

5-24-08

STATE WATER RESOURCES CONTROL BOARD  
2008 MAY - 1 PM 3:31  
DIV. OF WATER RIGHTS  
SACRAMENTO

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

Re: Comment Letter – AB 2121 Policy

I am a landowner in Mendocino County and the proposed policy will directly impact me. I own 320 acres of wine grapes and divert water from Dooley Creek and several unnamed streams tributary to Dooley and McDowell Creeks for irrigation and frost protection purposes.

I have had one Application pending approval for nearly 18 years and another pending approval for 17 years. My other 2 Applications were filed in 2002 and 2003.

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 action(s).

I have cooperated with State Water Board staff in the processing of my water right Applications but have been pending for more than 17 years.

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.

I am concerned that the severe and costly compliance measures 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 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. The Draft Policy should be rejected and replaced with one that balances economic interests and environmental protection.

Sincerely,



Wendel Nicolaus  
Middleridge Vineyard  
M/R Vineyard

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