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January 10, 2001

Ms. Betty Riley-Simpson
United States Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825-1898

Re: Comments on December 22, 2000 Draft CVP M&I Water Shortage Policy

Dear Ms. Riley-Simpson:

I am submitting these comments on the December 22, 2000 draft CVP M&I Water Shortage Policy on behalf of San Juan Water District, the City of Roseville and the City of Folsom.

1. In the third paragraph of page 1, in the third from the last sentence, I suggest substituting "up to the amount of" for the phrase "limited however by".

2. In the first numbered paragraph on page 2, in the second to the last sentence, I suggest deleting the phrase "and it is demonstrated that use of such non-CVP water benefitted the CVP as a whole." This phrase is unnecessary because the last sentence of that paragraph already would require Reclamation's prior approval to credit use of non-CVP water in adjusting historical use of CVP water. Further, there is no standard proposed for determining how use of non-CVP water by one contractor would benefit the entire CVP water system, i.e., the "CVP as a whole." However, if the year used to determine "historical use" predates the adoption and implementation of the water shortage policy, we presume that Reclamation would provide an after-the-fact approval of the use of non-CVP water during that baseline year as a credit against use of CVP water for purposes of applying the policy. I suggest adding such a clarification to this paragraph.

3. In the second numbered paragraph on page 2, I suggest that the following be added at the end of the sentence: "as implemented in the contractor's CVP contract." This revision is important because both the conservation plan and the measurement provisions of the CVPIA are implemented through a contractor's CVP contract. If this phrase were not added, the shortage policy could be read to require compliance standards concerning water conservation plan and water measurement that were different from the requirements of the CVP contract.

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4. In the fifth numbered paragraph on page 2, insert "by" after "will be reduced" in the first sentence.

Thank you for the opportunity to provide these comments.

Sincerely,

PAUL M. BARTKIEWICZ

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