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July 1, 1998

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Mr. Rick Breitenbach
CALFED BAY-DELTA PROGRAM
1416 Ninth Street
Suite 1155
Sacramento, CA 95814

Re: Programmatic EIS/EIR

Dear Mr. Breitenbach:

This firm represents landowners and water users located in Area I of the Westlands Water District, including the court-appointed Area I Representatives, and this letter is written on their behalf in response to the CALFED Bay-Delta Program Draft Programmatic Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR") dated March, 1998. Our clients irrigate and farm many thousands of acres within Area I. Our clients are the third-party beneficiaries of contract rights and the equitable owners of appropriative rights, based on permits issued by the State Water Resources Control Board ("Board"), to receive 900,000 acre-feet of irrigation water per year.

Although the Draft EIS/EIR (at 11-12, 11-13) discusses the creation and preservation of water rights, and the Board's duty with respect thereto, there is no analysis in the description of the project alternatives of whether, and to what extent, the implementation of such alternatives would injure existing water rights. Obviously only alternatives that can be legally undertaken warrant any analysis of their potential environmental impacts.

Thus, unless and until there is some assurance that the suggested alternatives will not result in any injury to existing water rights holders, there is no basis for further review of

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such alternatives. The omission of such assurance from the Draft EIS/EIR is fatal to its compliance with the requirements of the National Environmental Policy Act or the California Environmental Quality Act.

Yours very truly,



Christopher G. Foster

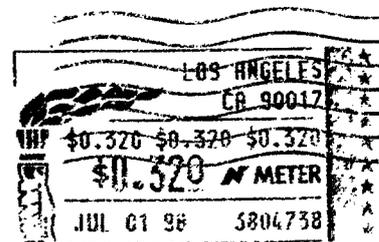
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