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AB2121

STATE WATER RESOURCES CONTROL BOARD
2008 APR 25 PM 2:19
STATE WATER RIGHTS
SACRAMENTO

Ms. Karen Niiya, Senior Engineer
Division of Water Rights
State Water Resources Control Board
1001 I Street, 2nd Floor
P.O. Box 2000
Sacramento, CA 95814

Re: Comment Letter – AB 2121 Policy

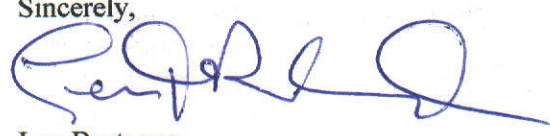
I am a landowner in Mendocino County and the proposed policy will directly impact me. I own over 550 acres of vineyard and divert water from Feliz Creek, Dooley Creek and the Russian River for irrigation purposes.

I filed applications for appropriation of water from the Russian River and unnamed tributaries for winter storage for irrigation, frost protection and fire protection purposes – one was filed in 1990 and a second in 1997. I also filed two more applications for appropriation of water from Feliz Creek and unnamed tributaries for winter storage for irrigation, frost protection, and fire protection purposes. These were filed in 1998.

The proposed policy will directly impact the farming interests of my family business. Implementation of the Policy will result in further delays in water right processing because the majority of applicants and petitioners will need to seek a variance due to the stringent bypass and diversion rate limitations in the Policy. The variance criteria are not clearly defined in the Policy; therefore, we believe that processing of numerous variance requests will exacerbate the already back-logged workload of the State Water Board staff, and further delay approval of our pending applications. I have cooperated with State Water Board staff in the processing of my water right applications but have been pending for more than 18 years on one and more than 10 years on the others.

I am concerned that the *severe and costly* compliance measures that would be imposed on my project will result in drastically reduced water yields and possibly loss of my productive farmland. There is no indication in the Policy that the fishery resources would actually benefit from my implementation of such measures. The Policy does not provide a balance to the competing needs for water as it fails to weigh the many benefits derived from the agricultural, domestic and industrial uses of water.

The State Water Board should concentrate on fixing the water right process. Applicants deserve clear and effective guidance as to how to obtain a water right permit. A 20-year process is not acceptable to me or to the environment. The Draft Policy should be rejected and replaced with one that balances economic interests and environmental protection.

Sincerely,

Len Brutocao

cc: Tam Doduc, Chair, SWRCB
SWRCB Members: Arthur Baggett, Jr., Charles Hoppin, Frances Spivy-Weber, Gary Wolff

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