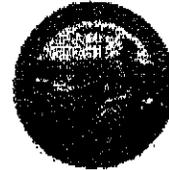


~~STATE OF CALIFORNIA - THE RESOURCES AGENCY~~

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME

OFFICE OF THE GENERAL COUNSEL
1416 NINTH STREET, 12th FLOOR
SACRAMENTO, CA 95814
(916) 654-3821



February 14, 2003

VIA FACSIMILE

Mr. Paul Murphey, Associate Engineering Geologist
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: REVISED ORDER DETERMINING THE LEGAL CLASSIFICATION
OF GROUNDWATER IN ALLUVIUM UNDER THE NORTH FORK
GUALALA RIVER

Dear Mr. Murphey:

The Department of Fish and Game (DFG) strongly supports the State Water Resources Control Board's (SWRCB) revised draft order determining that groundwater pumped from the alluvium beneath the North Fork Gualala River is in a subterranean stream flowing through a known and definite channel and is thus subject to state permitting jurisdiction. The revised order is clear, proper, and based on substantial evidence. Thus, DFG again thanks the SWRCB for its efforts and suggests no changes. The facts of this case illustrate the existence of a classic subterranean stream and the order settles important nuances in the administrative interpretation of Water Code Section 1200. Our agency therefore urges adoption and reiterates its position that the order should be precedential.

If you have any questions, please contact me at (916) 657-4091. Thank you again for your consideration.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Harlee Branch", is written over a horizontal line.

HARLEE BRANCH
Staff Counsel

HB/hb