



August 21, 2018

Assemblywoman Anna Caballero
State Capitol, Room 5158
Sacramento, CA 95814

RE: Assembly Bill 747 – SUPPORT

RUSSELL KAGEHIRO
President
Division V

Dear Assemblywoman Caballero:

TIM MAGGIORE
Vice President
Division III

On behalf of Byron-Bethany Irrigation District (BBID), I'm writing in strong support of Assembly Bill 747, which provides California's water right holders with Constitutional due process and fundamental fairness lacking in the state's flawed water rights management structure.

LARRY ENOS, JR.
Director
Division I

The current scenario requires constructive change. Since the State Water Resources Control Board (Water Board) acquired enforcement power, the agency has acted as the prosecutor and the judge in its semi-adjudicatory hearings against water users. While water users can seek review of adverse Water Board decisions in state court, state courts follow a judicial doctrine of granting deference to agency decisions that is very difficult to overcome, even under the best facts.

MARK MAGGIORE
Director
Division II

FELIX MUSCO
Director
Division IV

CHARLES TUSO
Director
Division VI

JEFF BROWN
Director
Division VII

Simply put, it is critical to ensure fair and unbiased decision-making at the administrative level. Most state agencies send their enforcement actions to the state's Office of Administrative Hearings, allowing neutral third-party judges to hear and decide the enforcement actions fairly. This process not only follows common sense, it embodies the checks and balances that are essential to our political system and Constitution itself. AB 747 would install a similar methodology for the administration and resolution of complex, critically important water rights matters.

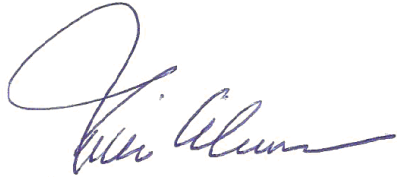
RICK GILMORE
General Manager
Secretary

Unsurprisingly, the Water Board decided in favor of its staff in *all* enforcement actions until 2016, when a few small Central Valley irrigation and water districts, including BBID, successfully proved to the Water Board that the Water Board's staff had made significant errors in allegations levied against the districts. This rare victory required unprecedented effort, resources, and collaboration among the water community, and made clear that the Water Board's hearing process is severely flawed.

Creating an administrative hearings office with protections ensuring unbiased decision-makers and a fair tribunal will bolster confidence in the process, and is critical to ensuring fairness in decisions involving California water, especially as important issues like drought, cannabis legalization, and competing water uses continue to define California's unique physical and legal landscape.

It is for these reasons that BBID supports AB 747, and we respectfully urge you to join us in support of the bill.

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

cc: Members of the Senate Committee on Natural Resources and Water;
Consultants; Dennis Cardoza, Foley & Lardner LLP; Robyn Black, Eclipse
Government Affairs