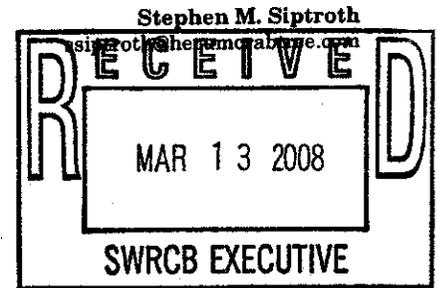


HERUM CRABTREE BROWN
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March 13, 2008

Chair Tam Doduc and Members of the State Water Board
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95814-2828



Re: Comments for March 18, 2008 Board Meeting Item: NSJWCD CDO-ACL Order

Dear Chair Doduc and Members of the State Water Board:

Stockton East Water District ("Stockton East") submits the following comments on the Draft Order Adopting Cease and Desist Order and Imposing Civil Administrative Liability.

Stockton East would again like to thank the State Water Resources Control Board for holding these hearings and for judiciously reviewing all facts in this matter. Stockton East would also like to thank the Board for allowing it to participate in the hearing process and for entertaining its comments. As a member agency of the Northeastern San Joaquin Groundwater Banking Authority, and partner of North San Joaquin in efforts to correct the critical overdraft of the groundwater basin, Stockton East remains interested in the outcome of this matter.

1) Stockton East supports amending the terms of the administrative penalty

Stockton East appreciates that the Board is suspending payment of over two-thirds of the administrative penalty provided that the District comply with the terms of the Order. However, Stockton East supports a change to the Draft Order that would incorporate either the alternative payment schedule proposed by the District, or a further reduction in the administrative penalty as proposed by the County, or both an alternative payment schedule and a further reduction in the amount payable.

North San Joaquin is a small district with limited financial means. The District is dedicating its current resources to efforts that will enable it to put its water under Permit 10477 to beneficial use, including financing litigation to protect the District's groundwater charge. Stockton East applauds these efforts insofar as they will allow a partner-district to be able to meaningfully contribute to the collaborative efforts of correcting critical overdraft in the Eastern San Joaquin Groundwater Basin.

In light of the current demands on District resources and the dedicated efforts of the District to put its water under permit to beneficial use, Stockton East respectfully requests that the Board allow the District to continue to dedicate its resources to these efforts. In furtherance of this, Stockton East asks that the Board kindly amend its Draft Order to include one of the following: a) a further reduction in the amount of the administrative penalty, as proposed by the County of San Joaquin; b) an alternative payment schedule, as proposed by the District; or c) both a reduction in the amount of the administrative penalty and an alternative payment schedule.

2) Stockton East believes the draft order should allow phasing of fish screen construction

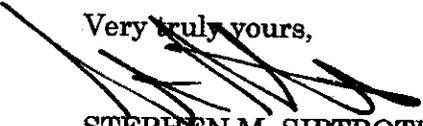
Stockton East agrees with North San Joaquin Water Conservation District that the Draft Order should be amended to allow phasing of construction of fish screens. Given that the District is a small district with limited resources, which are currently focused on litigation over its groundwater charge and may need to be focused on a potential appeal in that case, the District should be allowed more than one year to construct its fish screens in a phased manner. Further, because the fish screens will be financed by monies collected from the District's groundwater charge, and because this groundwater charge is subject to renewal each year per the Water Code and subject to the procedure prescribed by Article XIII D of the California Constitution if it is increased, the District should be allowed more time to construct fish screens at its points of diversion. Additionally, once each fish screen is constructed, the District should be permitted to utilize that particular point of diversion.

3) Stockton East supports other concerns the District and County of San Joaquin raise in their comments

Stockton East supports the District's desire for clarification on whether the Draft Order will replace, supersede or supplant other documents, including CDO 262.31-XX and ACL 262.5-46. Additionally, Stockton East supports the County's contention that the Board should find that Term 23 of the Permit has been met by virtue of the fact that EBMUD's bypass flow requirements were approved by the State Board in D 1641, and should amend the Draft Order consistent with this finding.

Thank you for allowing Stockton East to provide these comments and for your attention to this matter. We would ask that the Draft Order be revised in a manner that takes into account the fiscal limitations of the District, clarifies how the Order will operate in light of CDO 262.31-XX and ACL 262.5-46, and reflects that Term 23 of the Permit has been satisfied and the District does not need to undertake duplicative efforts. If you have any questions prior to the hearing, please do not hesitate to contact me.

Very truly yours,


STEPHEN M. SIPTROTH
Attorney-at-Law