

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

2008 MAY -1 AM 9: 21

DIV. OF WATER RIGHTS  
SACRAMENTO

Re: Comment Letter – AB 2121 Policy

April 30, 2008

- I am a prospective landowner in Sonoma County and the proposed policy will directly impact the vineyard operation of the property I am about to purchase. The land is currently in escrow and will close mid summer 2008.. I will own 52 acres of land, 20 acres planted to vineyard and the remaining in open grazing land. The existing reservoir impounds 15 acre feet of water and was constructed in the late forties or early fifties, verifiable by the girth of the oak trees growing on the face of the dam. The dam is on a class 3 stream in the Gird Creek drainage and is supported by pumped groundwater. The reservoir is maintained in the full condition year round, by a combination of rainwater and pumped groundwater. This full reservoir effectively creates a bypass situation that the draft Policy does not recognize. The installation of a simple level control would guarantee the desired water in, water out scenario the policy seeks to ensure. (a watering trough float valve would do it). The 16" diameter overflow pipe at the dam attests to the small size of the impounded ditch. The reservoir is effectively used as a surge tank for vineyard irrigation during the growing season. Water pumped out at high rates for irrigation is replaced with pumped groundwater at a lower rate, refilling the reservoir. This is a necessary operation used to dilute the relatively high boron level of the groundwater. High levels of boron in irrigation water will negatively affect the health of the vineyard, and could actually kill the vines. There are other aesthetic and environmental reasons for maintaining a full reservoir.
- The current owner filed an application for diversion on May 9, 2006. (App. # 31618).
- The proposed policy as written will directly impact the viability of the vineyard operation and could not only lead to reduced production, but could leave me with lethal irrigation water.
- The Policy as written will result in delays in water right processing. When I began to consider purchasing this property the state was 10 to 15 years behind in granting water rights permits, I was aware of AB2121 and expected some type of permitting process to ensue. The complication of this particular draft is absurd, lacking any attempt at simplification, and having all the earmarks of student engineers and biologists short on practical application. Will the majority of applicants, myself included, be required to seek variances, hire consultants, and

biologists, and engineers to meet the bypass or diversion rate limitations? Won't this lead to further delays in permit processing due to the complication? In the case of Application 31618, a horse trough float would fix the problem, provide the desired result, and I could do it for a few hundred dollars as opposed to using my granddaughter's college education funds. The desired result should be the end goal, no one can attest that this plan will actually work, where is the test case, demonstrating a recovered fishery by the change in water flow patterns?

- A balanced approach was not taken in the design of this policy. Water use must be divided among all beneficial uses and not to the benefit of one segment or interest group. 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. Water management policies by the state and federal government are the cause of most of the environmental concerns we face today. The Klamath River (federal) the current Delta pumping debacle are failed government policies, permitted and allowed to take place. I am aware of many small dams built over the years because licenses weren't processed and the owner just gave up and built it. The Water Board needs to ensure that this policy does not cause more detrimental harm to any one user group than another. The current Policy as proposed is based on theory, with no guarantee for the fish. While the Delta pumping operation is an example of what not to do to the fish, let's not make this Policy an example of what not to do agriculture.
- The severe and costly compliance measures that could be imposed on my project will result in drastically reduced water yields and possibly loss of my productive farmland.

The State Water Board must concentrate on fixing the water right process. Applicants deserve clear and effective guidance as to how to obtain a water right permit. National Marine Fisheries and the Department of Fish and Game are responsible for providing direction to the Water Board regarding the fisheries. The Water Board must be responsible for attaining a balanced use of water for all users. The State economy is a mess, can we really afford to just bypass all of the dams without regard to economics any more than we can afford to take all of the water away from the fish as in the case of Delta pumping? This Policy draft appears to have had too much input from environmental groups during development and not enough input from other stakeholders. The Water Board must take the responsibility to balance those inputs and provide a policy that is clear, concise, economical, provides the intended results, and the means for verification of those results. The current draft is long on enforcement, and short on ensuring that the policy even works.

The Draft Policy should be rejected and replaced with one that balances economic interests and environmental protection with equal input from all parties.

Sincerely

Larry Cadd  
3650 Hwy 128  
Geyserville, CA 95441  
707 479 9136