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STATE WATER RESOURCES CONTROL BOARD

John Painter and Jean Gadiot
21700 Herschel Road
Sonoma, CA 95476

MAY -2 AM 11:10

DEPT. OF WATER RIGHTS
SACRAMENTO

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

Dorothy R. Rice, Executive Director, SWRCB
Charles R. Hoppin, Board Member, SWRCB
Arthur G. Baggett, Jr., Board Member, SWRCB
Frances Spivy-Weber, Board Member, SWRCB
Tam M. Doduc, Board Member, SWRCB
Gary Wolff, Vice Chair, SWRCB

SUBJECT: Comment Letter – AB 2121 Policy

Dear Ms. Niiya and the Board,

Firstly, Ms. Niiya, I would like this letter to be delivered to all the addressees listed above.

In 1999, my wife and I were lucky enough to purchase a farm property in Sonoma on which was a pond. The pond was in need of some repair, nevertheless, serviceable and quite beautiful. It enhanced the value of the property. As we came close to close of escrow, we researched water rights and how we might comply. We were guided and advised to apply for a Small Domestic Use Registration Certificate. Much to our delight, it was originally awarded on June 7, 1999.

Our pond is used for gardening, dust control, and fire protection. In fact, two years ago, the Schellville Fire Department used our pond to quench a fast-moving grass fire as it passed through our property onto others. We also allow Vector Control to harvest mosquito-eating minnows to be used in the effort to abate West Nile Disease.

We have kept a precise log, tracking the seasonal rains and the point at which run-off first occurs. Our nine years of observation shows consistently that our pond fills in approximately 24 hours after seasonal flows begin. As the pond normally goes down by half each year, this means we capture approximately 3.5 acre feet of water per season. Once full, the seasonal flow passes over the spillway for weeks, if not months. In short, the requirement to fill our pond vs. the water available to downstream creeks and sloughs is miniscule.

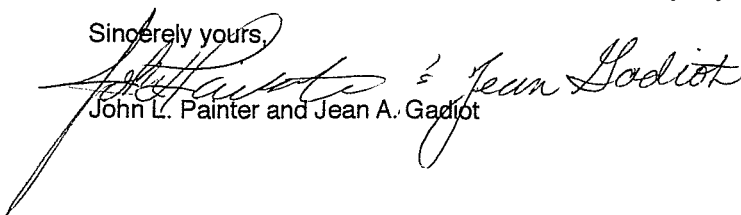
The SWRCB has proposed new policies to comply with AB2121 which would have disastrous consequences for us.

Potential financial costs, provided by SWRCB, to comply with this proposed new policy could potentially drive us off our property. Application costs alone would force us to mortgage the property further. Modification and/or removal of the dam to comply would indeed bankrupt us. We would be forced into a distress sale of our property.

We implore the SWRCB to consider the impact of this proposed new policy on smaller family-owned properties and farms. We believe strongly that the SWRCB should maintain it's current policy of granting Small Domestic Use Registrations, thereby recognizing the minimal impact of these smaller ponds on our fisheries.

Surely, it is not the intent of the SWRCB to drive people off their land.

Sincerely yours,


John L. Painter and Jean A. Gadiot