

Mr. Robert J. Pafford, Jr.

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July 13, 1966

Mr. Robert J Pafford, Jr.
Regional Director
Bureau of Reclamation
Fulton and Marconi Avenues
Sacramento, California 95811

Respectfully yours,

Isabella Project

Dear Sir:

Your letters of May 31, 1966 to each of the undersigned Districts have been received.

You refer to the provisions of Contract No. 14-06-200-1360A, dated October 23, 1964, whereby these four public districts having water rights on Kern River purchased from the United States for a lump-sum cash payment the perpetual right to store their irrigation water in Isabella Reservoir when and to the extent that the storage capacity of the Reservoir should not be needed for flood control purposes. You refer particularly to Article 24 of the Contract, which contains certain acreage limitation provisions. That article provides in Paragraph (g), however, that the entire article is "void ab initio and of no effect" in the event that the laws of the United States did not at the date of the contract prohibit the delivery of stored water under the Contract to excess land of a landowner who had not executed a recordable contract.

As you know, it has been and is the contention of these Districts that the acreage limitation provisions of Reclamation Law are not applicable to Isabella Project and that even if applicable, they do not prohibit the delivery of water stored under this Contract to excess lands not covered by recordable contracts because the entire amount of the portion of the project cost allocated by the United States to irrigation benefits was paid to the United States in cash on the day (March 31, 1965) when the Contract became binding upon the United States.

Each District has been advised by its counsel that this contention is correct and that the laws of the United States did not at the date of the Contract prohibit the delivery of stored water under the Contract to excess lands of a large landowner who had not executed a recordable contract. Accordingly, each of the undersigned intends not to and will not comply with Article 24 of the Contract, declines to take steps looking toward enforcement of acreage limitations as requested in your letter, and intends to and will deliver water stored in Isabella Reservoir under the Contract to excess landowners when requested to do so without requiring them to execute recordable contracts.

Mr. Robert J. Pafford, Jr.

-2-

July 13, 1966

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

This letter is sent to you with the approval and at the direction of the Board of Directors of each District.

IN REPLY
REFER TO: 2-440

SACRAMENTO, CALIFORNIA 95813

Respectfully yours,

NORTH KERN WATER STORAGE DISTRICT

Board of Directors ✓
North Kern Water Storage District
P. O. Box 1195
Bakersfield, California 93304

By *[Signature]*
President

BUENA VISTA WATER STORAGE DISTRICT

Board of Directors
Buena Vista Water Storage District
P. O. Box 756
Buttonwillow, California 93208

By *[Signature]*
President

TULARE LAKE BASIN WATER STORAGE DISTRICT

Board of Directors
Tulare Lake Basin Water Storage District
P. O. Box 415
Corcoran, California 93212

By *[Signature]*
President

HACIENDA WATER DISTRICT

Board of Directors
Hacienda Water District
P. O. Box 415
Corcoran, California 93212

By *[Signature]*
President

Gentlemen:

Contract No. 14-06-200-1360A, dated October 23, 1965, contains acreage limitation provisions, particularly in Article 2, which provide that no Kern River water stored by the Bureau of Reclamation may be delivered to excess lands in your district unless the owner of such lands has executed a valid recordable contract agreeing to the sale of such excess lands. Each of the contracting districts is further required to install and maintain measuring equipment in order to determine and record the amounts of water delivered to excess land.

The 1965 water year was an unusual year and by reason of late summer rains the extent of use of stored water was not determined. Accordingly, it has been decided that the 1966 year probably would be a more appropriate time to obtain designations of nonexcess land and require qualifications of excess lands for stored water by placing them under recordable contracts pursuant to the terms of contract No. 14-06-200-1360A and Federal reclamation law.



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

REGIONAL OFFICE, REGION 2

P. O. BOX ~~XXXX~~ 15011

SACRAMENTO, CALIFORNIA 95813

IN REPLY
REFER TO: 2-440

MAY 31 1968

Board of Directors ✓
North Kern Water Storage District
P. O. Box 1195
Bakersfield, California 93302

Board of Directors
Buena Vista Water Storage District
P. O. Box 756
Buttonwillow, California 93206

Board of Directors
Tulare Lake Basin Water Storage District
P. O. Box 415
Corcoran, California 93212

Board of Directors
Hacienda Water District
P. O. Box 415
Corcoran, California 93212

Gentlemen:


Contract No. 14-06-200-1360A, dated October 23, 1964, contains acreage limitation provisions, particularly in article 24, whereby no Kern River water stored by means of Isabella Dam and Reservoir may be delivered to excess lands in your District unless the owner of such lands has executed a valid recordable contract agreeing to the sale of such excess lands. Each of the contracting districts is further required to install and maintain measuring equipment in order to determine and record the amounts of water delivered to excess land.

The 1965 water year was an unusual year and by reason of late summer rains the extent of use of stored water was not determined. Accordingly, it has been decided that the 1966 year probably would be a more appropriate time to obtain designations of nonexcess land and require qualifications of excess lands for stored water by placing them under recordable contracts pursuant to the terms of contract No. 14-06-200-1360A and Federal reclamation law.

In pursuance of the above, please furnish us a complete list of excess landowners together with descriptions and maps or plats of their holdings. As soon as designations of eligible land have been made, you will be expected to install measuring equipment to all excess lands and to maintain daily records of delivery to such lands and to furnish such records to us as required.

If you have questions or wish to discuss the matter we will be glad to meet with you at a mutually convenient time.

Sincerely yours,

A handwritten signature in dark ink, reading "R. J. Pafford, Jr." with a stylized, cursive script.

R. J. Pafford, Jr.
Regional Director