



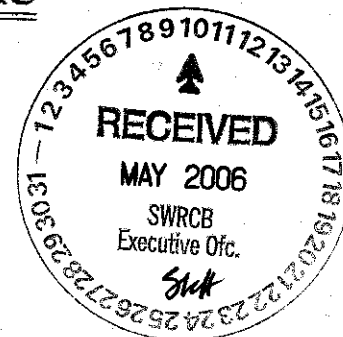
NAPA COUNTY FARM BUREAU

06/07/06 BMTg Item
Scott River Watershed
Deadline: May 10, 2006

May 10, 2006

By Facsimile: (916) 341-5620

State Water Resources Control Board
Attn.: Song Her, Clerk of the Board
1001 I Street
Sacramento CA 95814



Subject: Comment Letter – Sediment and Temperature TMDL in the Scott River Watershed

Dear Ms. Her:

The Napa County Farm Bureau opposes any action by the State Water Resources Control Board to try to adjust the water rights of farmers and ranchers in the Scott River Watershed in order to meet temperature goals that are the subject of the Scott River TMDL for Temperature and Sediment. If you undermine the Scott River water rights, we can only anticipate that you will be attacking water rights elsewhere in the state next.

According to reports of the Water Board's prior workshop on this matter, the reason that the Water Board is considering this action is due to its interpretation of Justice Robic's decision of February 9, 2006, dealing with the Bay Delta Proceeding. That case dealt with the unique circumstances of the San Francisco Bay Delta, and the permitting and operations of the State and Federal Water Projects, and has no application to the Scott River TMDL or any other TMDL. In particular, we are unaware of any flow objectives being established outside of the Bay Delta, and the Robic decision imposes no obligation on the State Water Board or Regional Water Boards to establish them, or to implement them through water right decisions if they were established. We also doubt the Water Board's authority to impose a flow standard or adjust water rights in order to implement the federal requirements of a TMDL.

Cooperative conservation efforts show great success in achieving water quality objectives, in the Scott River and throughout California, and there is no reason to undercut the good faith efforts of farmers and ranchers by attacking their livelihood, which is dependant on their water rights.

Sincerely,

Al Wagner
Napa County Farm Bureau

cc: Tony Francois, California Farm Bureau Federation
NCFB Directors