

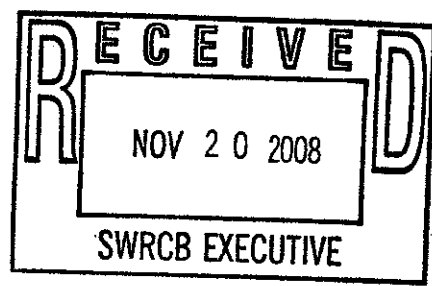
HERUM \ CRABTREE  
ATTORNEYS

Karna E. Harrigfeld  
kharrigfeld@herumcrabtree.com

November 20, 2008

**VIA ELECTRONIC MAIL AND OVERNIGHT MAIL**

Chair Tam Doduc and Members of the State Water Board  
c/o Ms. Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
Cal/EPA Headquarters  
1001 "I" Street, 24<sup>th</sup> Floor  
Sacramento, California 95814



Re: Stockton East Water District/American River Water

Dear Chair Doduc, Members of the State Water Board, and Ms. Townsend:

Stockton East Water District (Stockton East) submits the following comments on the State Water Resources Control Board (State Water Board) Draft Order revoking water right permits 16209, 16210, 16211 and 16212 (Applications 18721, 18723, 21636 and 26137).

Stockton East participated during the hearing and filed a Closing Brief in opposition to the revocation of the Bureau of Reclamation (Reclamation) water right permits for the Auburn Dam Project. Stockton East is very disappointed that the Draft Order supports revocation of the Reclamation permits. Stockton East presented testimony at the hearing that established it was not in the public interest to revoke the permits because Stockton East is one of the intended water users of the Auburn Dam Project, and has exercised due diligence by pursuing water through contract with Reclamation.

Stockton East diligently negotiated and signed a contract for the delivery of American River water, but Reclamation failed to execute the agreement. The District demonstrated a significant need for supplemental surface water to cure the critically overdrafted Eastern San Joaquin groundwater basin, which this Draft Order recognizes. While the Draft Order supports Stockton East's efforts to obtain additional surface water to address the problem, it recommends denial of the District's request for a modest extension so that the District could attempt to perfect the rights.

As one intended beneficiary under the various State Water Board decisions authorizing these water right permits, it is fundamentally unfair to revoke these permits without affording the intended beneficiaries an opportunity to develop a project to bring the long promised water to San Joaquin County. While the Draft Order recognizes

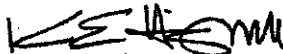
Chair Tam Doduc, Members of the State Water Board,  
and Ms. Jeanine Townsend  
November 20, 2008  
Page 2

that the State Water Board orders found it to be in the public interest to provide San Joaquin County interests with the priority opportunity to contract for water from the Auburn Dam project, the Draft Order claims that this was not guaranteed and since Reclamation has failed to contract, the permits should be revoked.

Stockton East appreciates the Draft Order's reaffirmation "that there is a public interest in supporting efforts of San Joaquin County to obtain adequate water supplies [Draft Order, pg. 23], however, the District would prefer this reaffirmation support the continuation of Reclamation's Auburn Dam permits which would permit the intended beneficiaries an opportunity to develop a project to place the water to beneficial use.

We appreciate the opportunity to comment on the Draft Order and will be available to answer any questions of the State Water Board.

Very truly yours,



KARNA E. HARRIGFELD  
Attorney-at-Law

KEH:md

cc: Mr. Kevin Kauffman, Stockton East Water District  
Auburn Dam Hearing list