

# Reclamation Manual

## Directives and Standards

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| <b>Subject:</b>            | Requirement of a Water Measurement Article in Water-Related Contracts   |
| <b>Purpose:</b>            | This Directive and Standard (D&S) states the requirement of a Water Measurement Article in contracts and set forth the parameters that must be met in such articles, with the benefit of establishing an agreed means of verifying annual project water use/use of facilities to confirm that the quantity delivered conforms with that specified in the contracts. |
| <b>Authority:</b>          | The Reclamation Act of 1902 (ch. 1093, 32 Stat. 388); the Reclamation Project Act of 1939 (Pub. L. 76-260; 43 USC 485, <i>et seq.</i> ); the Water Conservation and Utilization Act of 1939 (Pub. L. 76-398; 16 USC 590y, <i>et seq.</i> ); and acts amending and supplementing these laws  |
| <b>Approving Official:</b> | Director, Mission Assurance and Protection Organization (MAPO)  |
| <b>Contact:</b>            | Reclamation Law Administration Division (84-55000)  |

1. **Introduction.** This Directive and Standard (D&S) provides the basic details of the requirement, stated under Reclamation Manual (RM) Policy, *Water-Related Contracts—General Principles and Requirements* (PEC P05), Paragraph 5.B.(8)(a), that water-related contracts<sup>1</sup> executed, renewed, amended, or supplemented after the date this D&S was issued include water measurement articles.
2. **Applicability.** This D&S applies to all Bureau of Reclamation personnel involved in negotiating, drafting, executing, or administering water-related contracts or developing a Basis of Negotiation (BON) or BON Approvals pursuant to RM Policy, *Bases of Negotiation for New and Amendatory Water Service, Repayment, and Related Contracts* (PEC P06) and RM D&S, *Preparing Bases of Negotiation for New and Amendatory Water Service, Repayment, and Other Water-Related Contracts* (PEC 06-01) (see Paragraph 5.F.(5)). This D&S does not apply to contracts made pursuant to the Reclamation Safety of Dams Act of 1978 (SOD Act) (Pub. L. 95-578; 43 USC 506, *et seq.*), as amended.
3. **Existing Agreements and State Laws.** This D&S does not require new contract provisions where existing contract provisions or applicable provisions of state law meet its requirements, in the judgment of the regional director and the Director, or their authorized representatives.
4. **Basic Requirements.** All BONs requesting authority for contract actions subject to this D&S will address the intended means of meeting the contracting requirements stated below. Water measurement articles shall provide for the following:
  - A. The specific quantity of water to which the contractor is entitled and its source.
  - B. Each contract party's responsibility for the furnishing, location, installation, operation, and maintenance of the specified type of water measuring devices. Whenever possible,

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the operation and maintenance of the water measurement devices will be at the contractor's expense.

- C. The location(s) at which measurements are to be taken. Where possible, delivery and measurement of water must be made at the appropriate Reclamation facility. Where this is not possible, or when conformity with state laws, compacts, or other agreements requires water measurement devices at other locations, advance consultation and approval from state-appointed water masters, or other appropriate authorities, must be obtained for the installation, operation, and maintenance of the devices.
  - D. Periodic reporting of monthly water volumes at not greater than annual intervals.
  - E. Periodic inspections of the measurement devices and/or review of the methods by the appropriate contracting officer.
5. **Definitions.** The definitions provided under Paragraph 3 of PEC P05 apply to this D&S wherever the defined terms appear herein, except that, for purposes of this D&S and in accordance Paragraph 2 above, contracts made pursuant to the SOD Act are excluded from the meaning of "water-related contracts," as defined at Paragraph 3.R. of PEC P05.
6. **Review Period.** The originating office will review this release every 4 years.

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

Ensure all employees needing this information are provided a copy of this release.

### Reclamation Manual Release Number and Subject

### Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

### Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_