

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: 30545 and 30545 PERMIT: LICENSE:

I, Living Rivers Council, a public nonprofit project, 1325 Imola Ave. West PMB 614
, Napa, Ca. 94559 (Name and address of Protestant)

have read carefully a notice relative to a petition for new APPLICATION Napa County/Pope Valley Partner's (State name of Petitioner) to appropriate water from unnamed tributary to Burton Creek thence Maxwell Creek thence 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: Information on the SWRCB's website does not clearly state the owner. The SWRCB's website says the owner is Napa County and the application can not be down loaded or opened because the file is corrupt. Emails to Greg Brown were unsuccessful. May LRC have further time to process this protest? If this applicant is Pope Valley Partner's AKA, Tony Peju, this project could be violating Water Laws. Pope Valley Partner's may be trespassing against the state by having taken water via diversion into reservoirs and from riparian pumps near streams and on streams. Trespassing against the state has and will damage aquatic resources. This application for water is after the fact that the applicant already has the pumps and reservoirs in place on the ground and has been taking water not permitted by the SWRCB. Aquatic resources in Putah above Lake Berryessa are suffering insufficient flows and have been known to deplete and impeded fish migration and spawning (resident trout which are genetically the same a protected species, steelhead trout). Tony Peju, also has application # 31694 being considered by SWRCB under the similar circumstances of trespassing against the State and Public Trust as these applications. This application should require an EIR as listed species are in the watershed basin and this area. Bull frogs and invasive fish spill from the ponds during high flows and enter the fragile aquatic eco-system down stream eating young aquatic life that are endangered and threatened. There are no mitigations for these impacts.

Under what conditions may this protest be disregarded and dismissed.

- 1. Pope Valley Partner's possibly pays fines and/or Administrative Civil Liabilities for damage to Putah Creek.**
- 2. Pope Valley Partner's does an EIR**
- 3. Pope Valley Partner's goes to dry farming.**
- 4. Remove on stream reservoirs to off stream.**
- 5. Rid the area of bull frogs/invasive fish and plants**
- 6. Move on stream wells to outside the riparian area**

A true copy of this protest has been served upon the petitioner by mail.
(Personally or by mail)

Date: This protest has been mailed 4/1/09

Protestant(s) Authorized Representative sign here

Chris Malan
Living Rivers Council
Manager
707-255-7434

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.

Two maps have been attached as part of the protest.

(NOTE: Attached supplemental sheets as necessary)

PRO-PET (1-00)

Additional concerns/protest: