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November 28, 2001

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Ms. Alisha Sterud, MP-400
United States Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Re: Comments of Westlands Water District on the Draft Central Valley Project M&I Water Shortage Policy

Dear Ms. Sterud:

Westlands Water District ("Westlands"), on behalf of its landowners and water users, submits these comments on the Draft Central Valley Project M&I Water Shortage Policy ("Draft Policy"). Westlands is a California water district with a contractual right to receive up to 1,150,000 acre-feet of Central Valley Project ("CVP") water from the Bureau of Reclamation ("Reclamation"). Westlands provides water for the irrigation of approximately 600,000 acres on the west side of the San Joaquin Valley in Fresno and Kings counties and maintains the authority to protect, on behalf of its landowners and water users, rights that may be of common benefit to lands within Westlands. The Draft Policy will affect the operations of the CVP, and thus, the amount of water landowners and water users within Westlands could put to beneficial use.

Terms and Conditions, paragraph one: The Draft Policy states the allocation of M&I water will be based on a contractor's historical use of CVP M&I water adjusted for growth, extraordinary water conservation measures and non-CVP water. However, the Draft Policy is unclear as to whether the adjustment process would be a public process. Westlands requests that the process of determining an M&I contractor's adjusted historical use be a public process allowing all CVP contractors the opportunity to review the documentation, similar to the water needs analysis process all contractors underwent with the renewal of long-term contracts.

Terms and Conditions, paragraph three: The Draft Policy applies only to that portion of CVP water identified as projected M&I demand as of September 30, 1994 and for those contract quantities specified in Section 206 of Public Law 101-514. Irrigation water transferred or converted to M&I use after September 30, 1994 will be subject to shortage allocation as irrigation water. The policy allows a M&I contractor to request either a temporary or a permanent conversion from agricultural shortage criteria to M&I shortage criteria provided there are no adverse impacts from such conversions to agricultural or other M&I water supply contracts. However, Reclamation must recognize there will always be impacts from M&I conversions and the Draft Policy should provide a clear public process regarding the mitigation of these adverse impacts including, what mitigation will occur, to whom, and for how long.

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Terms and Conditions, paragraph five: Westlands requests that Reclamation perform modeling studies under these allocations to determine the impacts to agricultural supplies of this revised Draft Policy.

Terms and Conditions, paragraph seven: Reclamation should provide a water supply at the public health and safety level to all CVP agricultural contractors with incidental non-agricultural demands that meet the historical use definition in the Draft Policy. The word "M&I" should be inserted in the last clause of the last sentence so that it reads "taking into consideration a M&I contractor's available non-CVP water."

Your consideration of these comments is appreciated. If you have any questions, please telephone me at your convenience.

Very truly yours,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
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cc: Mr. Thomas W. Birmingham, Esq.

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