

COX VINEYARDS
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April 28, 2008

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

2008 APR 30 AM 9:00
DIV OF WATER RIGHTS
SACRAMENTO
STATE WATER RESOURCES
CONTROL BOARD

RE: Comment Letter – AB 2121 Policy

Dear Ms. Niiya,

I am a landowner in Mendocino County and the proposed policy will directly impact me. I own approximately 300 acres of vineyards and must divert water for irrigation purposes. I have filed Petitions and Applications in 2003 to change my water right permits and licenses for storage in an off stream storage reservoirs. I have cooperated with State Water Board staff in the processing of my water right applications and petitions but have been pending for more that 5 years. The proposed policy will directly impact the farming interests of my family business.

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, I 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 my pending action(s).

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. 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 fishery resources would actually benefit from implementation of such measures.

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.

Sincerely,

Jack L. Cox
Cox Vineyards

Cc: Tam Doduc, Chair, SWRCB
SWRCB Members: Arthur Baggett, Jr., Charles Hoppin, Frances Spivy-Weber, Gary Wolff