



October 9<sup>th</sup>, 2017

Editorial Page Editor, The Mercury News  
4 N. Second Street, Suite 800  
San Jose, CA 95113

RE: Mercury News Editorial on AB 313

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To Whom It May Concern:

Since when was providing fairness and due process about “caving to Big Agriculture?” And what happened to checks and balances for big government? In a [recent editorial that defied logic](#), the Mercury News declared that Assembly Bill 313, water rights fairness legislation introduced by Assemblyman Adam Gray (D-Merced), is actually a Big Ag power grab.

Never let the facts get in the way of a good story, apparently, because much of the editorial is fiction.

Here are the facts: nothing is more important in California than water. The management and enforcement of the state’s water rights are complex, vital cogs in that system. Right now, the system lacks basic, foundational fairness for water rights holders. Fixing that unacceptable imbalance is what AB 313 is all about. That’s why Byron-Bethany Irrigation District (BBID) urges Governor Brown to sign the bill.

The State Water Resources Control Board currently possesses the power to act not only as prosecutor – initiating enforcement actions against alleged violators – but as judge and jury. Its staff act as prosecutors and its board members decide the case. That coercive structure violates the most basic tenets of due process. Does a pitcher call his own balls and strikes? Of course not. Water rights holders deserve the same thing our justice system promises all: a fair, unbiased hearing. Nothing more, nothing less.

AB 313’s modest, necessary solution restores the balance. Administrative law judges with expertise in water issues would preside over water rights hearings, ensuring a neutral party adjudicates these complex matters in a timely manner.

That’s what the bill does. Here’s what it does *not* do: AB 313 does not impact California’s environmental protections. Nor does it prevent the State Water Board from fulfilling its mission of balancing the needs of our cities, agriculture and environment. Yet, the Mercury News editorial decries the bill as “lunacy,” with a headline that reads, “Don’t cave to Big Ag; veto wasteful water rights bill.” Since when was fairness, lunacy, or a waste? And since when was BBID or many other similarly small irrigation districts supporting the bill, “Big Ag”? The bill protects the little guy.

The Mercury News insinuates a different agenda is behind AB 313: "...It's understandable that farmers want to continue to expand their businesses, which will require additional water supplies." Well, the water California agriculture efficiently uses isn't for "expanding businesses," it's needed to grow the food we eat. Enjoy any fruits and vegetables lately? Chances are, some of it came from BBID's growers.

While it's sadly nothing new, it's still galling for the Mercury News to use agriculture as a scapegoat. Sure, it's convenient. It just isn't fair – and that's what this is really all about: fairness. AB 313 provides it. The current system does not.

And those are the facts. Lunacy, indeed.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Rick Gilmore". The signature is fluid and cursive, with a large initial "R" and "G".

BYRON BETHANY IRRIGATION DISTRICT  
Rick Gilmore  
General Manager