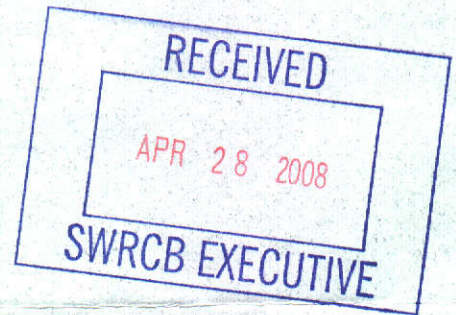


FREY VINEYARDS, LTD.

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April 22, 2008

Tam Doduc, Chair
Division of Water Rights
State Water Resources Control Board
1001 I Street, 2nd Floor
P.O. Box 2000
Sacramento, CA 95814



Re: Comment Letter – AB 2121 Policy

I am a landowner in Mendocino County and the proposed policy will directly impact me. I own 110 acres of vineyard and divert water from the Russian River for irrigation, frost protection, domestic, recreational and wildlife purposes.

I filed an Application in 1995 and Petitions for Change in 1997 to increase storage capacity and place of use for our licences. I have cooperated with State Water Board staff in the processing of my water right Application and Petition but have been pending for more than 13 years. Implementation of the Instream Flow 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 actions.

The proposed policy will directly impact the farming interests of my family and business. 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 also no indication in the Policy that the fishery resources would actually benefit from my 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.

Thank you for your attention,

Jonathan Frey
Frey Vineyards, Ltd.

cc: Ms. Karen Niiya, Senior Engineer
SWRCB Members: Arthur Baggett, Jr., Charles Hoppin, Frances Spivy-Weber, Gary Wolff