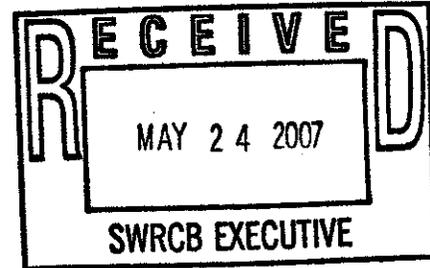


Nicholas F. Bonsignore, P.E.
Robert C. Wagner, P.E.
Paula J. Whealen
Andrew T. Bambauer, P.E.
David M. Houston, P.E.
Ryan E. Stofus

May 24, 2007

Song Her
Clerk to the Board
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000



Randy Poole
General Manager/Chief Engineer
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406

**Re: Comments on Order WR 2007-0015-DWR approving
Sonoma County Water Agency's Temporary Urgency Change Petition
Permits 12947A, 12949, 12950 and 16596 (Applications 12919A, 15736, 15737, 19351)**

Dear Ms. Her and Mr. Poole:

On behalf of East Sanel Irrigation Company, Richard Henwood, Nelson and Sons A Corporation, Kurt Ashurst, and Rochioli Vineyard and Winery LLC (collectively "Rightholders") we offer the following comments on Order WR 2007-0015-DWR approving Sonoma County Water Agency's (Agency) Petition for Temporary Urgency Change (TUC). Item 6.2 in the Order under the section "Criteria for Approving the Proposed Temporary Urgency Change" states:

The SCWA is required to maintain specific flows at various locations in the Russian River from its most upstream point of diversion to the river's confluence with the ocean. Therefore, SCWA must compensate for the diversion of water by both lawful and unlawful water users. It is anticipated that all of the SCWA water contractors and other legal users of water will receive the water to which they are entitled during the reduced flows specified in this Order.

The Rightholders have water right Permits or Licenses for the diversion of water from the Russian River for irrigation and other beneficial purposes during the spring, summer and fall months.¹

¹East Sanel Irrigation Company License 11727 (A025596); Richard Henwood Permit 17388 (A024141); Nelson and Sons Permit 17331 (A024140); Kurt Ashurst Permits 17399A,B (A024522A,B); and Rochioli Vineyard & Winery LLC Permits 19008-9 (A027478-9).

Ms. Song Her
Mr. Randy Poole
May 24, 2007
Page 2

The subject Permits and License contain the following term:

For the protection and preservation of fishlife and the maintenance of water-related recreational uses, permittee (licensee) shall divert only when the flow in the Russian River exceeds 150 cubic feet per second and only at a rate not exceeding said excess, ceasing all diversion when the flow in the river is 150 cubic feet per second or less. River flows shall be measured at the nearest U.S. Geological Survey Gaging Station on the river.

Item 6.2 recognizes that "diversion of water by lawful and *unlawful* [emphasis added] water users" will be compensated for by the Agency. Therefore, continued diversions by lawful diverters, whose rights contain the aforementioned term, should be allowed to continue to divert. The TUC Order will reduce the Agency's required minimum flows for the Russian River from normal-year criteria to dry-year criteria as defined in State Water Board Decision 1610, without a corresponding reduction of the minimum flow requirement set forth in Rightholders' Licenses and Permits.

We therefore request that Order WR 2007-0015-DWR be amended to include language that similarly allows for the reduction in the minimum flow requirement of Rightholders' Licenses and Permits during the period May 1 through October 28, 2007, or for any period that this Order or a similar Order is in effect; and to recognize that diversions made by Rightholders (provided they are in compliance with all other terms in their Permits and Licenses) are not subject to an enforcement action as a result of this Order.

We appreciate having the opportunity to provide these comments.

Very truly yours,

WAGNER & BONSIGNORE
CONSULTING CIVIL ENGINEERS



Paula J. Whealen

cc: Kurt Ashurst
East Sanel Irrigation Company
Richard Henwood
Greg Nelson, Nelson & Sons
Joseph Rochioli

EASTW049.DOC