



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

December 10, 2010

IMPORTANT - RESPONSE REQUIRED

This notice contains important information about the following:

- **2011-2012 Agricultural Water Allocation Application and Purchase Agreement**
- **Reclamation Law Certification/Reporting**

2011-2012 Agricultural Water Allocation Application and Purchase Agreement

Enclosed is your Agricultural Water Allocation Application and Purchase Agreement form(s) for the new water year. Applications are due on or before January 15, 2011. Postmark dates will not be accepted. **Applications received after January 15, 2011 will not receive an initial 2011-2012 Central Valley Project (CVP) Contract water allocation.**

Applications may be mailed to Westlands Water District, P.O. Box 6056, Fresno, CA 93703, or delivered to either of the District offices listed below:

- Fresno Office, 3130 N. Fresno Street, Fresno, CA 93703
- Five Points Office, 23050 W. Mt. Whitney Avenue, Five Points, CA 93624

All water users are subject to the District's Regulations for the Allocation and Use of Agricultural Water and the Terms and Conditions for Agricultural Water Service. Terms and Conditions and Regulations are available on the District's website at www.westlandswater.org under the News & Information menu item. Please note that a portion of the Regulations has been superseded by the *Sagoupe* settlement agreement (i.e., from March 1, 2008 forward, the District's contract water shall be allocated equally per irrigable acre to all Priority Area I and II lands). Notwithstanding this change, a water user may still apply for a lesser amount than the pro-rata allocation to which his land is entitled. Blank application forms are available under the Landowners & Water Users menu item on the forms page of the customer web site.

The District anticipates an initial CVP water supply of 20 to 35 percent of contract entitlement. Based upon a 20 to 35 percent allocation, and depending upon a water user's acre-feet requested on the enclosed application, the irrigable acres in Priority Areas I and II will receive between 0.5026 and 0.8895 acre-feet per acre (AF/ac). In addition, water users should keep in mind when completing the application that the District will automatically allocate Long-Term water, if made available, in accordance with the District's Regulations, policies and applicable agreements irrespective of the amount of CVP water requested. It is anticipated that between 0.0027 and 0.0048 acre-feet per acre (AF/ac) of Long-Term Water may be allocated in 2011-2012.

Allocation Application Form Instructions

- A separate application form for each priority area is enclosed.
- Complete and sign both sides of the form.
- Update the water user name, address, phone number, FAX number, and account number (if assigned) where indicated on the application. The water user name must be the same as that used on Reclamation law forms.
- List all land within Westlands' boundaries for which you want an allocation of CVP contract water. Land must be eligible under Reclamation law on March 1, 2011, to receive an allocation of water.
- Indicate the maximum amount of CVP contract water you would like to receive for each field. Actual allocations will be determined by the amount of water available to the District. If the amount requested is less than the ratable share, the amount requested will be the amount allocated to the water user.
- The District uses acreage records from the U.S. Consolidated Farm Service Agency (CFSA) to determine your allocation. You must provide verification from the CFSA for any changes. CFSA determinations dated after March 1, 2011, will not result in an adjustment to your initial 2011-2012 allocation, but will be used for allocations made subsequent to the change.
- If you are making changes to the land you farm that occur prior to March 1, 2011, you must submit a revised 2010-2011 application in addition to your 2011-2012 application.

You may call your Customer Accounting Technician at (559) 241-6250 if you have any questions about the allocation application process.

Reclamation Law Certification/Reporting

Federal Reclamation law requires certain landholders to annually submit certification/reporting forms as a condition of continued eligibility to receive water. Only landholders whose **total west-wide** landholdings exceed the following acreage thresholds must submit forms.

<u>Acreage Limitation Status</u>	<u>Forms Submittal Threshold</u>
• Qualified Recipient (New Law, 25 people or fewer)	240 acres
• Limited Recipient (New Law, more than 25 people)	40 acres
• Public Entities	40 acres
• Trusts and Estates (benefiting 25 people or fewer)	240 acres

- Trusts and Estates (benefiting more than 25 people) 40 acres
- Trusts benefiting a class of beneficiaries 40 acres
- Farm Operator 960 acres

In an effort to reduce costs, the District is not sending the Certification Forms booklet this year. We encourage you to obtain your forms from the Bureau's website at www.usbr.gov/rra under the RRA Forms menu item. Reclamation law forms are also available at the District's Fresno or Five Points Field Office.

Please submit completed forms by February 1, 2011, to allow timely processing before water is ordered for the next water year and to ensure water service is not interrupted. If your forms are not received prior to the beginning of the 2011-2012 water year, your land will be ineligible to receive water or any benefit of CVP facilities until the forms are submitted.

Certification/Reporting Form Instructions

- For land exceeding your non-full-cost entitlement, please complete the Selection of Full-Cost Land (Form 7-21FC). For land exceeding your ownership entitlement, please complete the Designation of Excess Land (Form 7-21XS).
- All forms for multiple ownership entities must be signed by all partners or part owners unless you have a notarized entity signature authorization form on file with the District or your partnership agreement allows for only one party to sign on behalf of the entity. Spouses must sign on all individual forms unless a notarized spousal signature authorization form is on file with the District. Signature authorization forms are available from the District. Submittal of incomplete, unsigned, or undated certification/reporting forms may result in your land remaining ineligible to receive Project water. The Bureau of Reclamation will assess administrative fees for forms violations if water is delivered prior to receipt of forms.
- Landowners and water users are required to identify farm operators that perform farming services for an entity or trust. The Bureau of Reclamation defines a farm operator as an individual or entity other than the owner, lessee, or sub-lessee that performs any portion of the farming operation. This includes farm managers, but does not include spouses, minor children, employees for whom the employer pays social security taxes, or custom service providers. Farm operators that provide more than one service on more than 960 acres west-wide must submit a "Declaration of Farm Operator Information" (Form 7-21FARMOP).
- If your landholdings change during the water year, you must notify all districts in which you hold land within 30 calendar days, and you must submit new forms within 60 calendar days of the change.

Please call Nancy Hannah at (559) 241-6213 or Lucinda Anderson at (559) 241-6218 if you have any questions about certification/reporting rules.

WESTLANDS WATER DISTRICT

2011-2012 AGRICULTURAL WATER ALLOCATION APPLICATION AND PURCHASE AGREEMENT

This Agricultural Water Allocation Application and Purchase Agreement must be received by January 15, 2011, in the District's Fresno or Five Points Offices. Postmarks will not be accepted.

_____, herein referred to as "Water User," hereby applies for agricultural water for the March 2011 – February 2012 Water Year and agrees, as a condition of the allocation and furnishing of any agricultural water during that water year and in accordance with the District's Regulations, policies, and applicable agreements, as follows:

1. To accept, if and when provided by the District, the total amount of a) CVP contract water requested on the application form(s), b) the allocation of Long-Term Water acquired by the District, and c) the allocation of District Water Supply pursuant to the Agreement for Distribution of Water, Allocation of Costs, and Settlement of Claims dated April 29, 2002; and d) Water User's unused water rescheduled from a prior water year, unless Water User provides written notice to the District before the last day of the water year that Water User will not reschedule such water. Notwithstanding the foregoing, the District will not allocate or reschedule water to land for which water charges or assessments have been delinquent for 30 days or more at March 1.
2. To make all payments by the due dates specified in the District's Terms and Conditions for Agricultural Water Service.
3. Except as otherwise provided by the District, to remain liable to the District for any unused portion of the water unless the District is able to sell the water to another water user or the water has been transferred to another water user.
4. To comply with the Terms and Conditions for Agricultural Water Service and the Regulations for the Allocation of Agricultural Water, copies of which will be furnished upon request, both of which are incorporated herein as though set forth at length.
5. Allocation calculations will be based on irrigable acres as determined by U. S. Consolidated Farm Service Agency measurements.
6. The District will notify Water User as to the amounts of water allocated to him and maintain a record of the revisions, if any, of his allocated water supply.
7. Water User recognizes that, upon his application for agricultural water and the District's allocation of water to him, he is liable for all such water allocated to him except as otherwise provided by the District.
8. The District may use any funds held for the benefit of or on behalf of Water User to pay or offset any monetary obligation Water User has to the District.
9. Water User hereby further agrees that there are no intended third party beneficiaries to this Agreement and nothing contained herein, expressed or implied, is intended to give to any person, partnership, corporation, joint venture, limited liability company or other form of organization or association any right, remedy or claim under or pursuant hereto, and any agreement or covenant required herein to be performed by or on behalf of Water User or the District shall be for the sole and exclusive benefit of Water User or the District.

Date

Print Name

Signature

Title

