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To: <commentletters@waterboards.ca.gov>
CC: <jbrowne@tsra.org>, <ecarrillo@sonoma-county.org>
Date: 3/25/2010 9:21 AM
Subject: Comment and Requests, NorCal Coast Instream Flow Policy

Mr. Charles R. Hoppin, Chairman
State Water Resource Control Board

Dear Sir,

Within the last several days, I as a home owner at The Sea Ranch, California (Unit 34A-9), became aware of the State Water Resource Control Board's (SWRCB's) proposed policy for maintaining instream flows in Northern California Coastal Streams. My concern is based on the fact that my water is supplied by The Sea Ranch Water Company ("Water Company"), owned by The Sea Ranch Association, a planned unit development of property owners at The Sea Ranch.

The proposed policy has some ambiguity, in my opinion, and I write to comment on the policy and also to solicit clarification or modification BEFORE the policy is adopted as currently written.

For example, the Water Company is currently operating with an existing permit to draw water from wells into an aquifer which may or may not actually be supplied with water from the Gualala River. Even though the Gualala River may supply water to the aquifer, this supply would occur regardless of whether the Water Company draws from the aquifer. In other words, drawing water from the aquifer is unlikely to affect Gualala instream flows by any significant amount.

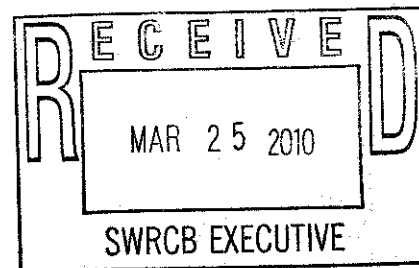
Nevertheless, the Water Company has agreed to aquifer draw limits based on the instream Gualala River flows and this agreement is codified in existing permits with SWRCB.

The ambiguity in the proposed SWRCB policy comes about because of the stated intent to deal with water right applications, not explicitly with water right permits.

Please confirm that the proposed policy does NOT, in fact, alter either explicitly or implicitly the terms of the existing Water Company permitted water rights, as long as the Water Company continues to abide by agreed periods of non-draw from the wells into the aquifer as constrained by the Gualala River instream flows.

If, in fact, the proposed policy WILL alter the terms of the existing Water Company permitted rights, then I must respectfully protest and request a modification.

To further limit water draw, beyond the existing constraints, from an aquifer possibly, but not certainly, connected with Gualala River instream flows, and in any case not demonstrably affecting the instream flow during draws from the aquifer, is certainly not a science-based proposal. Moreover, the Water Company agreement with the SWRCB to limit draws during low flow periods is already a significant measure to protect the Gualala River and the native fish, such as



spawning salmon and steelhead trout. To further limit water draws by our Water Company to the extremely limited proposed periods and to extremely limited quantities is totally unreasonable.

Such limitations would virtually guarantee that the entire Sea Ranch community, plus the town and surroundings of the town of Gualala and elsewhere, would be without potable water for long periods during normal years and of course much worse during drought years. In particular, the customers of the Water Company and other permitted users of Gualala River water or associated aquifers would simply be forced to abandon their homes, their livelihoods and their businesses — a complete disaster.

My request is two-fold:

- (1) Please confirm that the proposed policy does NOT change the terms of existing permitted water rights to draw from an aquifer possibly, but not certainly, connected with the Gualala River.
- (2) If the requested confirmation above can not be provided, then I respectfully request that the proposed policy be modified to provide that existing permits with explicit limitations on the water rights, currently based on Gualala River instream flows, be allowed to continue in place, without further modification.

Respectfully,

-- John C. Wiesner

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