



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS**  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

3 Dec 2020

CEMP-CR

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Rescission of Policy Guidance Letter No. No. 26: Easements to Support Water Supply Storage Agreements and Surplus Water Agreements

1. Reference. Memorandum, CEMP-CR, 10 June 2008, subject: Real Estate Policy Guidance Letter No. 26: Easements to Support Water Supply Storage Agreements and Surplus Water Agreements.
2. Effective immediately, reference 1 is hereby rescinded.
3. A new memorandum concerning the easement template provided with reference 1 will be forthcoming.
4. My point of contact is Mr. Theodore L. Nettles, [Theodore.L.Nettles@usace.army.mil](mailto:Theodore.L.Nettles@usace.army.mil), 202-761-5542.

JOHNSON-TURNER,BRENDA.MARIE.1285914201 Digitally signed by JOHNSON-TURNER,BRENDA.MARIE.1285914201  
Date: 2020.12.03 14:08:06 -0500

**BRENDA M. JOHNSON-TURNER**  
Director of Real Estate

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SUBJECT: Rescission of Policy Guidance Letter No. No. 26: Easements to Support Water Supply Storage Agreements and Surplus Water Agreements

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CECG

03 DEC 2020

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS (MSC)

SUBJECT: Improving Internal Processes for Review of Requests for Water Supply Withdrawals

1. References.

a. Section 6 of the 1944 Flood Control Act (33 U.S.C. 708)

b. Memorandum of the Commanding General, U.S. Army Corps of Engineers, dated 18 May 2020, Subject: Delegation of Approval and Execution Authority for Water Supply Storage Reallocation Report, Water Supply Storage Agreements, and Surplus Water Determinations and Reports.

c. Real Estate Policy Guidance Letter No. 26 - Rescission Memo, dated 3 December 2020.

2. The purpose of this memorandum is to ensure that MSCs take steps to accelerate, simplify, and better integrate the processing of requests for withdrawals of water from U.S. Army Corps of Engineers (Corps) water resource development projects. Approval and execution authority for related actions has already been delegated by Reference 1.b. Real Estate Policy Guidance Letter No. 26, Reference 1.c., is rescinded to align with the updated policy and guidance and processes for review of water supply withdrawal requests. This memorandum does not add or change substantive policies regarding implementation of relevant Corps authorities. Rather, MSC Commanders are instructed to take the following steps to ensure efficient processing of water withdrawal requests under existing authority.

3. Streamlining of evaluating requests. Consistent with Reference 1.b., authority has already been delegated to MSC and District Commanders. Subordinate tasks and related determinations should be made by personnel in the field who have the appropriate knowledge or expertise, with the goal of streamlining and accelerating review to the extent feasible and consistent with applicable laws, regulations, and guidance.

4. Reducing complexity. MSC and District Commanders should review processes to eliminate unnecessary complexity. For example, surplus water determinations should

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SUBJECT: Improving Internal Processes for Review of Requests for Water Supply Withdrawals

follow DPM 2020-04 Risk Informed Decision Making and level of effort for the analysis will be based on the complexity of the request. Many water withdrawal requests for a short duration or for small amounts of water that do require significant efforts to analyze, and professional judgement should be exercised to determine the extent of analysis required in all cases. The Director of Civil Works will publish Surplus Water Supply Agreement templates for use by the field to guide discussions with requesters. Agreements that do not deviate from the approved template or contain only non-substantive deviations from the approved template will be approved by the District Commander. Agreements that contain substantive deviation are approved by the Division Commander with discretion to delegate execution authority to District Commander.

5. Integration of process. MSCs shall ensure that personnel from each functional area work together as an integrated team to evaluate requests in a coordinated manner. The team should include district staff from all practice areas involved in reviewing a request, to include Water Management, Planning, Real Estate, Counsel, and others as appropriate. Initial meetings with requestors should include representatives from each practice area to ensure optimal coordination.

6. MSC Commanders shall report back to the undersigned within ninety days of this memorandum to report their progress on the above actions.



SCOTT A. SPELLMON  
Lieutenant General, USA  
Commanding