

MINUTE ITEM

8/26/70
EWC

4. PUBLIC AGENCY PERMIT, TIDE AND SUBMERGED LANDS IN OLD RIVER, SAN JOAQUIN COUNTY; DEPARTMENT OF WATER RESOURCES - W-8723; P.R.C. 4492.9.

After consideration of Calendar Item 12 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO THE DEPARTMENT OF WATER RESOURCES OF A FIVE-YEAR-AND-THREE-MONTH PERMIT AGREEMENT FROM SEPTEMBER 1, 1970, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL AT ANY TIME IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, FOR THE ANNUAL CONSTRUCTION, OPERATION, MAINTENANCE, AND REMOVAL OF A TEMPORARY STONE CLOSURE OF OLD RIVER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF. THE PROPOSED DOCUMENT IS TO BE IN THE FORM ON FILE IN THE OFFICE OF THE COMMISSION, WHICH BY REFERENCE IS MADE A PART HEREOF (EXHIBIT "C").

Attachment:

Calendar Item 12 (3 pages)

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12.

PUBLIC AGENCY PERMIT AGREEMENT

APPLICANT: Department of Water Resources.

LOCATION: A 1.027-acre parcel of tide and submerged land in Old River immediately downstream from the bifurcation of Old River and the San Joaquin River, San Joaquin County.

LAND USE: A temporary closure of the river during extremely dry summers to upgrade water quality and flow for salmon spawning.

TERMS: 5 years and 3 months, from September 1, 1970.

Nonstandard terms: A copy of the proposed document is on file in the office of the Commission (Exhibit "C").

CONSIDERATION: No charge. The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PREREQUISITE ITEMS:

Applicant is lessee or permittee of upland.

This project has the approval of Reclamation Board (permit on file), and has cleared the Resources Agency with no objection.

The Corps of Engineers permit has not yet been issued; however, the agreement will be executed only if a Corps permit is issued.

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be \$150.

2. This is a stone closure which can be removed on short notice by a crane barge. During extremely low-water summers, retrograde tidal flows and low-dissolved-oxygen-content prevent salmon migration up the San Joaquin River, particularly in the Stockton deep water channel, and inhibit spawning farther up in the San Joaquin tributaries. The placement of the closure during the period September 15 through November 15, at the latest, in dry summer years, together with Federal water releases from the Delta Mendota Canal, will force a continual flow of better quality water through the Stockton area, minimizing detrimental effects. The project is a part of a four-party agreement between the State Department of Water Resources, the State Department of Fish and Game, the U.S. Bureau of Reclamation, and the U.S. Bureau of Sport Fisheries and Wildlife,

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for interim measures pending completion in 1976 of the Delta Peripheral Canal (copy of agreement on file). Other features of the four-party agreement include the establishment of two fish-release sites now under permit from this Division under P.R.C.'s 3782.9 and 3783.9 (to Department of Water Resources).

3. The temporary blocking of public access across the subject property appears, in the staff's opinion, to provide a greater public benefit and is not an unreasonable limitation of the public interest in commerce and navigation.

EXHIBITS:

- A. Land description.
- B. Location map.
- C. Proposed Permit Agreement.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO THE DEPARTMENT OF WATER RESOURCES OF A FIVE-YEAR-AND-THREE-MONTH PERMIT AGREEMENT FROM SEPTEMBER 1, 1970, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL AT ANY TIME IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, FOR THE ANNUAL CONSTRUCTION, OPERATION, MAINTENANCE, AND REMOVAL OF A TEMPORARY STONE CLOSURE OF OLD RIVER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF. THE PROPOSED DOCUMENT IS TO BE IN THE FORM ON FILE IN THE OFFICE OF THE COMMISSION, WHICH BY REFERENCE IS MADE A PART HEREOF (EXHIBIT "C").

Attachment: Exhibit "A"

EXHIBIT "A"

A strip of tide and submerged land 200 feet in width across Old River immediately downstream from the bifurcation of Old River and the San Joaquin River lying 100 feet on each side of the following described centerline:

BEGINNING at a point from which a spike and washer at the northwest corner of Section 35, T. 1 S., R. 6 E., M.D.M., bears N. 82° 15' 09" E., 11,246.55 feet; thence from said point of beginning N. 10° 18' 16" E., 600 feet to the end of the herein described centerline.

To the extent that same shall cross the tide and submerged land of the State of California within the bed of Old River.