purpose** Vehicle and equipment cleaning procedures and practices are used to minimize or eliminate the discharge of pollutants from vehicle and equipment cleaning operations to storm drain system or to watercourses.

**Appropriate Applications** These procedures are applied on all construction sites where vehicle and equipment cleaning is performed.

**Limitations** ■ None.

- Standards and Specifications**
- On-site vehicle and equipment washing is discouraged.
  - Cleaning of vehicles and equipment with soap, solvents or steam shall not occur on the project site unless the Resident Engineer (RE) has been notified in advance and the resulting wastes are fully contained and disposed of outside the highway right-of-way in conformance with the provisions in the Standard Specifications Section 7-1.13. Resulting wastes and by-products shall not be discharged or buried within the highway right-of-way, and must be captured and recycled or disposed according to the requirements of WM-10, "Liquid Waste Management" or WM-6, "Hazardous Waste Management," depending on the waste characteristics. Minimize use of solvents. The use of diesel for vehicle and equipment cleaning is prohibited.
  - Vehicle and equipment wash water shall be contained for percolation or evaporative drying away from storm drain inlets or watercourses and shall not be discharged within the highway right-of-way. Apply sediment control BMPs if applicable.
  - All vehicles/equipment that regularly enter and leave the construction site must be cleaned off-site.
  - When vehicle/equipment washing/cleaning must occur onsite, and the



## Vehicle and Equipment Cleaning

**NS-8**

operation cannot be located within a structure or building equipped with appropriate disposal facilities, the outside cleaning area shall have the following characteristics, and shall be arranged with the construction storm water coordinator:

- Located away from storm drain inlets, drainage facilities, or watercourses.
- Paved with concrete or asphalt and bermed to contain wash waters and to prevent run-on and runoff.
- Configured with a sump to allow collection and disposal of wash water.
- Wash waters shall not be discharged to storm drains or watercourses.
- Used only when necessary.
- When cleaning vehicles/equipment with water:
  - Use as little water as possible. High pressure sprayers may use less water than a hose, and shall be considered.
  - Use positive shutoff valve to minimize water usage.
  - Facility wash racks shall discharge to a sanitary sewer, recycle system or other approved discharge system and shall not discharge to the storm drainage system or watercourses.

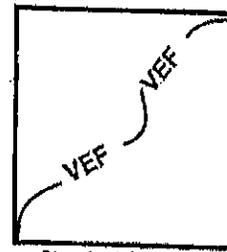
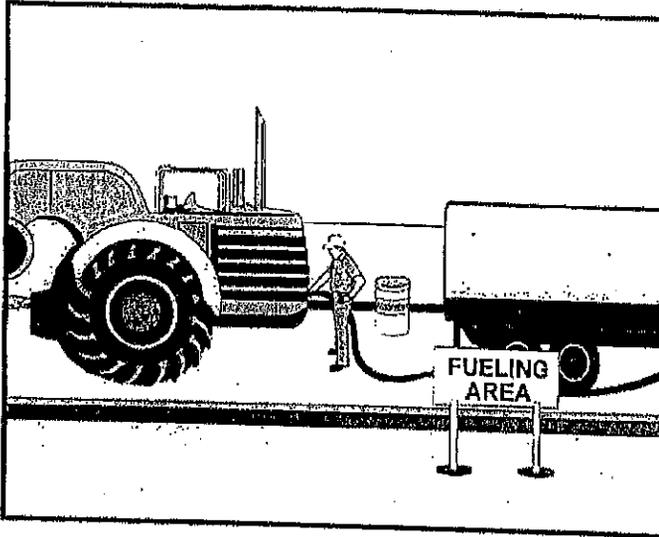
### Maintenance and Inspection

- The control measure shall be inspected at a minimum of once a week.
- Monitor employees and subcontractors throughout the duration of the construction project to ensure appropriate practices are being implemented.
- Inspect sump regularly and remove liquids and sediment as needed or as directed by the RE.



# Vehicle and Equipment Fueling

**NS-9**



Standard Symbol

**BMP Objectives**

- Soil Stabilization
- Sediment Control
- Tracking Control
- Wind Erosion Control
- Non-Storm Water Management
- Materials and Waste Management

**Definition and Purpose** Vehicle and equipment fueling procedures and practices are designed to minimize or eliminate the discharge of fuel spills and leaks into storm drain systems or to watercourses.

**Appropriate Applications** These procedures are applied on all construction sites where vehicle and equipment fueling takes place.

**Limitations**

- Onsite vehicle and equipment fueling shall only be used where it's impractical to send vehicles and equipment off-site for fueling.

**Standards and Specifications**

- When fueling must occur onsite, the contractor shall select and designate an area to be used, subject to approval of the Resident Engineer (RE).
- Absorbent spill clean-up materials and spill kits shall be available in fueling areas and on fueling trucks and shall be disposed of properly after use.
- Drip pans or absorbent pads shall be used during vehicle and equipment fueling, unless the fueling is performed over an impermeable surface in a dedicated fueling area.
- Dedicated fueling areas shall be protected from storm water run-on and runoff, and shall be located at least 15 m (50 ft) from downstream drainage facilities and watercourses. Fueling must be performed on level-grade areas.
- Nozzles used in vehicle and equipment fueling shall be equipped with an automatic shut-off to control drips. Fueling operations shall not be left unattended.
- Protect fueling areas with berms and/or dikes to prevent run-on, runoff, and to contain spills.



## Vehicle and Equipment Fueling

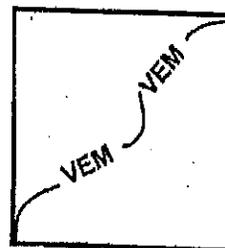
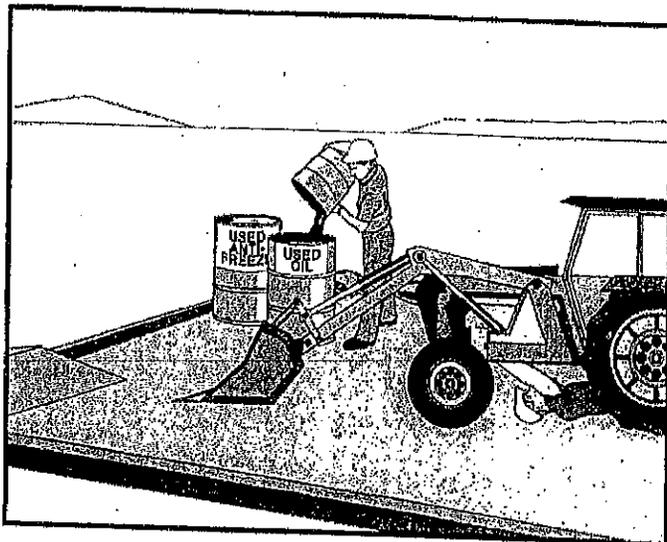
**NS-9**

- Use vapor recovery nozzles to help control drips as well as air pollution where required by Air Quality Management Districts (AQMD). Ensure the nozzle is secured upright when not in use.
- Fuel tanks shall not be "topped-off."
- Vehicles and equipment shall be inspected on each day of use for leaks. Leaks shall be repaired immediately or problem vehicles or equipment shall be removed from the project site.
- Absorbent spill clean-up materials shall be available in fueling and maintenance areas and used on small spills instead of hosing down or burying techniques. The spent absorbent material shall be removed promptly and disposed of properly.
- Federal, state, and local requirements shall be observed for any stationary above ground storage tanks. Refer to WM-1, "Material Delivery and Storage."
- Mobile fueling of construction equipment throughout the site shall be minimized. Whenever practical, equipment shall be transported to the designated fueling area.
- Fueling areas and storage tanks shall be inspected regularly.
- Keep an ample supply of spill cleanup material on the site.
- Immediately cleanup spills and properly dispose of contaminated soil and cleanup materials.

### Maintenance and Inspection



# Vehicle and Equipment Maintenance NS-10



Standard Symbol

- BMP Objectives**
- Soil Stabilization
  - Sediment Control
  - Tracking Control
  - Wind Erosion Control
  - Non-Storm Water Management
  - Materials and Waste Management

**Definition and Purpose** Procedures and practices to minimize or eliminate the discharge of pollutants to the storm drain systems or to watercourses from vehicle and equipment maintenance procedures.

**Appropriate Applications** These procedures are applied on all construction projects where an onsite yard area is necessary for storage and maintenance of heavy equipment and vehicles.

**Limitations** ■ None identified.

- Standards and Specifications**
- Drip pans or absorbent pads shall be used during vehicle and equipment maintenance work that involves fluids, unless the maintenance work is performed over an impermeable surface in a dedicated maintenance area.
  - All maintenance areas are required to have spill kits and/or use other spill protection devices.
  - Dedicated maintenance areas shall be protected from storm water run-on and runoff, and shall be located at least 15 m (50 ft) from downstream drainage facilities and watercourses.
  - Drip Pans or plastic sheeting shall be placed under all vehicles and equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is planned to be idle for more than one hour.
  - Absorbent spill clean-up materials shall be available in maintenance areas and shall be disposed of properly after use. Substances used to coat asphalt transport trucks and asphalt-spreading equipment shall be non-toxic.
  - Use off-site maintenance facilities whenever practical.



## Vehicle and Equipment Maintenance **NS-10**

- For long-term projects, consider constructing roofs or using portable tents over maintenance areas.
  - Properly dispose of used oils, fluids, lubricants, and spill cleanup materials.
  - Do not dump fuels and lubricants onto the ground.
  - Do not place used oil in a dumpster or pour into a storm drain or watercourse.
  - Properly dispose or recycle used batteries.
  - Do not bury used tires.
  - Repair of fluid and oil leaks immediately.
  - Provide spill containment dikes or secondary containment around stored oil and chemical drums.
- Maintenance and Inspection
- Maintain waste fluid containers in leak proof condition.
  - Vehicle and equipment maintenance areas shall be inspected regularly.
  - Vehicles and equipment shall be inspected on each day of use. Leaks shall be repaired immediately or the problem vehicle(s) or equipment shall be removed from the project site.
  - Inspect equipment for damaged hoses and leaky gaskets routinely. Repair or replace as needed.



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**WHEN RECORDED RETURN TO:  
Natomas Central Mutual Water Company  
c/o Brett Gray  
2601 West Elkhorn Blvd.  
Rio Linda, California 95673**

Project: Natomas Central Mutual Water Company  
Sankey Diversion Project

APN: 35-010-020

**GRANT DEED  
SUBJECT TO RESERVATION OF  
FLOOD CONTROL EASEMENT AND  
NON-EXCLUSIVE PUBLIC ACCESS EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through THE CENTRAL VALLEY FLOOD PROTECTION BOARD of the State of California ("Grantor"), GRANTS to the NATOMAS CENTRAL MUTUAL WATER COMPANY ("Company") all that real property, or interest therein together with all improvements and fixtures thereon, in the County of Sacramento, State of California, described in Exhibits "A" and "B", attached hereto and made a part thereof ("Property"), subject to the reservations set forth below.

**Reservation of Flood Control Easement**

1. Easement. Grantor hereby reserves the following non-exclusive easement ("Easement") on, over and across the property described in Exhibit "A" attached hereto and made a part hereof ("Easement Area") for flood control purposes, subject to the limitations set forth herein.

2. Limitations on Grantor's Use. Company has constructed the Sankey Diversion Project ("Project") on the Easement Area. The Project consists of rock rip rap and a pump station and intake structure with five 48-inch diameter pipelines crossing up and over the left (east) bank levee of the Sacramento River, as approved by the Central Valley Flood Protection Board Encroachment Permit 18491, dated April 30, 2010. The limitations on Grantor's use identified below are intended to be coexistent and concurrent with Central Valley Flood Protection Board Encroachment Permit 18491. If the Central Valley Flood Protection Board terminates Permit 18491, the limitations on Grantor's use described below shall also be terminated. Grantor shall exercise commercially reasonably good faith efforts so as to not use or permit the Easement Area to be used in any way that

interferes with the operation and maintenance of the Project. For avoidance of doubt, Grantor hereby acknowledges that the foregoing limitation shall include not:

(A) Removing the Project or otherwise making any alterations, additions or improvements to the Project.

(B) Using the Easement Area in any way which will affect the structural soundness of the Project, cause damage to the Project, impair the integrity of the Project, or require frequent repair to the Project.

(C) Using the Easement Area in any way which will unreasonably restrict the ability of the Company or its successors to operate and maintain the Project.

3. Description of Easement. Subject to the limitations on Grantor's use set forth herein, the easement rights herein reserved by Grantor for flood control purposes, being rights necessary for the protection of lives and property, are the dominant and superior rights which include:

(A) Grantor may use the Easement Area to construct, reconstruct, enlarge, fence, plant with trees, shrubs or other vegetation, preserve and retain all vegetative growth desirable for project purposes, repair and use flood control works ("Flood Control Works"), which shall include, but not be limited to, haul and patrol roads, levees, ditches, embankments, channels, berms, fences and appurtenant structures, and operate and maintain said Flood Control Works in conformity with the Code of Federal Regulations, Corps of Engineers' Standard Operation and Maintenance Manual, and State of California Standards.

(B) Grantor may clear and remove from said Flood Control Works any and all natural or artificial obstructions, improvements, trees and vegetation necessary for construction, operation, maintenance, repair, reconstruction, and emergency flood fighting.

(C) Grantor may flow waters and materials and by said flow erode.

(D) Grantor may place or deposit earth, debris, sediment, or other material.

(E) Grantor may excavate and remove earth, debris, sediment, or other material, including that placed or deposited as above.

(F) Grantor may locate or relocate roads and public facilities.

(G) Grantor may restrict the rights of the Company, its successors and assigns, without limitations, to explore, extract, remove, drill, mine, or operate through the surface or upper 100 feet of the subsurface in exercise of the Company's interest in any minerals, including oil and gas.

(H) Grantor may restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto.

4. Binding on Successors and Assigns. The provisions hereof shall inure to the benefit of and be binding upon Grantor and Company and their respective successors and assigns.

**Reservation of Access Easement**

1. Easement. Grantor hereby reserves the following non-exclusive easement (“Easement”) on, over and across the property described in Exhibit “C” and depicted in Exhibit “D” attached hereto and made a part hereof (“Access Easement Area”) for the purpose of providing convenient access to the Sacramento River pursuant to Public Resources Code section 6210.4.

IN WITNESS WHEREOF, the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through THE CENTRAL VALLEY FLOOD PROTECTION BOARD of the State of California, has caused this Grant Deed to be executed as of the date set forth below the signature line. I hereby certify that all conditions for exemption have been complied with and this document is exempt from Department of General Services approval.

SACRAMENTO AND SAN JOAQUIN DRAINAGE  
DISTRICT, acting by and through the Central Valley Flood  
Protection Board of the State of California

\_\_\_\_\_  
William H. Edgar, President

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Robin Brewer  
Assistant Chief Counsel  
Department of Water Resources

Date: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

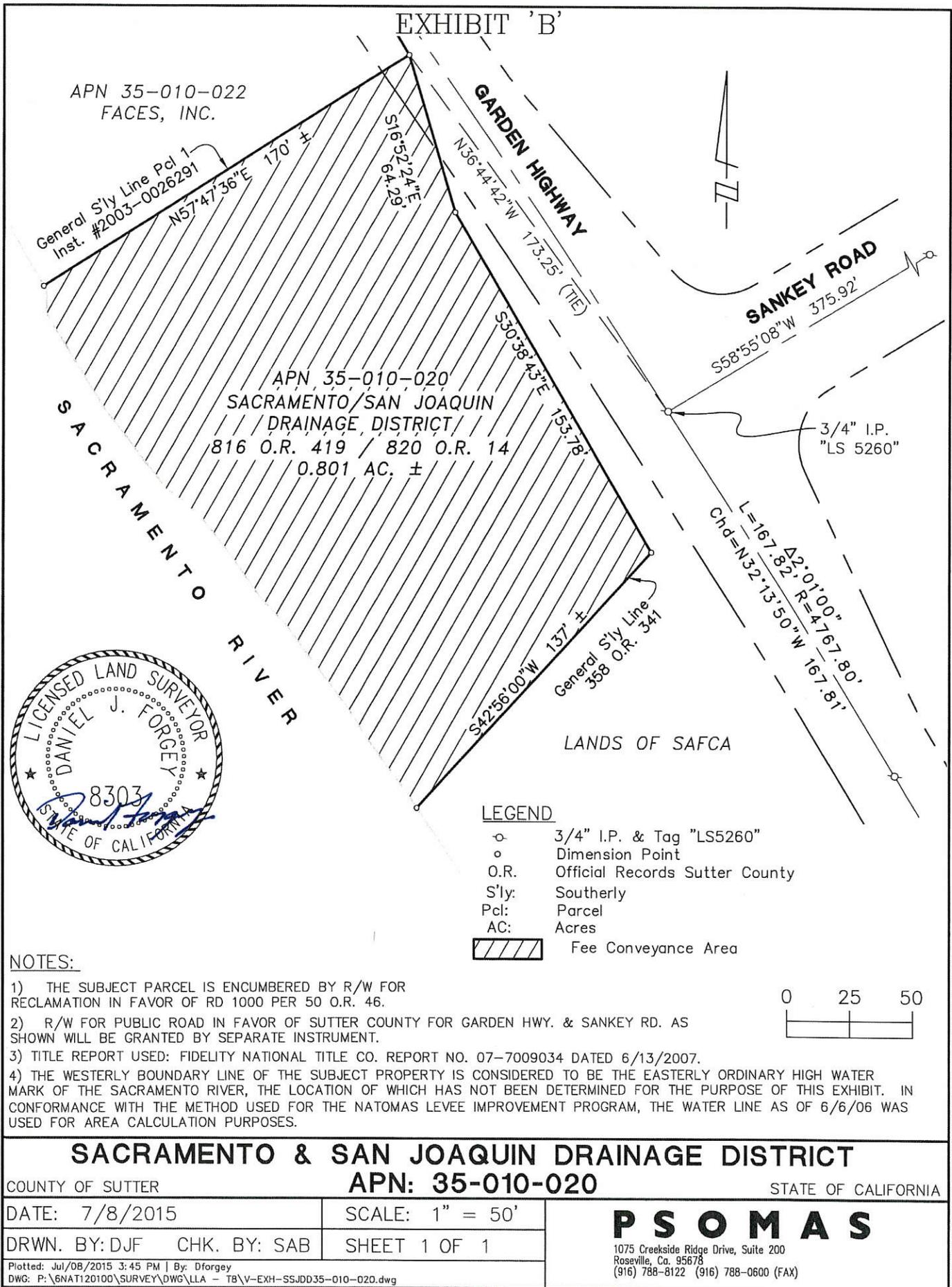
**PARCELS 10631-A & 10766-A**

All that real property situated in the County of Sutter, State of California, in Section 26, Township 11 North, Range 3 East, Mount Diablo Meridian, being the lands of Sacramento and San Joaquin Drainage District as said lands are described in those certain Grant Deeds recorded in Book 816 of Official Records, at Page 419, and in Book 820 of Official Records, at Page 14, both of Sutter County Records.

Containing 0.801 acres, more or less.

End of Description





**LEGEND**

- 3/4" I.P. & Tag "LS5260"
- Dimension Point
- O.R. Official Records Sutter County
- S'y: Southerly
- Pcl: Parcel
- AC: Acres
- Fee Conveyance Area

**NOTES:**

- 1) THE SUBJECT PARCEL IS ENCUMBERED BY R/W FOR RECLAMATION IN FAVOR OF RD 1000 PER 50 O.R. 46.
- 2) R/W FOR PUBLIC ROAD IN FAVOR OF SUTTER COUNTY FOR GARDEN HWY. & SANKEY RD. AS SHOWN WILL BE GRANTED BY SEPARATE INSTRUMENT.
- 3) TITLE REPORT USED: FIDELITY NATIONAL TITLE CO. REPORT NO. 07-7009034 DATED 6/13/2007.
- 4) THE WESTERLY BOUNDARY LINE OF THE SUBJECT PROPERTY IS CONSIDERED TO BE THE EASTERLY ORDINARY HIGH WATER MARK OF THE SACRAMENTO RIVER, THE LOCATION OF WHICH HAS NOT BEEN DETERMINED FOR THE PURPOSE OF THIS EXHIBIT. IN CONFORMANCE WITH THE METHOD USED FOR THE NATOMAS LEVEE IMPROVEMENT PROGRAM, THE WATER LINE AS OF 6/6/06 WAS USED FOR AREA CALCULATION PURPOSES.



**SACRAMENTO & SAN JOAQUIN DRAINAGE DISTRICT**

COUNTY OF SUTTER

**APN: 35-010-020**

STATE OF CALIFORNIA

DATE: 7/8/2015

SCALE: 1" = 50'

DRWN. BY: DJF CHK. BY: SAB

SHEET 1 OF 1

**PSOMAS**

1075 Creekside Ridge Drive, Suite 200  
 Roseville, Ca. 95678  
 (916) 788-8122 (916) 788-0600 (FAX)

**EXHIBIT " C "**  
**ACCESS EASEMENT**  
**LEGAL DESCRIPTION**

A strip of land 10 feet wide in the County of Sutter, State of California, in Section 26, Township 11 North, Range 3 East, Mount Diablo Meridian, being a portion of the lands of Sacramento and San Joaquin Drainage District as said lands are described in those certain Grant Deeds recorded in Book 816 of Official Records at Page 419, and in Book 820 of Official Records at Page 14, both of Sutter County Records, the northerly line of said strip being described as follows:

**COMMENCING** at a  $\frac{3}{4}$ " iron pipe with brass tag "LS 5260" marking the centerline intersection of Garden Highway and Sankey Road, said iron pipe lying South  $58^{\circ}55'08''$  West 375.92 feet from an identical iron pipe monument marking the westerly point of tangency of a 1000.00 foot radius curve on said centerline of Sankey Road; thence from said point of commencement South  $14^{\circ}31'39''$  West 47.57 feet to a point on the general easterly line of said lands, said point being the **POINT OF BEGINNING**; thence along a line that is parallel with and 10.00 feet northerly of the general southerly line of said lands South  $42^{\circ}56'00''$  West 138 feet more or less to a point on the general westerly line of said lands, said point being the **POINT OF TERMINATION**.

Containing 1372 S.F., more or less.

The basis of bearings for this description is NAD 83, California State Coordinate System, Zone 2 (1991.35 epoch date) and is based on the NLIP project survey control established by Psomas and documented on the Record of Survey filed in Book 18 of Record of Surveys, Page 172, Sutter County Records. All distances cited herein are grid values, which are the basis for the areas shown hereon. To obtain ground values multiply the distances and by 1.00006027.



End of Description

EXHIBIT 'D'

APN 35-010-022  
FACES, INC.

APN 35-010-020  
SACRAMENTO/SAN JOAQUIN  
DRAINAGE DISTRICT  
816 O.R. 419 / 820 O.R. 14  
0.801 AC. ±



NOTES:

- 1) THE SUBJECT PARCEL IS ENCUMBERED BY R/W FOR RECLAMATION IN FAVOR OF RD 1000 PER 50 O.R. 46.
- 2) R/W FOR PUBLIC ROAD IN FAVOR OF SUTTER COUNTY FOR GARDEN HWY. & SANKEY RD. AS SHOWN WILL BE GRANTED BY SEPARATE INSTRUMENT.
- 3) TITLE REPORT USED: FIDELITY NATIONAL TITLE CO. REPORT NO. 07-7009034 DATED 6/13/2007.
- 4) THE WESTERLY BOUNDARY LINE OF THE SUBJECT PROPERTY IS CONSIDERED TO BE THE EASTERLY ORDINARY HIGH WATER MARK OF THE SACRAMENTO RIVER, THE LOCATION OF WHICH HAS NOT BEEN DETERMINED FOR THE PURPOSE OF THIS EXHIBIT. IN CONFORMANCE WITH THE METHOD USED FOR THE NATOMAS LEVEE IMPROVEMENT PROGRAM, THE WATER LINE AS OF 6/6/06 WAS USED FOR AREA CALCULATION PURPOSES.

**ACCESS EASEMENT**  
**APN: 35-010-020**

COUNTY OF SUTTER STATE OF CALIFORNIA

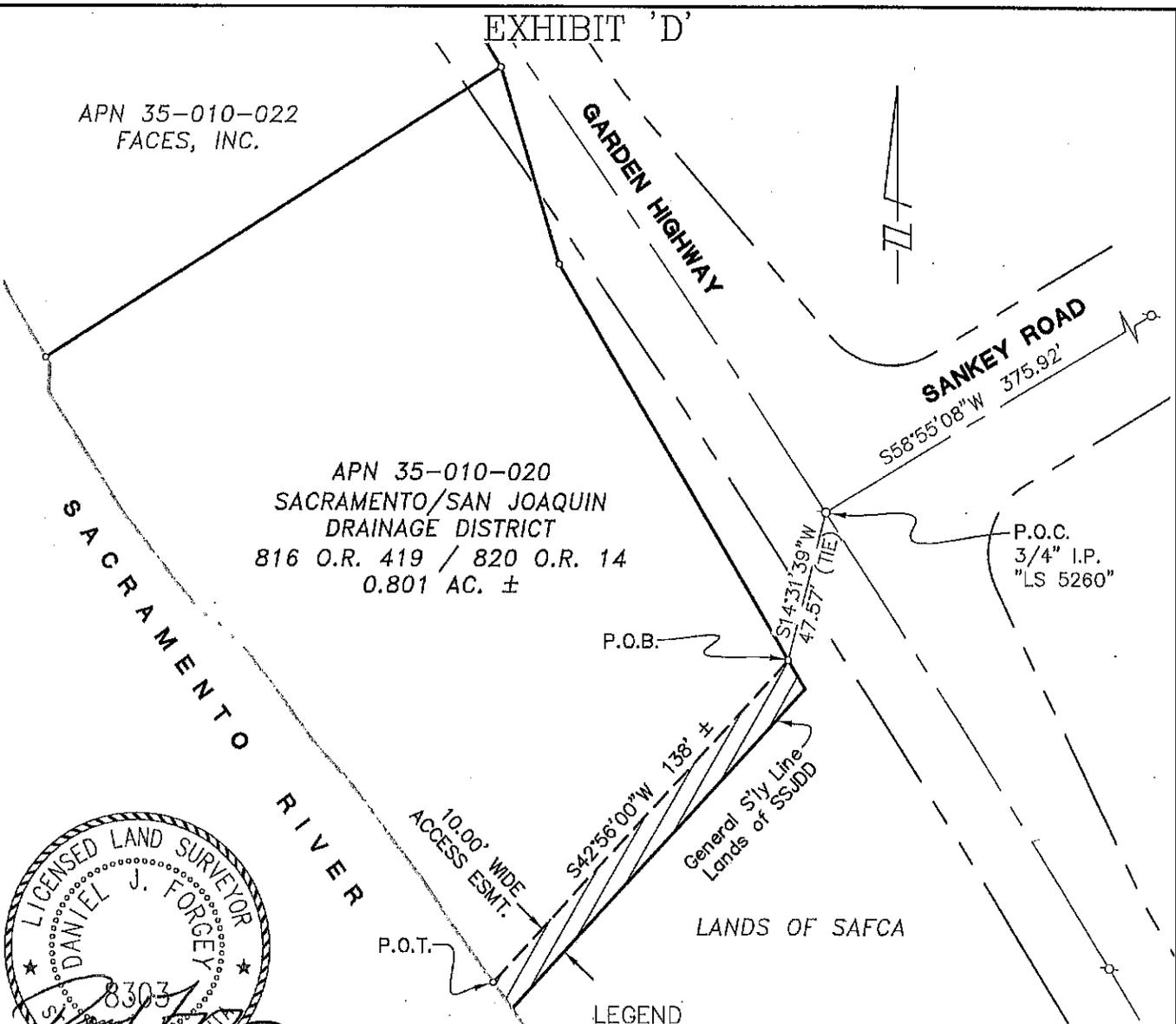
DATE: 7/16/2015 SCALE: 1" = 50'

DRWN. BY: DJF CHK. BY: SAB SHEET 1 OF 1

Plotted: Jul/16/2015 3:08 PM | By: Dforgey  
DWG: P:\BNATI\20100\SURVEY\DWG\LLA - TB\V-EXH-Access-Easmt.dwg

**PSOMAS**

1075 Creekside Ridge Drive, Suite 200  
Roseville, Ca. 95678  
(916) 788-8122 (916) 788-0600 (FAX)



LEGEND

- 3/4" I.P. & Tag "LS5260"
- Dimension Point
- O.R. Official Records Sutter County
- S'y: Southerly
- Pcl: Parcel
- P.O.C.: Point of Commencement
- P.O.B.: Point of Beginning
- P.O.T.: Point of Termination

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DEPARTMENT OF GENERAL SERVICES  
EXEMPTION NOTICE

Exemption No.: 34.7, 21.5

Supersedes No.: 34.6, 21.4

Effective Date: 10/01/13

Expiration Date: Until Rescinded

Exemption Issued To: Department of Water Resources (DWR), The Central Valley Flood Protection Board (CVFPB)

Subject Of Exemption: Sales/Exchanges of State-owned Real Property;  
Easements/Licenses/Permits over State-owned Real Property;  
Leases over State-owned Real Property;  
Real Property Acquisitions

Whereas, the DWR has certain powers as to the acquisition, management and disposal of real property for State Water Project purposes in accordance with California Water Code Sections 250, et seq., and 11575; and,

Whereas, the CVFPB has certain powers as to the acquisition, management and disposal of real property for flood control purposes in accordance with Water Code Sections 8550 and 8590, et seq.;

Now, therefor, pursuant to Section 14667.1 of the Government Code, the Department of General Services (DGS) hereby exempts from its review and approval the following real property transactions:

1. Sales/Exchanges of State-owned real property under the jurisdiction of DWR or CVFPB;
2. Grants or conveyances of easements, licenses or permits over State-owned real property under the jurisdiction of DWR or CVFPB;
3. Leases over State-owned real property under the jurisdiction of DWR or CVFPB;
4. The acquisition by DWR or CVFPB of real property rights, except office space, via fee title, easement, license, lease or permit;

Provided, the following conditions are complied with:

1. The transaction, or property exchange, does not involve more than ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000), either as a single payment, the total of payments made over a period of time, or the value of the State-owned real property exchanged.
2. DWR or CVFPB assumes full responsibility and liability for legal, policy and all other aspects of the transaction, Item No. 1 hereinabove notwithstanding.
3. DWR or CVFPB shall, in compliance with Section 11011.15 of the Government Code, provide in a timely manner to DGS, Real Estate Services Division, Statewide Property Inventory fully executed originals (if conveyance is to the State) or complete and legible photocopies (if conveyance is from the State) of documents conveying real property or property rights (deeds, contracts, etc., excepting licenses, leases or permits), whether or not the transaction is exempt as herein, together with pertinent or supportive or explanatory data, including title policies when appropriate.

**EXHIBIT F**

**Attachment F - Department of General Services Exemption Notice dated 10/01/2013**

DEPARTMENT OF GENERAL SERVICES  
EXEMPTION NO. 34.7, 21.5

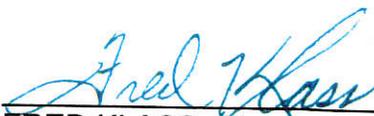
Page 2

4. For exempt real property transactions, the officers or employees signing on behalf of DWR or CVFPB shall use the following certification, which shall appear on all copies of each document being part of the transaction (deed, contract, license, lease, permit, etc.):

"I hereby certify that all conditions for exemption have been complied with and this document is exempt from Department of General Services approval."

The officer or employee that signs the certification must have the authority to execute contracts on behalf of DWR or CVFPB. The signature for certification is an action separate from the signature executing the document.

DATED: 10/2/13

  
\_\_\_\_\_  
FRED KLASS, Director  
Department of General Services

APPROVED AS TO  
LEGAL SUFFICIENCY

DATED: 10/4/13

  
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KATHLEEN YATES, Staff Counsel IV  
Department of General Services

cc: State Controller