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VIA EMAIL

December 8, 2010

Mr. Richard J. Woodley  
Regional Resources Manager  
Bureau of Reclamation  
Mid-Pacific Region  
2800 Cottage Way  
Sacramento CA 95825-1898

Re: The West Side Irrigation District

Dear Mr. Woodley:

Thank you for your December 3, 2010 letter providing Reclamation's position on the application of the proposed M&I Water Shortage Policy to The West Side irrigation District Contract. Reclamation's position, however, is inconsistent with the proposed WSP.

Your letter states that "WSID's WNA does not indicate a demand (or need) for M&I supply. In order for CVP water to be considered as M&I supply, there must be a demonstrated need." This is incorrect. While WSID's Water Needs Assessment lists Total M&I demands in Column 37 for 2025 as 0, the notes to the Water Needs Assessment Clarifies this by stating: "Transfers out for 2025 based on historical average of 1,300 acre feet plus anticipated 5,000 transfer to the City of Tracy."

The M&I demand identified in the WNA is for use on lands historically within WSID. The only reason the water was transferred to the City of Tracy was because the City has a water treatment plant to be used for service to those lands historically served by the WSID contract. No demonstrated need could be more clearly shown.

There is no support in the policy or in the law for your statement that "transfers or assignments do not count as M&I demand for the original contract holder." Certainly when

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water is transferred or assigned to new lands for M&I use this statement it true. However, when water is transferred to a new contractor in order to serve M&I demand on the same land that was previously used for irrigation, the need for M&I water has been affirmatively demonstrated.

I will be in contact with Ms. La Framboise to set up a meeting to discuss this issue.

Very truly yours,



JEANNE M. ZOLEZZI  
Attorney-at-Law

JMZ:pg

cc: Ms. Barbara Kleinert  
Mr. Steve Kaiser  
Mr. Steve Bayley