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Attorney for
STOCKTON EAST WATER DISTRICT

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of:)
)
HEARING TO DETERMINE WHETHER)
TO RECONSIDER ORDER WR 2006-0018-DWR) **CLOSING BRIEF**
DENYING NORTH SAN JOAQUIN WATER)
CONSERVATION DISTRICT'S PETITION)
FOR EXTENSION OF TIME)
(Application 12842))

I.

INTRODUCTION

Stockton East Water District is filing this Closing Brief in the hearing to determine whether to reconsider Order WR 2006-0018 – DWR denying North San Joaquin Water Conservation District's Petition for Extension of Time on Permit 10477 (Application 12842). Stockton East urges the State Board to withdraw the Division Chief's denial of North San Joaquin's Petition for Extension of Time. To do otherwise would not be in the public interest.

North San Joaquin has met the one requirement imposed by Water Code §1398 that the State Board must establish to grant an extension of time allowed in a water right permit - that good cause exists. In addition, issuance of an extension of time for North San

Joaquin's Permit is in the public interest. Eastern San Joaquin County needs the water, and there are no contravening public interest considerations against extension.

North San Joaquin has exercised due diligence since 1991 to place its water to full beneficial use. Over the past 15 years it has implemented pilot conjunctive use projects, and in 2007 North San Joaquin imposed a groundwater charge that will raise sufficient revenue to allow it to implement its 10 year plan to put the entire 20,000 acre feet to beneficial use.

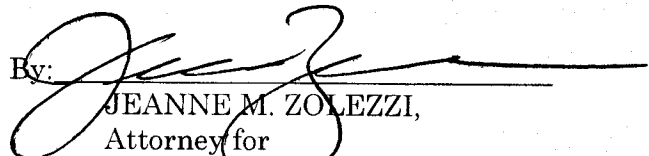
North San Joaquin's permit is unique in the state. In determining whether or not to issue an extension of time under its permit, the State Board must consider the uniqueness of this permit, and the important public interest of placing this water to use in San Joaquin County. The Eastern San Joaquin County Groundwater Basin depends upon this water, and upon North San Joaquin to place that water to use. Given the unique circumstances of the permit, the fact that the supply is temporary and not dependable, the fact that neither North San Joaquin nor its landowners knows from year to year whether or not water will be available under the permit, the District has overcome tremendous odds to achieve what it has to date.

The Water Code requires only that the State Board find good cause before the time to place water under permit to use can be extended; certainly good cause exists under the circumstances here. You must determine what is in the public interest – the public interest requires that North San Joaquin be allowed to finish the job.

DATED: August 7, 2007

Respectfully submitted,

HERUM CRABTREE BROWN
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By: 
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