

Reclamation Manual

Directive and Standard

Subject:	Requirement of a Water Measurement Article in Contracts and Amendments
Purpose:	To state 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.
Authority:	Reclamation law, as applicable, ¹ beginning with the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388) (1902 Act); section 11 of the Water Conservation and Utilization Act of August 11, 1939 (WCUA) (Pub. L. 76-398; 16 U.S.C. § 590z-9)
Approving Official:	Director, Office of Program and Policy Services
Contact:	Office of Program and Policy Services; Contract Services Office, 84-56000

1. Introduction.

- A. A Water Measurement Article is required in all water service and repayment contracts and amendments of existing contracts for the delivery of project water, or of non-project water through Bureau of Reclamation facilities. The Water Measurement Article is required, but is not standardized, and regional directors are responsible for determining the appropriate language on a case-by-case basis. The reasons for the language chosen are to be laid out briefly in the relevant Basis of Negotiation (BON) (see PEC P06 and PEC 06-01 for Policy and Directives and Standards (D&S) regarding BONs).
- B. Note: 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 U.S.C. § 506, *et seq.*), as amended.

- 2. **Existing Agreements and State Laws.** Where existing agreements and/or state requirements pertaining to water measurement apply, their requirements may be used in lieu of water measurement articles made pursuant to this D&S, as the regional director deems appropriate, which is to be reflected in the relevant BON.

- 3. **Basic Requirements.** Water measurement articles shall provide for the following:

- A. The specific quantity of water to which the contractor is entitled and its source.

¹As used here, the term "Reclamation law" refers inclusively to those laws, beginning with the Reclamation Act of 1902, that Congress enacts or has enacted to authorize Reclamation to perform its mission, whether these are original, amending, or supplementing laws.

Reclamation Manual

Directive and Standard

- B. Each contract party's responsibility for the furnishing, location, installation, operation, and maintenance of the specified type of water measuring devices. Whenever possible, 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 should be made at the appropriate Reclamation facility. Where this is not possible, or when conformance with state laws, compacts, or other agreements requires water measurement devices at other locations, advance consultation and approval from state-appointed watermasters, 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.