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Water rights bill awaits Governor's signature

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A landmark passage of water rights legislation occurred over the weekend when Assemblyman Adam Gray's Assembly Bill 313 received final approval on the last day of the legislative session – the next-to-final step toward becoming law for the bill, which requires that unbiased administrative law judges conduct water rights enforcement hearings, rather than the State Water Board.

According to Gray, state agencies often treat water rights issues unfairly and act with unchecked power. AB 313 would restructure water rights hearings, creating a new Water Rights Division in the Office of Administrative Hearings.

"The region I represent is the target of a massive water grab from the State Water Resources Control Board," said Gray. "A water grab of this size would cost the local economy hundreds of millions of dollars. Despite receiving thousands of comments refuting the faulty science contained in their report, and repeated requests from community leaders to fully consider the impact of jeopardizing the drinking water supply of thousands of people, the water board is poised to dismiss our concerns and adopt the report. If there is any lesson this fight has taught me, it is that the Legislature has handed far too much power over to bureaucrats who simply do not care about the people I represent."

Currently, the State Water Resources Control Board exercises quasi-judicial authority to hold water rights hearings, writing regulations, initiating enforcement actions and conducting hearings in which Board staff act as prosecutors and the SWRCB itself acts as the judge and jury. The restructuring included in AB 313 removes conflicts of interest and built-in biases in the current system.

"Throughout my time in the legislature, I have been working to restore fairness and create checks on the power of unelected bureaucrats on the State Water Board," said Gray. "The passage of AB 313 is a step in the right direction. This bill levels the playing field by

ensuring that water rights holders receive the same due process and objectivity that our justice system promises everyone – nothing more, nothing less."

Under AB 313, administrative law judges in the new Water Rights Division would handle all water rights matters, providing a neutral body for hearings regarding those complicated, and often controversial, issues. The bill ensures an efficient, productive transfer of power to the new Water Rights Division, preventing any duplication of work or similar responsibility to fall under the SWRCB.

The Turlock Irrigation District works closely with the SWRCB, and General Manager Casey Hashimoto hopes to see Governor Jerry Brown seal the deal on AB 313 when the bill hits his desk in the coming weeks.

“Turlock Irrigation District applauds the passage of Assemblyman Gray’s AB 313 which will bring fairness to the appeal process when disputes arise with the State Water Resources Control Board. TID urges Governor Brown to sign this much-needed piece of legislation,” said Hashimoto.

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