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STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS  
SACRAMENTO

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DREW L. ASPEGREN, P.E.  
CIVIL ENGINEER

May 1, 2008

Ms. Karen Niiya, Senior Engineer  
DIVISION OF WATER RIGHTS  
State Water Resources Control Board

Email [AB2121policy@waterboards.ca.gov](mailto:AB2121policy@waterboards.ca.gov)

Dear Ms. Niiya:

Our firm serves as consultants and agents in the area of water rights in Northern California, and we have been doing this for some thirty years.

Over the years, the path from project conception through the appropriate water right permitting process has become increasingly more difficult, particularly the length of time to get from application to permit. Some applications have been "in the pipeline" for fifteen years or longer. The greatest hurdle is completing the environmental document. The process is so long that the rules change along the way.

In 2002, draft guidelines were put in place to deal with preservation and enhancement of anadromous fisheries in the California North Coast. There was not much objection raised and most applicants and petitioners accepted the draft guidelines, hoping that it was a path to approval. However, it has not proven to be the case. Try as they might, Applicants and Petitioners could not get through the Water Availability Analysis and other fish preservation hurdles.

Despite the fact that they are several years into the 2002 Guideline process, Applicants and Petitioners are now faced with the new proposed Instream Flow Policy, which raises the standard for stream flows to the detriment of small agricultural to a point where good projects which were conceived under prevailing regulation are not feasible, and there is no provision that all pending applicants and petitioners will not be required to conform to the new Policy.

There is no balance presented in the Policy or background information protecting current applicants and petitioners from having to start over in the WAA, the very basis of project viability. Further projects applications will face denial after many years of processing. This is blatenly unfair.

The Policy does not provide any balance to the competing needs for water as it fails to weigh the benefits derived from agricultural, domestic and industrial uses of water.

The State Board should concentrate on fixing the water right process. Applicants deserve clear and effective guidance as to how to obtain a water right permit. The Draft Policy should be rejected and replaced with one that balances economic interests and environmental protection.

Sincerely,  
NAPA VALLEY VINEYARD ENGINEERING, INC.

Drew L. Aspegren, P.E.  
Civil Engineer #31418

DLA:jw