

KYN  
30615

# Bartolomei Brothers Vineyard

P.O. Box 3 ~ Talmage, CA 95481

Phone(707)462-2205

April 28, 2008

To: Ms. Karen Niiya, Senior Engineer  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street, 2<sup>nd</sup> Floor  
P.O. Box 2000  
Sacramento, CA 95814

From: Vincent Bartolomei, Bartolomei Brothers Vineyard, for Ray Bartolomei

Re: Comment Letter – AB 2121 Policy

Ms. Niiya,

- I am a landowner in Mendocino County and the proposed policy will directly impact me. I own 100 acres of wine grapes and divert water from McClure Creek for irrigation, frost and fire protection purposes.
- I filed Application #30615 in 1997 to appropriate 45 acre feet of water for storage in the off stream reservoir that was built in the early 70's and was on the property when I bought it in 1990. I cancelled two Petition of Changes because they were too complicated and were preventing things from moving forward. I have two Licenses for Diversion and Use of Water on this same creek that we started on October 10, 1975.
- The proposed policy will directly impact the farming interests of my family/business.
- The State Board failed to provide proper notice of the proposed policy to the hundreds of impacted farmers.
- Implementation of the Policy will result in further delays in water right processing because the majority of applicants and petitioners will need to seek a variance due to the stringent bypass and diversion rate limitations in the Policy. The variance criteria are not clearly defined in the Policy; therefore, we believe that processing of numerous variance requests will exacerbate the already back-logged workload of the State Water Board staff, and further delay approval of our pending action(s).
- Water in California must be used to its full potential – to benefit habitat as well as agriculture.
- I have cooperated with State Water Board staff in the processing of my water right Application #30615 but it has been pending for more than 10 years.

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OFFICE OF THE ATTORNEY GENERAL  
SACRAMENTO, CA

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- The Policy does not provide a balance to the competing needs for water as it fails to weigh the many benefits derived from the agricultural, domestic and industrial uses of water.
- The Draft Policy is not based upon sound science. It sets standards for very small watersheds, less than a couple square miles, even though the science supporting the policy comes from large watersheds.
- I am concerned that the severe and costly compliance measures imposed on my project will result in drastically reduced water yields and possibly loss of my productive farmland. There is no indication in the Policy that the fishery resources would actually benefit from my implementation of such measures.
- In addition, the State Board has not been able to determine the extent in which instream flows are necessary to maintain the fishery in north coast streams, nor have they accounted for the many factors impacting fish populations besides flow.
- The State Water Board should concentrate on fixing the water right process. Applicants deserve clear and effective guidance as to how to obtain a water right permit. The Draft Policy should be rejected and replaced with one that balances economic interests and environmental protection.