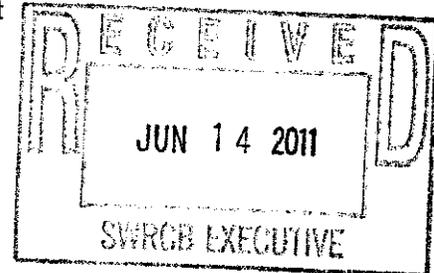


From: Stephen Hawkes <hawkes@sonic.net>
To: <commentletters@waterboards.ca.gov>
Date: Tuesday, June 14, 2011 10:50 AM
Subject: The taking of a historic right

To the California Water Resources Control Board:

I am a farmer who has used water from the Russian River Watershed to provide frost protection for my vineyard for nearly forty years.

When I was looking for land to plant a vineyard in 1971 water frost protection was recommended by the Sonoma County Ag Advisor as an excellent way to deal with a potentially devastating threat to my crop, and I chose to buy land adjoining Maacama Creek partly because it offered abundant water which could be used for this purpose. It has been obvious over the years that overhead irrigation is pretty much foolproof frost protection, and the riparian right to the water for this use is an important factor in determining the value of the vineyard.



Things have changed. Today more land is planted to vineyard in this watershed and there is consequently a greater need for water. A concern has arisen that the dewatering of local streams is harmful to local fish populations, and I agree that the community should study this question. So far there has been no substantive scientific determination that there is any serious impact from water frost protection, although several local organizations have been taking various quantitative measurements for more than a year. There is no doubt at all that fish populations are declining worldwide. We eat fish, and there are twice as many of us as there were fifty years ago.

Obviously the use of water to protect vineyards from frost was not thought of as unreasonable 40 years ago. The question of whether the practice is harmful to the community today has not been answered. But it is hard to see how taking the historic right to use water in this way is not "taking."

Perhaps the farmers should impound water in ponds at a low pumping rate to moderate the impact of using so much at one time. I have 40 acres of vineyard and have been quoted a price of \$250,000 to modify my system in this way. That is about twice the yearly net income from the farm, and does not take into account the value of the land which would be sacrificed for the project or the extremely arduous struggle involved in getting permission to build a pond in the first place, both at state and county levels with a long list of regulatory agencies.

The community, right or wrong, has adopted the view that farmers should do things differently, and they want things to change NOW. Whether or not this is "reasonable" is subject to debate. But the state is proposing to take something from us, something of substantive value. We will be harmed by this taking.

That is beyond question.