

VIA EMAIL

June 29, 2010

Ms. Tammy La Framboise
Natural Resource Specialist
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento CA 95825-1898

Re: The West Side Irrigation District

Dear Ms. La Framboise:

This letter is written on behalf of The West Side Irrigation District (WSID) in an attempt to clarify application of the existing and proposed M&I Water Shortage Policy (WSP) to its contract. We have been participating in the Workshops, but feel these questions are specific to WSID and should be handled through direct communication.

We are informed that Reclamation is currently implementing a CVP M&I Water Shortage Policy, which consists of:

1. The Draft CVP M&I Water Shortage Policy of September 11, 2001
2. "In determining projected M&I demand under paragraph 3 of the Draft M&I Water Shortage Policy (WS, Reclamation may also rely on M&I contractors water needs assessments completed for long-term contract renewals, as analyzed in the Municipal and Industrial WSP, Central Valley Project 2005 Environmental Assessment Alternative 1B."

I note that the language quoted above (from the handout at the June 23, 2010 Stakeholder Workshop #2) states that Reclamation "may" also rely on Alternative 1B. The Final Environmental Assessment provides that Alternative 1B **would** apply the M&I allocation of the M&I Water Shortage Policy to quantity of CVP water identified for M&I uses under the

Water Needs Assessment. **Please clarify that contractors are entitled to rely on Alternative 1B from the EA when calculating that portion of their contract is subject to the WSP.**

In addition, at the workshop, I asked how the Water Needs Assessment information was used to calculate projected M&I demand, and did not receive a definitive response. We need to work with Reclamation to determine how WSID's Water Needs Assessment is to be interpreted. 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.**"

In order to understand the M&I Demand a shown on WSID's Water Needs Assessment, you must understand the background of that transfer out. When land within WSID develops to M&I demand, it is annexed into the City of Tracy. The future demand anticipated in 2025 in WSID's Water Needs Assessment is addressed in the Note as 5,000 acre feet in 2025, and the district anticipated that the water would be transferred to the City of Tracy to meet that demand.

In fact, since the Water Needs Assessment was completed, 2,500 acre feet have been transferred to the City of Tracy for M&I Use. This water is used within the historic boundaries of the WSID, and was identified in the Water Needs Assessment. Therefore, pursuant to the WSP as currently implemented, 2,500 of WSID's contract (now transferred to the City of Tracy) is eligible under the WSP, and an additional 2,500 will be subject to the WSP in the future as demand develops.

We would request a meeting at your earliest convenience to review these items.

Very truly yours,



JEANNE M. ZOLEZZI
Attorney-at-Law

JMZ:md

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