

**From:** "Robert Mueller" <muefam@yahoo.com>  
**To:** "Karen Niiya Senior Engineer" <AB2121Policy@waterboards.ca.gov>  
**Date:** Sun, Apr 27, 2008 3:18 PM  
**Subject:** Comment Letter - AB 2121 Policy

Robert Mueller  
Winegrower  
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April 27, 2008

Karen Niiya Senior Engineer  
Division of Water Rights  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

Dear Ms. Niiya:

The Draft Policy is not a workable approach to protecting instream flows. Instead of providing water users guidance on appropriate instream flows, the Draft Policy establishes restrictive, regional criteria that severely limit the ability to divert water when it is most plentiful. This misguided attempt to preserve instream flows for the benefit of salmonids fails to follow California water law, fails to help fish, and actually impairs the ability of many farmers to make improvements to fish habitat.

I am a rancher in Southern Napa in the Carneros AVA. Our business and livelihood depends on the viability of our vineyards with the permitted use of water used for drip irrigation. The Draft Instream Flows Policy takes a one sided approach that takes fish over farms and agriculture and the local economy.

Water in California must be used to its full potential - to benefit habitat as well as agriculture. Any policy of this nature must be based on sound scientific evidence. The policy as it stands does not provide the evidence needed to support this action. The need is to work for a solution that benefits fish, habitat, agriculture and people.

The Draft Policy not only fails to relieve the backlog of pending water rights applications, it further complicates an already cumbersome process. By attempting to apply specific criteria across a very diverse region, the Draft Policy will force the majority of pending applications to perform site-specific studies or to seek exceptions. Any solution must be easy to understand, practical to implement and economical to comply with. I write to the applications 29073, 29391, and 29603 which I have been involved with for a number of years as the backlog of pending water rights applications have stacked up.

I urge the State Water Board to adopt an alternative policy that is based on sound scientific facts, provides the appropriate balance between economic development and protecting natural habitat and wildlife species, while using water to its full potential.

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

Sincerely,

Robert Mueller  
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Winegrower  
McKenzie-Mueller Vineyards & Winery