

September 25, 2007

State Water Resources Control Board
Division of Water Rights
1001 "T" Street
Sacramento, CA 95814

Attn: Diane Riddle

Re: Revised DEIR Consideration of Modifications to the USBR's Water Right Permits 11308 and 11310 (applications 11331 and 11332) to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River below Bradbury Dam (Cachuma Reservoir). State Clearinghouse #1999051051

Dear Ms. Riddle:

I represent Alisal Properties, a California Corporation, (hereafter "Alisal") which owns in excess of 10,000 acres of real property located in and contiguous to the Santa Ynez River in Santa Barbara County, East and South of the City of Solvang.

It is noted that, in the section of the DEIR relating to Downstream Water Rights (Sec. 3.1.2), you have listed "Riparian Diverters – Above the Narrows. The list, however, is incomplete in that it fails to include Alisal, which is a diverter in the Above Narrows reach of the River and in the Santa Ynez subarea.

We have contacted Stetson Engineers and have been assured by that firm that all of the hydrologic modeling studies, which are a part of the DEIR, include the Alisal's historic pumping in the baseline data. Consequently, the omission does not appear to impact any factual conclusions in the DEIR.

Alisal claims a continuing riparian right, paramount to all appropriators on the Santa Ynez River, including Permits 11308 and 11310 (Cachuma Project) for beneficial use on its riparian lands.

For your information in correcting this error:

Alisal owns significant riparian lands and owns riparian rights to divert Santa Ynez River flow, both surface and subsurface for use on their riparian lands in and adjacent to the Santa Ynez River. Their points of diversion are in the Above Narrows reach of the river in the Santa Ynez subarea. Much of the land owned by Alisal is part of a Mexican land grant called Rancho Nojoqui. Use of water dates back to a time that would justify a claim of pre-1914 appropriative rights appurtenant to the ranch. However, the ranch has for most of the last century relied on its riparian rights in the river

and other perennial streams which are all tributaries of the Santa Ynez River, including Alisal Creek and its tributaries, Nojoqui Creek and its tributaries and Quiota Creek. However, the subsurface flow of the Santa Ynez River has been the largest and most reliable year-round flow and has, consequently, been used in varying amounts over the years.

Alisal provides river well production information on a semi-annual basis to the Santa Ynez River Water Conservation District, which has in recent years been imposing a “groundwater charge.” Those semi-annual statements, over the past eight years indicate that Alisal’s Santa Ynez River water production from sub-surface flow has amounted to a low in Fiscal 2005-06 of 538.57 acre feet to a high in Fiscal 2002-03 of 829.88 acre feet. An excel spreadsheet summarizing that pumping history is attached for your information.

If any other information is required, please let us know.

Stanley C. Hatch
For Hatch and Parent, PC

Cc: Palmer Jackson, Alisal Ranch

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Alisal Ranch Pumping from Santa Ynez River

Based on reports to SYRWCD

Fiscal Year is July 1 to June 30

Q1 & Q2 = July 1 to Dec. 31 Q3 & Q4 = January 1 to June 30

	<i>Acre feet</i>	<i>Annual Total</i>
Q1 & Q2 1999	479.120	
Q3 & Q4 2000	336.300	
		815.420
Q1 & Q2 2000	442.010	
Q3 & Q4 2001	305.330	
		747.340
Q1 & Q2 2001	395.570	
Q3 & Q4 2002	380.520	
		776.090
Q1 & Q2 2002	639.420	
Q3 & Q4 2003	190.460	
		829.880
Q1 & Q2 2003	443.340	
Q3 & Q4 2004	305.102	
		748.442
Q1 & Q2 2004	520.945	
Q3 & Q4 2005	148.980	
		669.925
Q1 & Q2 2005	344.030	
Q3 & Q4 2006	194.540	
		538.570
Q1 & Q2 2006	360.990	
Q3 & Q4 2007	224.540	
		585.530
Total FY 2000-2007		5711.197
Average Annual Production		713.900