

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, Ca. 95812-2000
Info: (916) 341-5300, FAX: (*916) 341-5400, Web: <http://www.waterrihts.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS
Protests based on Injury to Vested Rights should be completed on other side of this form

APPLICATION: 31550 PERMIT: LICENSE:

I, Living Rivers Council, 1375 Trancas, PMB 614, Napa Ca. 94559 (Name and address of Protestant)

have read carefully a notice relative to a petition for a new APPLICATION, **George H. Link aka Lake Luciana, LLC** (State name of Petitioner) has filed an application to appropriate water from **unnamed stream tributary to Pope Creek thence Putah Creek.**
(Name of Source)

It is desired to protest against the approval thereof because to the best of our information and belief:

The proposed application/petition for water will

- (1) not be within the State Water Resources Control Board’s (SWRCB) jurisdiction
- (2) **not best serve the public interest** X
- (3) **be contrary to law** X
- (4) **have an adverse environmental impact** X

State Facts, which support the foregoing allegations:

The applicant fails to inform the SWRCB that other permits are required. Failing to submit the required permits will cause harm to the environment. The applicant wants to grade a 49 acre feet reservoir on stream. On stream reservoirs severely impact the environment and are contrary to current SWRCB policy. DFG regulations and ACOE regulations require permitting for on stream reservoirs. This application is incomplete, inaccurate and woefully disregards environmental laws and public trust values. Currently, Lake Luciana LLC is in the process of subdividing and developing its adjacent seventeen parcels into a resort and golf course around Weeks Lake (APN 018-027-012) Will this application allow for irrigation of the nearby residences and golf course or for recreational use by the next door resort? Is there a plan to convert the present application’s property to residences and is this application associated with the Lake Luciana Resort? To proceed further the applicant will need an EIR to review the project with the development of the Lake Luciana Golf Course (State Clearinghouse # 2007082093). Why does Lake Luciana LLC need far more water for irrigation, frost, protection, and fire fighting needs for just 25 acres of vineyards? In most of Napa County vineyards only need 12.5acre feet of water for a 25 acre development. In the Milliken Sarco Tulocay water basin vineyards are only allowed 8.3 acre feet of water for the same purposes. The applicant does not need a 49 acre foot reservoir to

supply its vineyard needs. The location of the existing reservoir is not in accordance with SWRCB policy which set forth that storage reservoirs shall not be located on any watercourse that has fishery habitat value. Class 3 streams have fishery habitat value because they provide water flow, and food resources for fish in Class 2 and 1 streams.

Under what conditions this protest may be disregarded and dismissed.

1. Eliminate all non-native aquatic plants and animal.
2. Valley Oaks are in the vicinity of this project and in jeopardy of being cut down. These oaks are considered important biological resources of the State and County. Do a CEQA environmental document for this application. This project will cause significant cumulative impacts to hydrology, geology and biology at the site so an EIR should be done.
3. If the construction of the reservoir harmed or will harm special status plants and/or animals then the applicant must mitigate for the harm on site. This area is known for rare and special status plants and animals. No biological surveys have been done.
4. Napa County requires an Erosion Control Plan for projects. The applicant has not shown that they have an approved grading plan.
5. While LRC does not agree with an onstream reservoir, the applicant did not state that a 401/404 permit is required by the State Water Quality Control Board for grading and filling a creek. The SWRCB has new policies regarding the protection of wetlands and riparian areas that this application does not recognize or comply with.
6. While LRC does not agree with an on stream reservoir, the applicant shall file a stream bed alteration permit by the State Department of Fish and Game.
7. The EIR shall address carbon emissions and carbon sequestration losses from this project.
9. The applicant shall acquire all other agency permits and have them available at the SWRCB's website for easy public access.
10. Determine water availability that includes all illegal water diversions.
12. Put a conservation easement on remaining forests and aquatic habitat in perpetuity.
13. Assurances that applicant will have conditions placed on this permit that restrict water diversions during drought conditions.
14. Real time stream flow monitoring is available to the public.
15. The applicant shall move this water right request off stream.

A true copy of this protest has been served upon the petitioner by mail.

(Personally or by mail)

An additional map will be mailed showing the proximity of the Lake Luciana Resort and Golf Course that this applicant is involved with but has not disclosed in this application.

Date: 2/16/10 email submission 2/16/10

Chris Malan
Living Rivers Council
Manager

Protestant(s) Authorized Representative sign here:

Protests must be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(NOTE: Attached supplemental sheets as necessary):

1.) see additional maps sent via mail

PRO-PET (1-00)

Additional concerns/protest: