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# Editorial: Don't cave to Big Ag; veto wasteful water rights bill



By **MERCURY NEWS EDITORIAL BOARD** | Mercury News

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Few things are as important to California's 39.5 million residents as the quality and allocation of the state's water.

Assemblyman Adam Gray, D-Merced, wants to hand over more power in that arena to Big Ag by changing how water rights cases are enforced. Gov. Jerry Brown should veto Gray's AB 313 and keep those issues where they belong — in the hands of the State Water Resources Control Board.

For years, when water was more plentiful, illegal diversions were commonplace, especially in the Central Valley where agriculture is king. But the drought changed all that, and in recent years the State Water Resources Control Board has been cracking down on violators and doing everything possible to track water allocations.

It's crucial that the board fulfill its mission of balancing the health of California's rivers and waterways with the need to provide sufficient water to farmers and cities.

When a water rights issue comes up, the board asks its staff of water rights experts to investigate before the board makes a ruling. It's not an easy task. Water rights issues often involve agreements and codes that are many decades old. They tend to be complex and require knowledgeable scientists, engineers and attorneys to get to the heart of issues.

Gray argues that it's unfair to have the board serve as a prosecutor and judge of water rights issues. The crucial issue is whether the state is providing sufficient due process. But the state Supreme Court took on the issue in a 2011 case involving the California Farm Bureau Federation and ruled that the state is providing necessary protections.

Gray's AB 313 would take the hearings away from the State Water Resources Control Board and give them to administrative law judges in the Office of Administrative Hearings. The bill authorizes the state agency to hire experts with expertise in water issues, but it also allows for judges who may or may not have experience on water issues to take on cases as necessary. Good grief. Is there any state agency that doesn't have an overload of work?

And get this. Gray's bill still allows the State Water Resources Control Board to accept, reject or alter any recommendation. In other words, let's add an additional level of expense, bureaucracy and complexity to water issues just to get back to the same place we are now. This is lunacy.

Big Ag uses nearly 80 percent of California's available water. It's understandable that farmers want to continue to expand their businesses, which will require additional water supplies.

With climate change bringing further uncertainty to the state's water outlook, California has an obligation to ensure the health of its water supply. The governor should use his veto pen to keep that balancing job firmly in the hands of the State Water Resources Control Board.



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