

MEMORANDUM OF UNDERSTANDING FOR THE PLANNING AND IMPLEMENTATION OF THE BLACK BUTTE RESERVOIR INFRASTRUCTURE ENHANCEMENT PROJECT

1. PURPOSE

The purpose of this MEMORANDUM OF UNDERSTANDING (MOU) is to document the mutual understanding and agreement of the local stakeholders related to the planning and implementation of the Black Butte Reservoir Infrastructure Enhancement Project (Project).

2. PROJECT DEFINITION

To explore how installation of spillway control structures on the existing Black Butte Dam could increase Black Butte Reservoir (BLB) storage by up to 200,000 acre-feet (AF), thereby developing additional surface water supplies, providing additional capacity for flood flows, and providing environmental and recreational benefits.

3. GOAL

Perform due diligence, in a phased approach, related to the technical, administrative, financial, operational, and policy aspects of the Project.

4. RECITALS

- A. Whereas: Black Butte Dam, located on Stony Creek in Glenn and Tehama counties, was built in 1963 for both flood control and water supply purposes and is operated by the U.S. Army Corps of Engineers (USACE) and the U.S. Bureau of Reclamation; and
- B. Whereas: Black Butte Reservoir's current capacity is 143,700 AF and its limiting factor is the top of the spillway at 473.5 feet above mean sea level (AMSL); and
- C. Whereas: The standard [USACE] project flood pool is at 489.4 feet AMSL, at which point the reservoir's capacity is 242,000 AF; and
- D. Whereas: The Spillway Design Maximum is 514.0 feet AMSL, at which point the reservoir's capacity is 354,000 AF; and
- E. Whereas: Existing flood easements are in place to 492.0 feet AMSL; and
- F. Whereas: Flood conservation must be maintained to continue to protect the City of Orland and surrounding areas in Glenn and Tehama counties; and
- G. Whereas: Through the application and permit for Black Butte Dam, the U.S. Bureau of Reclamation has an unperfected water right for up to 160,000 AF of stored water, which contemplates three possible areas of use including: 1) the Stony Creek drainage basin above Black Butte reservoir in coordination with East Park and Stony Gorge reservoirs, and Black Butte reservoir could be used to satisfy requirements of the Orland Project, 2) the area immediately below the same,

principally in the vicinity of the Sacramento Canals Unit of the federal Central Valley Project, and 3) the general service area of the Central Valley Project; and

- H. Whereas: Glenn-Colusa Irrigation District has an adjudicated right to 20,315 acre-feet of natural flow from Stony Creek not to exceed 500 cfs that is utilized to irrigate agricultural lands within the District; and
- I. Whereas: Increased storage in Black Butte Reservoir could increase water supply reliability for the Stony Creek drainage and the Sacramento Valley, offset groundwater pumping in the Sacramento Valley, increase groundwater levels in the Colusa and Corning subbasins, reduce flood risk for Orland and Hamilton City, increase hydropower generation, expand recreation opportunities, and provide environmental benefits; and
- J. Whereas: The MOU participants recognize the benefits of the Project and the need for local support and early action; and
- K. Whereas: Local partners and a non-federal cost share may be required for the Project.

5. PARTICIPANT COMMITMENTS

MOU Participants will:

- a. Engage in the Project for the mutual benefit of all MOU participants and at their own expense; and
- b. Pursue a study to assess the technical and operational aspects of impounding additional water in Black Butte; and
- c. Provide local expertise and professional guidance to advance the Project; and
- d. Leverage relationships with local, state, federal, and tribal elected officials and agencies to advance the Project and pursue non-federal cost share opportunities.

6. MOU PARTICIPANTS

- City of Orland
- Corning Sub-basin Groundwater Sustainability Agency
- County of Colusa
- County of Glenn
- County of Tehama
- Glenn-Colusa Irrigation District
- Glenn Groundwater Authority
- Orland Unit Water Users' Association
- Stony Creek Water District
- Tehama-Colusa Canal Authority
- Tehama County Flood Control and Water Conservation District

7. POTENTIAL PROJECT PARTNERS

- U.S. Bureau of Reclamation
- U.S. Army Corps of Engineers

8. MUTUAL UNDERSTANDINGS

Need For Memorandum of Understanding

To formalize the roles and responsibilities of each participant so that the Goal(s) can be accomplished.

Geographical Scope of the Project

The geographical scope of the project is the Stony Creek drainage and the Sacramento Valley.

Professional Services

The potential need for legal and technical assistance from professionals outside of the MOU Participants may be required. Costs related to these services will be estimated and approved by the MOU participants in advance, and a cost-sharing arrangement among the MOU participants will be made, as applicable.

Governance

General agreement among the MOU participants guides the project, and the governance structure of the MOU Participants and project partners will be further evaluated at the appropriate time.

Term: The Effective date through March 31, 2029

This term may be extended or renewed upon unanimous agreement between all MOU Participants.

Non-Binding Nature

This document and participation in the MOU are nonbinding, and in no way suggest that MOU Participants may not continue their own planning and implementation of other projects.

Amendments

This MOU may be amended or modified only by a written agreement signed by all parties involved. Any changes to this MOU must be unanimously agreed upon by all MOU Participants. No modification or amendment shall be effective unless it is documented in writing and executed by authorized representatives of each party.

Execution

This MOU may be executed in counterparts and the signed counterparts shall constitute a single instrument. The signatories to this MOU represent that they have the authority to bind their respective MOU Participant to this MOU.

9. SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING

We, the undersigned representatives of our respective MOU Participants, acknowledge the above as our understanding of the planning and implementation of the Black Butte Reservoir Infrastructure Enhancement Project as of the effective date of _____, 2025.

City of Orland

Corning Sub-basin Groundwater Sustainability Agency

County of Colusa

County of Glenn

County of Tehama

Glenn-Colusa Irrigation District

Glenn Groundwater Authority

Orland Unit Water Users' Association

Stony Creek Water District

Tehama-Colusa Canal Authority

Tehama County Flood Control and Water Conservation District