



CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201
Phone 209/465-5883 • Fax 209/465-3956

DIRECTORS

George Blagi, Jr.
Rudy Mussi
Edward Zuckerman

COUNSEL

Dante John Nomellini
Dante John Nomellini, Jr.
Thomas M. Zuckerman

December 17, 2004

Via Facsimile (559) 487-5397

Joe Thompson
Bureau of Reclamation
South-Central California Area Office
1243 N Street
Fresno, CA 93721

Re: Draft EA and FONSI Long Term CVP Water Service Contracts
and 20 Delta Mendota Canal (DMC) Unit Contractors

Dear Sir:

We continue to be concerned with regard to USBR's approach to Long Term Contracting in the following respects:

- 1) It should be made clear that the contracts are subject to reductions in deliveries in order to meet the water needs within Areas of Origin pursuant to law including without limitation California Water Code sections 11460 et seq.
- 2) The need to provide river regulation including salinity control may from time to time result in reductions of contractual deliveries and this should be made clear to assure that there is no undue reliance on the quantities specified in the contracts.
- 3) Similarly, the contractual deliveries should be made subject to meeting mitigation, public trust and ESA responsibilities and SWRCB standards.
- 4) Provision should be made for adjustments to the contract to meet the obligations of the CVP to provide a San Joaquin Valley Drainage Solution including the appropriate increase in rates to pay for the same.

5) Amounts contracted should be limited to those amounts which can be reliably provided without new facilities or operations. If new facilities or operations are required to meet the contracts, then execution of the long term contracts should await the environmental review and actual permitting and completion of the facilities and permitting of the operations necessary to fulfill the contracts.

Yours very truly,



DANTE JOHN NOMELLINI
Manager and Co-Counsel

DJN:ju