

From: Lee Sim
To: Bob Morgan, Kerry Carpenter
Date: Tue, Apr 27, 1999 11:40 AM
Subject: Re: Santa Clara River Distribution

Good Heavens Kerry !! You should write a book - wait, I think you already did.

I'm not sure I know how to soften the blow but I don't think we have any option but to instruct Rod to deliver the "extra" water at Veyo. I agree, the company has the right to use the shares anywhere it chooses within its service area. Without some written stipulation or agreement about leaving the shares in the canal to offset leakage, I think the commissioner is bound to follow the company's request.

I think this is the real test of a commissioner's mettle - whether he will do what he is instructed based on water law or whether he will try to administer "Justice" based on his perspective.

If Rod refuses, I guess the company should file a written complaint with our office and then we'll have to figure out what to do with Rod.

Good luck

P.S. I'm glad to hear your self esteem is in good shape, but just in case let me say that I think you're doing a great job (Did that help?).

11:50 am - I CALLED ROD & EXPLAINED THE SITUATION TO HIM - HE SAID HE WILL DELIVER THE SHARE WATER TO LARRY, BUT HE WILL ALSO TELL HIM TO GET THE POWER CANAL IN COMPLIANCE OR THE 1991 FINAL CROSS WILL BE IMPROVED AND THEY WILL BE "SHUT DOWN"

KEL