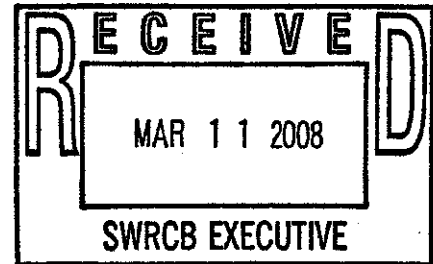




March 11, 2008

Via Electronic Mail

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100



RE: Draft Order WR 2008 - 00XX (NSJWCD)

Dear Ms. Townsend:

The East Bay Municipal Utility District (EBMUD) provides the following comments on the State Water Resources Control Board's (State Board) draft order "In the Matter of the Petition for Reconsideration by the North San Joaquin Water Conservation District of State Water Resources Control Board Order WR 2006-0018-DWR Denying an Extension of Time, Permit 10477 (Application 12842)."

Condition 6 of the draft order states:

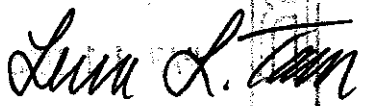
The District may not transfer water diverted to underground storage under Permit 10477 outside the Eastern San Joaquin groundwater basin, as defined in the Department of Water Resources Bulletin 118.

As EBMUD indicated in its June 21, 2007 Policy Statement during the State Board hearing on the Petition for Reconsideration, a broad collection of regional stakeholders has formed the Mokelumne Forum. Forum members include the North San Joaquin Water Conservation District and EBMUD, as well as San Joaquin County, the Cities of Lodi and Stockton, Woodbridge Irrigation District, Stockton East Water District, Central San Joaquin Water Conservation District, the San Joaquin Farm Bureau, and foothill regional interests including Alpine and Amador Counties, Amador Water Agency, Calaveras County Water District, Calaveras Public Utilities District, Jackson Valley Irrigation District, and the Foothill Conservancy.

The Forum is working together to develop an Inter-Regional Conjunctive Use Project (IR-CUP). The IR-CUP would involve the use of the Eastern San Joaquin groundwater basin for the underground storage of Mokelumne River surface water for a project that would benefit Forum parties. Because of the intended broad, "inter-regional" nature of the project, it is anticipated that the stored water could be used outside the groundwater basin.

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It appears that Condition 6 is intended to address the critical overdraft condition in the Eastern San Joaquin groundwater basin, and we understand that concern. Nonetheless, given the potential for future inter-regional conjunctive use projects that may store water in that same basin, EBMUD requests that the State Board carefully consider the impacts of the inclusion of Condition 6 in this permit and other rights because doing so could create impediments to such potential inter-regional conjunctive use projects in the future.

Very Truly Yours,

Lena L. Tam
Manager of Water Resources Planning

LLT:smc

cc: Ed Stefani, NSJWCD