

April 29, 2008

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
SACRAMENTO  
2008 MAY -1 AM 9:01

**Re: Comment Letter – AB 2121 Policy**

Dear Ms. Niiya,

- I am a landowner in Mendocino County and the proposed policy will directly impact me. I own approximately 30 acres of vineyard and divert water from an unnamed creek for irrigation and frost protection purposes.
- I filed an Application (Nb #30492) in **1995** to authorize enlargement and storage of 30 acre feet in an existing on stream reservoir.
- 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 backlogged workload of the State Water Board staff, and further delay approval of our pending application.
- I have cooperated with State Water Board staff in the processing of my application, which has been pending for **TWELVE AND A HALF YEARS**. The policies and procedures consistently changing.
- 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.
- For example, due to this year's cold spring, we are estimating that we've lost at least 20 tons of wine grapes. Had this permit been approved in turn allowing us to use overhead sprinklers, we almost certainly would not have lost fruit valued at \$36,000. This benefit to the local economy lost.
- I am concerned that the severe and prohibitively expensive compliance measures imposed on my project will result in drastically reduced water yields and would certainly lead to the loss of a part of my productive farmland. This year is a case in point where we are at risk of running out of water for frost protection, and are therefore unable to protect our crop. Certainly it will leave us very short of available water to irrigate later in the season. The limited period of diversion will also put strain on our ability to protect our crop in some years. We do not need large quantities of water to protect against frost every year but it takes only one year of extreme weather and

insufficient water for us to lose our crop and even some of our vines and hence our livelihood. There is no indication in the Policy that the fishery resources would actually benefit from implementation of such measures. Run off from our stream leads straight to a culvert, one of many on the tributaries to the Navarro River.

- If the policy requires that data collected for analysis has to come only from official weather stations then local differences which impact the final outcome of the analysis are not considered, for example local records show that our area receives approximately 20% more rainfall than is recorded at the nearest official station; the policy does not take into consideration additional sources of water which add to the cumulative flow, i.e. from deforestation. The discretionary selection of POIs should be addressed.
- To abandon our on stream pond and construct another is not an option for us. To do so would involve removing many acres of vineyard and the cost would certainly be outside our means and we would also suffer from the economic loss of the reduced vineyard acreage making such a project untenable.
- The State Water Board should concentrate on fixing the water right process. The relationship between the SWRCB and other agencies such as Fish and Game and the resolution as to which has final say also needs to be addressed. Compliance with the requirements of one organization seems currently to be contradicted by the requirements of another. 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.

Thank you very much for your time and consideration.

Yours Sincerely,

*Edward Wallo*

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