United States Department of the Interior

BUREAU OF RECLAMATION
Washington, D.C. 20240

BUREAU OF RECLAMATION
OFFICIAL FILE COPY
RECEIVED
DEC 15 1997

CODE	ACTION	
400		
440		12/17/97
100	C-copy	

RM 12/16

DEC 10 1997

IN REPLY REFER TO:
D-5200
WTR-4.00

Copy to: NC-440
SCC-440
CC-931
TO-440
KM-12

MEMORANDUM

To: Regional Director, PN, MP, LC, UC, GP
Attention: PN-1000, PN-3300 MP-100, MP-440, LC-1000, LC-4440, UC-100, UC-284, GP-1000, GP-2100

From: Eluid L. Martinez
Commissioner

Subject: Water Measurement Policy

The need for the development of a specific standard contract article requiring the measurement and reporting of water deliveries to irrigation, municipal and industrial, and other water users was raised as part of the Bureau of Reclamation's (Reclamation) review of its Standard Articles. Similar concerns were also raised by the Office of Inspector General (IG) in its 1992 audit entitled "Repayment of Municipal and Industrial Water Supply Investment Costs." The IG suggested that Reclamation ". . . establish internal controls requiring periodic reviews of annual project water use to ensure that the quantity delivered conforms with that specified in the contracts." This suggestion was accepted and instituted by the Commissioner in his memorandum to the regions dated November 22, 1994.

In view of these concerns, the creation of a water measurement standard article for inclusion in all water service and repayment contracts was discussed at the contracts and repayments conference held in Boulder City, Nevada, on January 29, 1997. The consensus was that a standard article may be impractical due to differences in water sources and delivery systems. A particular concern raised at the conference was the potential for the terms of a water measurement standard article to be interpreted as Reclamation overriding State water right laws. Therefore, in lieu of a standard article, a specific policy mandating the inclusion of water measurement articles in contracts was recommended.

I concur with that recommendation. All future short- and long-term water service and repayment contracts and amendments of existing contracts for the delivery of project water or delivery of non-project water through Federal Reclamation facilities shall contain appropriate water measurement articles as determined by the regional director. However, where existing agreements and/or State requirements pertaining to water measurement are present such agreements and/or State requirements may be used in lieu of this policy and reflected in the contract. Although flexibility in negotiating a water measurement article's terms is delegated

NOTICE: IF YOU DETACH ENCLOSURE PLEASE INSERT
CODE NO.
INITIAL
DATE:

Classification	
Project	
Control No.	97009177
Folder I.D.	1057

to the regional director, a brief discussion explaining the article shall be included in the basis of negotiation.

Water measurement articles shall provide for:

1. The specific source and quantity of water for which the contractor is entitled;

2. Each contract party's responsibility for the furnishing, location, installation, operation, and maintenance of the specified type of water measuring devices. When possible the operation and maintenance of the water measurement devices should be at the contractor's expense;

3. Delivery and measurement of water where possible should be at the appropriate Reclamation facility. Where this is not possible, or when necessary to be in conformance with State laws, compacts, or other agreements requiring water measurement devices at other locations, advance consultation and approval from State-appointed watermasters, or other similar appropriate authority, shall be obtained for the installation, operation, and maintenance of the devices.

4. Reporting on at least an annual basis of monthly water volumes; and

5. Periodic inspections of the devices or methods by the contracting officer.

Attached are examples of water measurement articles currently in use which may be helpful in developing articles for your contracts.

This policy applies, but is not limited to, contracts written pursuant to the Reclamation Project Act of 1939; Water Supply Act of 1958; Small Reclamation Projects Act of 1956; Rehabilitation and Betterment Act; Distribution Systems Loan Act; Warren Act; and Emergency Fund Act contracts. It does not apply to Safety of Dams Act contracts.

Please insert this memorandum in section II of the looseleaf book "Policy Instructions for Repayment, Water Service, and other Contracts" sent to you by our memorandum of February 26, 1980.

Attachment