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March 25, 2004

VIA FACSIMILE & OVERNIGHT MAIL:

Diane Riddle  
State Water Resources Control Board  
Environmental Scientist  
Division of Water Rights  
State Water Resources Control Board  
Post Office Box 2000  
Sacramento, California 95812-2000

Re: Comments on Proposed Order Regarding Petition for Long Term Transfer Under Merced Irrigation District and Modesto and Turlock Irrigation Districts' Licenses

Dear Diane:

The following comments are made on behalf of Stockton East Water District to the State Water Resources Control Board (SWRCB) proposed order regarding the Petition for Long Term transfer involving a Change in the Place and Purpose of Use of Merced Irrigation District and Modesto and Turlock Irrigation District's Licenses (Proposed Order).

1. On page 16 of the Proposed Order it states that "USBR may deviate from the IOP in order to meet water quality objectives at Vernalis. (SEWD 7)." We disagree with this statement and do not believe the cited reference to SEWD Exhibit 7 supports this statement. The San Joaquin River Agreement, testimony from USBR representatives throughout the D 1641 hearings and D 1641 recognize that USBR would operate New Melones in accordance with the IOP until a long term plan is developed [D1641, page. 24]. We suggest that this statement be deleted.

2. On page 17 of the Proposed Order there is a statement that this "order requires Merced ID and MID/TID to coordinate refill of water released pursuant to this change with USBR to ensure that refill does not occur when the USBR is bypassing or releasing water to meet flow or salinity objectives at Vernalis." Similar language requiring coordination is set forth on page 24. We support this requirement, however, we have found nothing in the "Order" section beginning on page 31 that requires this coordination. We suggest appropriate language be added to require the coordination described in these sections.

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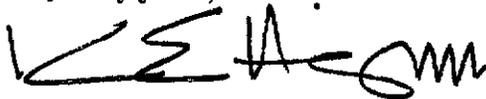
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3. We support Condition 4 – the refill condition contained on page 34 of the Proposed Order with one slight modification. We suggest that on lines 4- 5 of Condition 4 the reference to the fish and wildlife objective be modified to “objectives” as there are more than one flow objective.

We appreciate this opportunity to comment on the Proposed Order.

Very truly yours,



KARNA E. HARRIGFELD  
Attorney-at-Law

KEH:lac

cc: Service List  
Mr. Kevin Kauffman, Stockton East Water District

**SERVICE LIST**  
**Workshop on VAMP "Double-**  
**Step" Petitions**  
**Mailing Labels**  
**Modified 2/4/04**

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