

SOUTH DELTA WATER AGENCY

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3/18/08 Bd. Mtg. Item 10
NSJWCD - CDO/ACL
Deadline: 3/13/08 by 5 p.m.

3/18/08 Bd. Mtg. Item 9
NSJWCD - Extension of Time
Deadline: 3/13/08 by 5 p.m.

Directors:

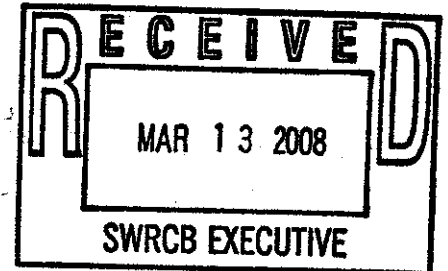
Jerry Robinson, Chairman
Robert K. Ferguson, Vice-Chairman
Natalino Bacchetti
Jack Alvarez

Engineer:
Alex Hildebrand
Counsel & Manager:
John Herrick

March 13, 2008

Via e-mail commentletters@waterboards.ca.gov

Ms. Tam Dudoc, Chair
State Water Resources Control Board
P.O. 100
Sacramento, CA 95812



Re: North San Joaquin Water Conservation District
Draft Order 2006-0018-DWR and draft Cease and Desist Order

Dear Chairperson Dudoc:

On behalf of the South Delta Water Agency, we submit the following comments to the above referenced draft orders.

First, with regard to the draft Cease and Desist Order, SDWA requests that the proposed penalty be reduced, or in the alternative, NSJWCD be allowed to pay the penalty over time. As was shown at the hearing, the District does not have any real surplus of funds from which to pay a penalty. Its money would be better used as part of its efforts to both comply with current permit conditions and/or to plan and implement measures necessary for the District to put its permitted amounts to beneficial use.

Second, with regard to the draft Order extending the District's time by which it must put the permit water to beneficial use, we would like to note the following. NSJWCD now has a plan to construct the necessary improvements to put all of its permit water to use, and a funding mechanism therefore. However, it will certainly take more time than that which is being granted under its Petition. That Petition is nearly 8 years old, and had asked for an additional 10 years. Granting the Petition now results in only (approximately) a two year extension. As the District and the County work together on their Integrated Regional Water Management Plan, they anticipate a long process with incremental actions. Hence, the District will require further consideration at a later time for an additional extension.

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Ms. Tam Dudoc

March 13, 2008

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Please feel free to contact me if you have any questions.

Very truly yours

JOHN HERRICK

