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AB2121

# Hudson Vineyards

REGISTERED TRADE MARK

April 25, 2008

STATE WATER RESOURCES CONTROL BOARD  
2008 APR 28 PM 3:19  
DIV. OF WATER RIGHTS  
SACRAMENTO

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

**Re: Comment Letter – AB 2121 Policy**

Dear Ms. Niiya:

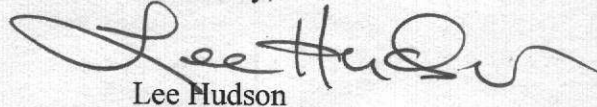
Thank you for the opportunity to comment on the Draft Policy for Maintaining Instream Flows in Northern California Coastal Streams (“Policy”). My family-owned vineyard in the Carneros Creek watershed in Napa County will be directly impacted by the draft Policy. I have an existing water right Permit that allows for the diversion of water from Carneros Creek and unnamed tributary streams in the winter months for storage in two offstream reservoirs. In 1999 I filed a Petition to change the place of use and redistribute storage to add an offstream reservoir. Napa County adopted an EIR for the project in 2007.

I am very concerned that the stringent bypass flow and diversion rate limitation criteria set forth in the Policy will lead the majority of pending applicants and petitioners to seek a variance. 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 my pending petition.

The bypass flow and maximum diversion rate criteria to be imposed under the Policy are severe and would be very costly to implement. Compliance with these measures could be potentially devastating to many family farms in this region due to drastic reductions in water yield. The Policy does not indicate whether these measures will significantly benefit fishery resources. Further, there appears to be nothing in the Policy that balances environmental interests and economic needs.

The draft should be rejected by the State Water Resources Control Board. The Board should develop and adopt a Policy that considers all competing uses of the water, and will actually improve the water right process, not add to the backlog. Applicants and Petitioners deserve a process that sets forth clear criteria on how to obtain a water right permit or approval of a petition. I look forward to your full consideration of my concerns.

Sincerely,



Lee Hudson

cc: Tam Doduc, Chair, SWRCB  
SWRCB Members: Arthur Baggett, Jr., Charles Hoppin, Frances Spivy-Weber, Gary Wolff  
*5398 Carneros Hwy, Napa, Cal. 94559, Tel. (707) 255-1455, Fax (707) 255-4772*