U.S. Borax does not oppose the proposal submitted by the Public Water Suppliers for class definitions, but wishes to raise two concerns. First, the Subclass A proposal states with respect to any land “that connects to a Public Water Supplier’s water service system and does not operate a groundwater well, then such landownership will no longer be a member of the class and will be dismissed from the litigation.” Proposal at 3:13-15. U.S. Borax presumes that this exclusion is
proposed because the Public Water Suppliers will, in some manner, agree to be legally bound to prevent the construction or utilization of a groundwater well within their service areas in the future. If that presumption is somehow incorrect, then U.S. Borax requests that the Public Water Suppliers address how future pumping by excluded landowners that are dismissed from, and not bound by, this litigation will be controlled. Second, with regard to the exclusion of "all public entities" (Proposal at 3:20), U.S. Borax simply requests some clarification as to the Public Water Suppliers' land ownership information for the adjudication area to determine the scope of this relatively vague exclusion. This exclusion does not address the risk that, in the future, publicly owned property not bound by this litigation may transfer into private hands.

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EDGAR B. WASHBURN
WILLIAM M. SLOAN
MORRISON & FOERSTER LLP

By: ________________________________
William M. Sloan
Attorneys for U.S. BORAX INC.