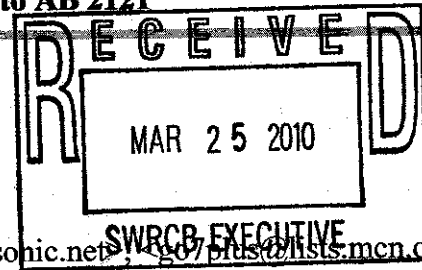


**Cortney Stevenson - SB x7 - Water Rights - and issues related to AB 2121**



**From:** Alan Levine <alevine@mcn.org>  
**To:** <AB2121Policy@waterboards.ca.gov>  
**Date:** 3/25/2010 10:14 AM  
**Subject:** SB x7 - Water Rights - and issues related to AB 2121  
**CC:** <SCWaterCoalition@yahoogroups.com>, <rrkeeper@sonic.net>, <ag7plus@lists.mcn.org>, <mwlaing@aol.com>, "Brian Johnson" <BJohnson@tu.org>, "Chuck Bonham" <CBonham@tu.org>, <rfitzgerald@dfg.ca.gov>, <steve.edmondson@noaa.gov>, <David.Hines@noaa.gov>, <William.Craven@sen.ca.gov>, <cjwilson@dfg.ca.gov>

Being confused on how the Bill SBx7 would apply to Water Rights issues and specifically issues related to AB 2121 - I called the Division of Water Rights and got some answers.

Here they are - correct me if I have something wrong.

**SBx7 is based on Section 5100 of the Water Code**

Diverters (legal and illegal) that fail to file a Statement of Diversion and Use are subject to notice of violation and if they fail to comply can be fined \$500 per day. This goes for Delta diverters and those on the Russian River.

The Above holds true - even if a Watermaster fails to maintain a proper data base and provide this information to the SWRCB - even in cases of adjudicated systems and/or where there are appropriative water rights.

This bill provides for 25 new enforcement positions. I think 5 have already been hired. It is not clear, or it is not the case currently, that there is money budgeted for all 25 enforcement positions (noting a budget freeze).

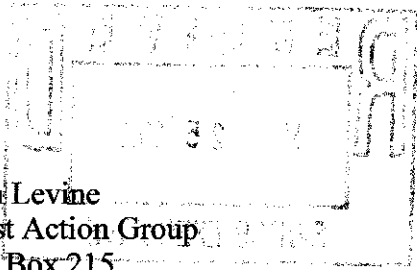
**Other AB 2121 implications**

While it will be easier to address the issues related to unlicensed diversion - Where are the expert and trained staff going to come from to make changes in existing water rights that are needed to maintain flows? I suggest teamwork between the managing responsible agencies - SWRCB, DFG, and NMFS - to work together to make determinations on flow levels needed to support salmon survival and possible adjustment of water rights.

One of the primary objectives is to prioritize sensitive and potential fish producing streams and go to work on them ( I think this is already in process). One high priority should be barrier removal. Responsible managing agency should identify such existing barriers that are blocking fish habitat and get moving on a process of barrier removal.

There is the additional problem of whether CEQA review is necessary in remediation of barriers and illegal ponds that must go. There should be a finding made by the AG on this subject.

Any good fish scientists looking for work should pay attention to the State Board employment notifications.



Alan Levine  
Coast Action Group  
P.O. Box 215  
Point Arena, CA 95468

Phone: Week Days 707 542-4408  
Weekends 707 882-2484