

Agreement to Participate in the Delta Alternative Compliance Plan (DACP)

for Annual Supplemental Statement of Water Diversion and Use Reporting
Beginning with Reports for Water Year 2022

(Updated January 22, 2024)

(Updates to the original WY 2022 version of this Agreement are shown in red text and pertain only to the annual Participation Fee for Places of Use outside the CDWA and SDWA.)

Plan Administrators:

The Central Delta Water Agency (CDWA) and South Delta Water Agency (SDWA).

Overview of the DACP:

The CDWA and SDWA developed the DACP in collaboration with the Delta Watermaster and numerous other Delta interests in the “Delta Measurement Experimental Consortium” to serve as an “alternative compliance plan” to address the new water measurement laws that were adopted in 2015-2016. The plan is an alternative to installing physical metering devices on every siphon, pump, floodgate or other point of diversion that provides water to a place of use within the Legal Delta.

Under the DACP, in lieu of reporting how much water is moved through each point of diversion, the DACP will, instead, report the overall consumptive use of water within the place of use served by each point of diversion. The consumptive use information under the DACP will be derived from satellite information collected by “OpenET” (<https://openetdata.org/>).¹

The DACP was prepared in conformance with the new water measurement laws and filed with the Delta Watermaster’s Office on December 21, 2021. Diverters who participate in the DACP, and comply with the terms and conditions of the DACP, will be in compliance with those measurement laws.

DACP Eligibility Requirements:

- Only Statement Numbers (“SO___” numbers) are eligible for participation in the DACP. (Water Licenses (“AO___” numbers) are not currently eligible.)
- The Place of Use of the Statement Number must be located within the Legal Delta.
 - See attached map of the boundaries of the “Legal Delta” (as defined by Water Code section 12220). The “Legal Delta” includes both the “primary” and “secondary” zones depicted on that map.

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¹ More detailed information on the DACP can be found here:

https://www.waterboards.ca.gov/water_issues/programs/delta_watermaster/docs/deltaacpfinal.pdf

Participation Fee for Places of Use Outside the CDWA and SDWA:

There will be no cost to participate in the DACP for diverters with Places of Use located within the CDWA or SDWA that pay the annual assessments of those agencies (some state agencies do not pay those assessments and will have to pay the below Participation Fee). (See attached map of the boundaries of the CDWA and SDWA.)

Because the CDWA and SDWA have shouldered the costs to create the new software and website for the DACP, and because they will continue to incur costs to implement the DACP and keep it operational, there will be an annual Participation Fee for diverters with Places of Use located outside the CDWA and SDWA. The Participation Fee will be a charge per acre based on the acreage of the Place of Use of the Statement Number(s) enrolled in the DACP.

The annual Participation Fee is expected to be the highest for the first year because of the substantial startup costs. The fee for the first year (**i.e., Water Year 2022**) will be **\$1.20 per acre**.

The fee for the second year (i.e., Water Year 2023) will be \$0.45 per acre.

Term and Termination:

Unless terminated as provided below, participation in and coverage under the DACP for the enrolled Statement Number(s) will continue from water year to water year so long as reporting through the DACP is allowed by the State Water Resources Control Board (SWRCB) and/or the Delta Watermaster.

Participation is voluntary. The owner or authorized representative of the owner of each Statement Number enrolled in the DACP may, by written notice to the Plan Administrators, voluntarily terminate participation in and coverage under the DACP at any time and for any reason. Upon such termination, the owner of the Statement Number shall be solely responsible for timely and fully complying with all water diversion and use measurement and reporting requirements of the SWRCB, independent of the DACP.

The Plan Administrators may terminate a Statement Number owner's participation in and coverage under the DACP due to any of the following:

1. The Statement Number owner's failure to timely prepare and submit annual water reports through the DACP for its enrolled Statement Number(s).
2. The Statement Number owner's failure to satisfactorily respond to the Plan Administrators' reasonable requests for information that may be necessary to facilitate the preparation and filing of annual water reports through the DACP (e.g., a request for clarification of the Place of Use of an enrolled Statement Number).
3. The Statement Number owner's failure to timely pay Participation Fees for an enrolled Statement Number that has a Place of Use located outside the boundaries of the CDWA and SDWA.

In the event such termination for cause is sought, the Plan Administrators will provide prior notice to the Statement Number owner of the basis for the proposed termination, allowing the Statement Number owner fifteen (15) calendar days to correct such failure prior to termination. Upon non-correction of such failure, a notice of actual termination for cause may be sent to the Statement Number owner with termination effective the day after the notice is sent. The notice of proposed

termination and notice of actual termination will be sent to the Statement Number owner's email address and paper mailing address on record with the DACP.

Any Participation Fees paid prior to either voluntary or for cause termination will not be refunded; however, the terminated Statement Number owner will not be invoiced for any further Participation Fees.

Certifications and Acknowledgments:

1. I certify that I am the owner, or authorized representative of the owner, of the Statement Number(s) for which annual water reports will be submitted through the DACP's website.
2. By submitting those reports through the DACP's website, I acknowledge that I am enrolling the Statement Number(s) in the DACP for participation in and coverage under the DACP, and I agree to be bound by the terms and conditions of the DACP set forth in this agreement for each of those Statement Number(s).
3. I certify to the best of my knowledge that the Place of Use of each enrolled Statement Number(s) is(are) located within the Legal Delta.
4. I acknowledge that if the Place of Use of an enrolled Statement Number is located outside the boundaries of the CDWA and SDWA, the owner is required to pay a Participation Fee for such Place of Use, and I agree that, upon receipt of an invoice from the Plan Administrators, payment for such a fee will be timely submitted to the Plan Administrators.
5. I acknowledge that the owner of the enrolled Statement Number(s) shall be solely responsible for any fees, charges, assessments or civil liabilities incurred by or charged against the water rights and/or claims designated by the Statement Number(s). Neither the DACP, nor its Plan Administrators, shall in any manner be responsible for any such fees, charges, assessments or civil liabilities.

By clicking on the "I Agree to Participate in the DACP" button [in the DACP registration process] you are confirming that you are making the foregoing certifications and acknowledgments and further confirming that you have read the entirety of this agreement and agree to be bound by the terms and conditions of the DACP set forth herein for each Statement Number you enroll in the DACP.