

RJM

Cain Vineyard & Winery

To: Delivery List Below
Fax: 916-341-5400
Phone:

From: JJ McCarthy
Fax: 707-963-7952
Phone: 707-963-1616

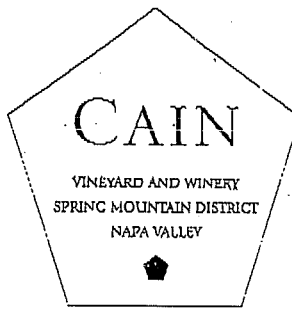
Date: 4/29/2008
Subject: AB 2121 Policy
Pages: 3, including this cover

Please deliver to:

- Karen Niiya, Sr. Engineer, SWRCB
- Tam Doduc, Chari, SWRCB
- Arthur Baggett, Jr., SWRCB
- Charles Hoppin, SWRCB
- Frances Spivy-Weber, SWRCB
- Gary Wolff, SWRCB

2008 APR 29 PM 2:10
 RECEIVED
 COUNTY OF BUTTE

KYU



2008 APR 29 PM 2:10
 SACRAMENTO
 STATE WATER CONTROL BOARD

April 29, 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

Re: Comment Letter – AB 2121 Policy

Dear Ms. Niiya,

I am a landowner in Napa County and the proposed AB 2121 policy will directly and adversely impact me. I own 543 acres of wine grape vineyards and ranch land and divert water from Sulphur Creek, thence Napa River, for irrigation purposes. We received Fish Friendly Farming (Napa Green) certification in 2006 and have long espoused these practices.

I filed an Application in 1998 to change my water right permit for storage in an offstream storage reservoir.

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, 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.

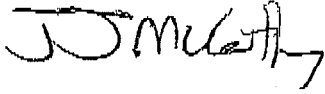
I have cooperated with State Water Board staff and invested heavily in environmental engineering in the processing of my water right Application over that past 10 years.

AB 2121 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. Furthermore, there is 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.

Sincerely,



J.J. McCarthy
Operations Manager
On behalf of James & Nancy Meadlock, Owners

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