



SAN JOAQUIN COUNTY

## FLOOD CONTROL & WATER CONSERVATION DISTRICT

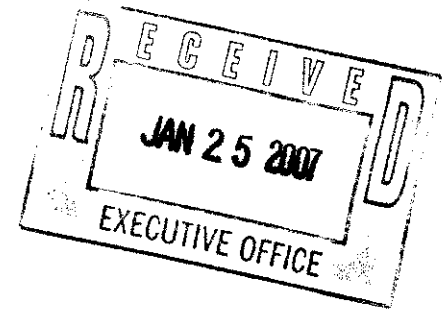
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2/20 BdMtg Item 9  
N. San Joaquin  
Deadline: 2/8/07 12pm

THOMAS R. FLINN  
DIRECTOR OF PUBLIC WORKS  
FLOOD CONTROL ENGINEER

CT5227



January 19, 2007

Tam M. Doduc, Chair  
State Water Resources Control Board  
1001 I Street, Fourteenth Floor  
Sacramento, California 95814

**SUBJECT: LETTER OF SUPPORT FOR THE NORTH SAN JOAQUIN WATER CONSERVATION  
DISTRICT PETITION FOR REQUEST FOR RECONSIDERATION FOR WATER RIGHT  
PERMIT NO. 10477**

Dear Ms. Doduc:

The San Joaquin County Board of Supervisors has taken the historic position to support the protection, preservation, and development of additional water rights for the benefit of San Joaquin County. Recent actions of the State Water Resources Control Board (SWRCB) against the North San Joaquin Water Conservation District (NSJWCD), including the issuance of a Cease and Desist Order, the levying of a significant fine, and the denial of their temporary water right, are gravely alarming. These actions are of a most heavy-handed nature, unwarranted, and are unbecoming of the SWRCB's position of responsibility over California water matters.

In response to these actions, at the December 20, 2006 meeting of the San Joaquin County Flood Control and Water Conservation District Advisory Water Commission (AWC), the Commissioners voted unanimously to support NSJWCD in their Petition for Request for Consideration. It is of the utmost importance that NSJWCD be allowed to preserve and utilize their entire Mokelumne right due to the overall lack of sufficient surface supplies needed to address the condition of critical overdraft in the Eastern San Joaquin Groundwater Basin and the resulting saline groundwater intrusion migrating from the Sacramento-San Joaquin Delta.

The history of ill-fated water right decisions traces back to 1956 whereby the State Engineer under Decision 858 denied a firm supply of water for NSJWCD from the Mokelumne River. Decision 858 instead granted East Bay Municipal Utility District rights to the Mokelumne River and directed NSJWCD to pursue the American River as a permanent source of surface water. NSJWCD was granted a "temporary" appropriation during the fall, winter, and spring months when irrigation demands are almost non-existent. The "temporary" appropriation is also subject to urban growth in the East Bay Municipal Utility District service area. Since promised, the Auburn Dam and Folsom South Canal Project have been abandoned, and no means of delivering American River water to NSJWCD or Eastern San Joaquin County exists today.

Despite the obstacles of providing interim surface water supplies for irrigation when water is only divertible in fall and winter months, NSJWCD continues to demonstrate "due diligence", as required by Water Code Section 1396 in perfecting its water right. NSJWCD has filed for several Extensions of Time (Extension) to put Mokelumne River water to beneficial use, the most recent dated December 29, 2000. Since the time the last Extension was filed, NSJWCD has been active in developing a conjunctive use program with the assistance of the Farmington Groundwater Recharge Program, the CALFED Bay-Delta Program, and other local interests.

LETTER OF SUPPORT FOR THE  
NORTH SAN JOAQUIN CONSERVATION DISTRICT PETITION

The AWC fears that the information utilized by the SWRCB in its decision to deny the Extension of Time is dated and does not give an accurate and comprehensive view of NSJWCD's endeavor to comply with the Water Code, State Water Resources Control Board regulations, and the terms of their water right permit.

In addition to its own individual efforts, NSJWCD has been an active and leading member agency of the Northeastern San Joaquin County Groundwater Banking Authority (GBA), a regional consensus-based effort. In partnership with the California Department of Water Resources and other regional interests, the GBA developed and adopted the Eastern San Joaquin Groundwater Basin Groundwater Management Plan in 2004. The Groundwater Banking Authority is currently developing an Integrated Regional Water Management Plan and the Eastern Basin Integrated Conjunctive Use Program (ICU Program). A foundational and vital element of the ICU Program will be the use of existing water right entitlements for groundwater recharge and direct use. The water right entitled to NSJWCD is considered vital to the success of the Integrated Conjunctive Use Program.

The Advisory Water Commission fully supports NSJWCD's Petition for Request for Consideration. This matter is of grave importance, not only to NSJWCD, but to San Joaquin County as a whole. North San Joaquin Water Conservation District's water right is an integral part of the County's efforts to meet the water needs of the region. We strongly urge your reconsideration regarding this matter and your unconditional support for our efforts to preserve our water rights. Any impairment or extinguishment of that right will only thwart our efforts to correct conditions of basin overdraft and sustain our community.

Sincerely,



TOM MCGURK  
Chairman, San Joaquin County Advisory Water Commission

This letter is signed by the Chairman on behalf of its member agencies:

At-Large Representative  
Central Delta Water Agency  
Central San Joaquin Water Conservation District  
City of Escalon  
City of Lathrop  
City of Lodi  
City of Manteca  
City of Ripon  
City of Stockton  
City of Tracy  
Environmental & Fish/Wildlife Representative  
North San Joaquin Water Conservation District  
Oakdale Irrigation District  
San Joaquin County  
South Delta Water Agency  
South San Joaquin Irrigation District  
Southwest County Representative  
Stockton East Water District  
Woodbridge Irrigation District

Tam M. Doduc, Chair

-3-

LETTER OF SUPPORT FOR THE  
NORTH SAN JOAQUIN CONSERVATION DISTRICT PETITION

TRF:THM:mk  
WR-7A068-M1

c:      Advisory Water Commissioners  
          Edward M. Steffani, North San Joaquin Water Conservation District General Manager  
          Victoria Whitney, Chief/Division of Water Rights  
          Senator Dave Cogdill  
          Senator Dave Cox  
          Senator Michael Machado  
          Senator Charles Poochigian  
          Assemblyman Greg Aghazarian  
          Assemblywoman Cathleen Galgiana  
          Assemblyman Guy Houston  
          Assemblyman Alan Nakanishi  
          T. R. Flinn, Director of Public Works  
          Thomas M. Gau, Chief Deputy Director