

# RECORDING NDWA WATER RIGHTS

## **What is the North Delta Water Agency contract?**

In 1981, the North Delta Water Agency (Agency) executed a contract with the State of California (Contract) to protect water users within the Agency from being harmed both by storage of water in the State Water and Central Valley Projects or by the export of that stored water to areas south of the Delta. The Contract requires the State Department of Water Resources to release enough water into the Sacramento River at all times to ensure Delta waters are of a suitable quality for irrigation. The Contract also gives every water user within Agency boundaries the right to divert that water for agricultural, municipal and industrial uses on lands within the Delta. This benefit covers all water users, regardless of whether they have confirmed riparian or appropriative water rights. The Agency's annual payments under the Contract are intended in part to cover any deficiency in a landowner's water rights. The Contract is an insurance policy during dry years. The water must be applied to reasonable and beneficial purposes (a requirement for all water rights in California) and that the water not be used or disposed of outside Agency boundaries.

## **What is a North Delta Water Agency subcontract?**

The Agency can enforce the Contract against the State to ensure reliable water quantity and quality for all water users within the Agency. Article 18 of the Contract also permits the Agency to enter into subcontracts with water users within the Agency, assigning the Contract's water quality and water rights benefits to property covered by the subcontract. The subcontracts are filed with the County Recorder and become part of the chain of title for the property. The Contract and subcontracts do not limit, change or otherwise affect the underlying water rights of the property. They do assure the use during dry periods, and make a record of that right.

## **What is the benefit to a water user within the Agency of executing such a subcontract?**

By executing a subcontract, the landowner will have a record in the property's title file demonstrating that the lands described in the subcontract receive the benefits of the Contract, and the landowner may be able to enforce the contract independently of the Agency. The Contract still requires the Agency, not the subcontracting landowner, to make all payments to the State.

## **Instructions for recording a NDWA subcontract:**

1. Download a copy of the NDWA subcontract form from the Agency's website at [www.northdw.com](http://www.northdw.com) or call (916) 446-0197 to request a copy be mailed to you.
2. Fill in the date and name of the property owner as shown on your deed.
3. Prepare an Exhibit A to the subcontract describing the entire property included in the subcontract. This must be a legal description of the property, copied from the deed, and must include all of the parcel numbers for the total property to be included in the subcontract. Properties in more than one county in the Agency boundary will require separate subcontracts for properties in each county. Do *not* sign the subcontract yet.
4. Take the completed subcontract, including the attached Exhibit A, to a notary who can witness and verify your signature. *Be sure the notary's stamp does not touch any wording of the subcontract, or it will be rejected by the county.*
5. Mail the original notarized subcontract and Exhibit A to North Delta Water Agency, 910 K St., Ste. 310, Sacramento, CA, 95814. The Agency will also sign and notarize the subcontract and arrange for the recordation of the subcontract in the appropriate county. The original of the recorded subcontract will be returned to the landowner, the Agency will maintain a copy, and will send a copy to the Department of Water Resources for their records. There is no cost to the landowner except the owner's notary fee.

If there are any question, call the Agency at (916) 446-0197.