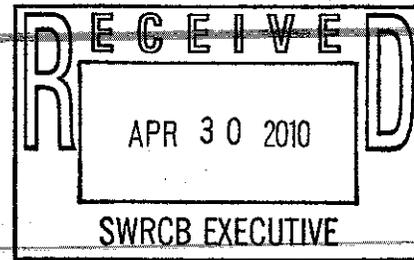


commentletters - Comment Letter - AB 2121 Policy

From: john <john@lasmadresvineyards.com>
To: <commentletters@waterboards.ca.gov>
Date: 4/30/2010 8:11 AM
Subject: Comment Letter - AB 2121 Policy



Thank you for moving towards allowing SDU and livestock pond registrants to renew outside of the new proposed policy. This truly is an appreciated, sane policy.

After reading the redlined renewal statement, which includes three conditions, I found myself hurriedly looking through files and folders to make sure we indeed complied. In my search, I realized that all provisions referred to were accomplished during the original application to register our pond. The mandated relationship between applicant, SWRCB, and DFG is required to obtain the valid registration.

In the text found on our original application to the DFG, and subsequently tendered to SWRCB, one will find:

IF YOUR COMPLETED FORMS MEET THE REQUIREMENTS OF THE WATER CODE, IF YOU HAVE PAID THE \$100.00 FILING FEE, AND IF YOUR DIVERSION WILL NOT BE FROM A STREAM DECLARED BY THE STATE WATER RESOURCES CONTROL BOARD TO BE FULLY APPROPRIATED OR FROM A STREAM SEGMENT FOR WHICH THE DEPARTMENT OF FISH AND GAME HAS ESTABLISHED STREAMFLOW REQUIREMENTS (THE DIVISION OF WATER RIGHTS MAINTAINS CURRENT LISTS FOR THESE), YOUR REGISTRATION WILL BE ACCEPTED AND EVIDENCED BY A CERTIFICATE OF REGISTRATION, A COPY OF WHICH WILL BE MAILED TO YOU.

In short, the redlined verbiage that allows for renewal under 3.3.3, lists as provisions, the same provisions that were required in the *original* application.

Would it not be better to provide text that describes what *actually must be done to renew*. In renewal notices we have received in the past, it is clearly stated what the registrant must do: **"Pursuant to Condition 21 of the certificate, this registration is subject to submittal of a report of water use and renewal of the registration prior to the expiration date."**

I propose wording to include that language. Please consider:

The policy requirements do not apply to the renewal of an existing registration provided that the registrant, as part of renewal (1) Pursuant to Condition 21 of the certificate, submits a report of water use and renewal of the registration prior to the expiration date, and (2) submits appropriate fees.

I remain available to discuss this via email if needed.

Thank you,

John Painter