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Via TrueFiling E-Service

The Honorable Chief Justice Tani Cantil-Sakayue and
Honorable Associate Justices of the
Supreme Court of the State of California
350 McAllister Street
San Francisco, California 94102

Re: San Diego County Water Authority v. Metropolitan Water District of Southern California (Cal. App. 1st Nos. A146901, A148266, and S243500)

Pursuant to California Rules of Court Rule 8.500(g), the North San Joaquin Water Conservation District (District) is writing to support San Diego County Water Authority's Petition for Review in the above-entitled case. As discussed in the Petition, the Court of Appeal's decision, which breaks with prior appellate decisions holding that charges for water must only reflect the reasonable cost of the services provided, will have statewide implications for water pricing if left to stand.

The District is a political subdivision of the State of California, organized under the Water Conservation District Law in 1948 in order to promote and provide surface water for irrigation in lieu of pumping groundwater. The District's service area currently encompasses approximately 150,000 acres of productive agricultural lands in the northeastern portion of San Joaquin County that currently rely primarily on groundwater for irrigation.

The District overlies the critically overdrafted Eastern San Joaquin Groundwater Basin and, following the adoption of the Sustainable Groundwater Management Act (SGMA), declared itself a Groundwater Sustainability Agency for all lands within the District's service area (excluding the towns of Lodi and Lockeford). In order to comply with SGMA, which requires that all critically overdrafted groundwater basins be managed sustainably by the year 2020, the District will need to reduce groundwater use within its service area and import additional surface water supplies. If the District is unable to secure additional surface water supplies, then the potential reductions in groundwater use that will be required under SGMA will force lands within the District out of agricultural production which will have grave consequences for our local economy.

The available additional local surface water supplies for the District are limited. However, there are some wet year surface water supplies available for the District to purchase from the American River watershed. In order to transport this water to the District, the District will need to wheel the transfer water through facilities owned by the Bureau of Reclamation and East Bay Municipal Utility District (EBMUD). EBMUD would need to set a wheeling rate for water that is conveyed

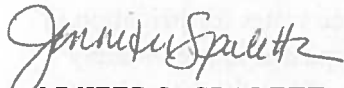
through EBMUD's existing conveyance facilities for the District.

The District is writing to support San Diego County Water Authority's Petition to the California Supreme Court to help ensure that future wheeling rates set by other water providers throughout the state may only include the charges that are allowed under the wheeling statutes (i.e. charges related to the facilities that are actually used to deliver wheeled water, not charges related to other facilities or the cost of buying water).

Furthermore, as a junior water rights holder on the Mokelumne River, one of the main tributaries to the Delta, the District's ability to exercise its water rights will be impacted if conditions in the Delta are further degraded through the continued reliance on water exports that this decision promotes. The San Diego County Water Authority's Petition raises significant issues with statewide implications of consistency with the adopted policy and requirements of the Delta Reform Act. The Appellate Court's Decision approves rates for the wheeling of conserved water that are nearly twice the cost of providing water from the Delta. Allowing Metropolitan's pricing structure to stand will deter other southern California water providers from complying with the State's mandate to reduce reliance on the Delta through investment in local and regional water supply projects. Simply stated, the Decision creates a perverse incentive at odds with the State's policy of regional self-reliance and reduced reliance on the Delta: suppliers' fiscal obligations to their customers will demand that they acquire the least expensive water available, even if that water supply was developed in derogation of State policy.

Accordingly, the Board of Directors of the North San Joaquin Water Conservation District urges the Court to grant the Petition for Review.

Respectfully submitted,



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General Counsel
North San Joaquin Water Conservation District

cc: Service List, attached.

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DISTRICT OF SOUTHERN CALIFORNIA
CA Supreme Court (S243500)**

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