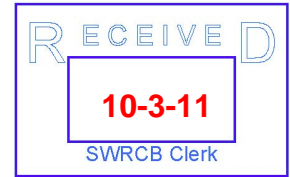


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October 3, 2011

Mr. Charles R. Hoppin, Chair
State Water Resources Control Board
P. O. Box 100
Sacramento, California 95812-0100

Re: Comment Letter - 10/18/11 Board Meeting: Millview CDO

Dear Mr. Hoppin:

This firm represents the Sonoma County Water Agency ("SCWA"). SCWA participated as a party in the January 26, 2010 SWRCB hearing in this matter, and SCWA now supports the SWRCB's adoption of the September 19, 2011 draft order.¹

As the draft order correctly recognizes, in section 5.3.2, on page 41, under certain (actually many) hydrological conditions, SCWA must augment natural flows in the Russian River with water released from storage in Lake Mendocino so that SCWA can meet the Russian River minimum instream-flow requirements that were added to SCWA's water-right permits by the SWRCB's Decision 1610. If Millview County Water District ("Millview") were allowed to continue to divert water under the Waldteufel claim of right at rates higher than the maximum authorized rates specified in the draft order, then SCWA would have to release more water from Lake Mendocino storage to meet these instream-flow requirements. Under these circumstances, the resulting lower Lake Mendocino storage levels would adversely affect SCWA's water supply, and particularly SCWA's ability to continue to maintain the required minimum Russian River flows in the fall, when they are needed to support upstream migration for Chinook salmon spawning. The SWRCB needs to adopt the draft order to prevent these adverse impacts.

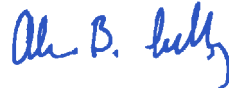
SCWA also agrees with the draft order's conclusion in section 5.2.1, on pages 24-25, that no appropriative right ever was perfected under the Waldteufel claim of right, because all of the diversions and uses that allegedly occurred under this claim of right were authorized by a riparian right. SCWA accepts the draft order's conclusion that, because of the limitations in the notice for this proceeding, the order in this proceeding may not require Millview to completely stop its diversions under the Waldteufel claim of right. This acceptance is based on the draft order's conclusion that total annual diversions under this claim of right must be limited to 15 acre-feet per year, and the draft order's statement in section 6.0 on page 44 that this order should

¹We do request that, before the SWRCB adopts the September 19, 2011 draft order as a final order, the SWRCB change "supplement" to "supplemental" on page 16, in line 9.

Mr. Charles R. Hoppin
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not be interpreted to confirm or validate that any pre-1914 right exists based on the Waldteufel claim of right, should the issue be raised in any later proceeding. If the SWRCB ever conducts another proceeding concerning this claim of right, then SCWA will ask the SWRCB to consider and decide this issue.

Very truly yours,



ALAN B. LILLY

ABL:tmo

cc: Attached Service List (by e-mail only)
8534\Millview CWD CDO\L092811abl.doc

MAILING SERVICE LIST
(September 19, 2011)

In the Matter of the Threat of Unauthorized Diversion and Use of Water
by Thomas Hill, Steven Gomes, and Millview County Water District

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