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January 10, 2001

VIA FACSIMILE

Lester A. Snow
Regional Director
Bureau of Reclamation
2800 Cottage Way, E-1604
Sacramento, CA 95825

Betty Riley-Simpson
U.S. Bureau of Reclamation
2800 Cottage Way, E-2905
Sacramento, CA 95825

Dear Mr. Snow and Ms. Riley-Simpson:

This letter is written on behalf of Plain View Water District regarding the Draft Municipal and Industrial (M&I) Water Shortage Policy. In addition to the following comments, I would refer you to the previously-submitted letter from Plain View dated November 30, 2000.

Reclamation professes to have developed a policy that applies consistently CVP-wide to all M&I contractors. Plain View disagrees that Reclamation has accomplished that objective. The draft policy discriminates against water districts that were predominately agricultural but which are now facing dramatic increases in M&I demands. Reclamation provides no rational distinction for allowing certain M&I water contractors to adjust their historic use on the basis of future growth while refusing to give the same consideration to contractors that converted to M&I after 1994.

The draft policy states that M&I water allocations may differ between divisions. The policy should establish those operational constraints that might lead to different water allocations being made.

Plain View agrees with the concept laid out in the draft policy of crediting the calculation of historic use with use of non-CVP water supplies. Reclamation has, however, established criteria for such adjustments that are impossible to meet. For instance, use of non-CVP water supplies may benefit a portion of the CVP but not provide a benefit to the CVP as a whole. Nevertheless, the contractor should get credit

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for that use in its historic use calculation. Moreover, the need for getting Reclamation's approval in advance of such use will be an unacceptable administrative burden for both the contractor and Reclamation. A more streamlined process should be established for reaching consensus on the historic use calculation. Furthermore, an objective standard should be developed for determining extraordinary conservation.

With regard to public health and safety, it is important to emphasize that M&I contractors always, in every year, have a minimum amount of water that must be provided to protect public health and safety. The assurance that public health and safety will be met should not be contingent upon the Governor of California declaring a water emergency. It should be a commitment of Reclamation in all years regardless of type. Moreover, it should be a pledge made to all M&I contractors including those M&I contractors who use CVP water supply converted from irrigation use to M&I.

Finally, the CVP needs analysis with regard to Plain View has been modified incorrectly. Although Plain View does not intend to transfer any of its water to the City of Tracy, it will be providing water to new developments occurring within its boundaries. Plain View requests that Reclamation meet with the District to resolve the outstanding issues regarding its future water use.

Very truly yours,

Sandra K. Dunn
Attorney

SKD/jlp

cc: Nate Rupert
Russell Kagehiro