

<h1>POLICY MANUAL</h1>	Date Adopted: June 7, 2006
Classification: ENGINEERING OPERATIONS	Date Last Amended:
Subject: Big Dry Creek Diversion Channel to Little Dry Creek Easement Encroachment Policy	Approved By:

This statement of District policy is intended to re-state and clarify the practices and policies of the District and is declaratory thereof in light of relevant documents and applicable law.

The Big Dry Creek Diversion Channel to Little Dry Creek is the primary outlet channel from the Big Dry Creek Reservoir, and conveys water released from, or overflowing, the Reservoir to the San Joaquin River. The Channel and the Levee therefore are constructed, operated, and maintained within and pursuant to (i) those easements (shown on Exhibit No. 1 hereto), and (ii) applicable statutes, ordinances, and regulations, acquired by the State of California and quitclaimed to the District on April 20, 1989, by document 89042069, Fresno County Records, for the construction of the Big Dry Creek Reservoir and outlet channel, all part of the Fresno Stream Group Project as set forth in the House Document 845, 76<sup>th</sup> Congress, Third Session.

No activities may take place within the easements which could interfere with the District's exercise of its easement rights, including, without limitation, operation or maintenance of the Channel and Levee.

The District shall not be responsible for any damage to any private property within its easements.

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The District may consider only those encroachments into its easements set forth herein which will not cause such interference. The District's consideration of any such encroachment requests shall be on a case-by-case basis. The approval of an encroachment does not establish a precedent in consideration of future encroachment requests. The District shall not grant encroachments which would require extensive review, administration, or enforcement activity by the District. Encroachment requests may not be granted unless approved in writing by the United States Army Corps of Engineers. Any encroachment may be allowed only pursuant to an Encroachment Agreement signed by the District and the applicant.

The existence of an encroachment without a written agreement with the District is prohibited.

This Policy addresses seven potential types of encroachments:

1. **Excavation into the Levee;**
2. **Levee Crossings and Ramps;**
3. **Activities Within the Easement Outside (Southwest of) the Outer Toe of the Levee;**
4. **No Encroachment into the Pilot Channel;**
5. **Grazing Within the Easement Outside (Northeast of) the Inner Toe of the**

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**Levee and Outside the Pilot Channel;**

- 6. No Wells; and,**
- 7. No Fill.**

**1. Excavation into the Levee**

The levee is a compacted structural embankment which may not be disturbed except for minimal activities that do not create a risk to its stability, which is critically important during a flood event:

- a. Water line crossing:** The only water lines crossing the levee which may be considered are those lines that are delivering water to lands on the flowage side of the levee, which are limited to one and one-half inch (1½”) diameter with a flowage rate, water velocity, and water pressure, and which are constructed pursuant to plans and specifications approved by the District. A sketch of a waterline installation which may be considered is attached as Exhibit “2”.

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- b. **Fences:** A fence along a property line with a gate at the top of the levee as generally shown on Exhibit “3” may be considered. The maximum depth of fence posts shall be three-feet, and the posts shall be spaced as required by the District. The soil around the posthole excavation must be backfilled and well compacted. Deteriorated wood posts must be replaced immediately by the permittee.

**2. Levee Crossings and Ramps**

Vehicular or livestock crossing ramps may be considered. Any such ramp must be constructed on each side of the levee, and the surface hardened so its use will not cause erosion or instability of the levee. Ramps must not impair District access to the levee or impair the flow of water inside the levee. Vehicle, pedestrian, or livestock crossings of the levee shall be limited to the ramps.

**3. Activities Within the Easements Outside (Southwesterly of) the Outer Toe of the Levee**

The area of the easements within twenty-feet of the outer toe of the levee shall be kept clear of all structures, trees, bushes higher than two-feet tall, and personal property, to allow District access

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both in emergencies and for routine maintenance, inspection, and rodent control. A barbed or woven wire fence generally parallel to the outer toe of the levee and no closer than two-feet thereto, may be considered. Encroachments into the easements located more than twenty-feet southwest of the outside toe may be considered, so long as they do not interfere with the District's exercise of its easement rights.

**4. No Encroachment into the Pilot Channel**

The Pilot Channel is located approximately 110-feet easterly of the levee, and serves all parcels that it traverses. No encroachment therein shall be considered that could interfere with the flow capacity of the channel, trap water, or cause vegetation to grow. Barbed wire fences along property lines crossing the Pilot Channel may be considered.

**5. Grazing Within the Easement Outside (Northeast of) the Inner Toe of the Levee and Outside the Pilot Channel**

- a. Grazing of un-irrigated pasture is allowed without a permit, but may be terminated by the District if it interferes with the exercise of its easement rights.

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- b. Consideration of any other activity may be given upon a determination by the District that it could not interfere with the District's exercise of its easement rights.

**6. No Wells**

Installation of Wells within the District's easements shall not be permitted.

**7. No Fill**

No Fill may be brought into the Channel.