



## ASSEMBLY FLOOR ALERT

### **Assembly Bill 313 (Gray) – Water: SUPPORT File #339**

RUSSELL KAGEHIRO  
President  
Division V

TIM MAGGIORE  
Vice President  
Division III

LARRY ENOS, JR.  
Director  
Division I

MARK MAGGIORE  
Director  
Division II

FELIX MUSCO  
Director  
Division IV

CHARLES TUSO  
Director  
Division VI

JEFF BROWN  
Director  
Division VII

RICK GILMORE  
General Manager  
Secretary

Fairness and due process are hallmarks of our justice system, and when those foundational bedrocks become secondary to biases and special interests, it is incumbent upon lawmakers to act. It is against that backdrop that Byron-Bethany Irrigation District (BBID) writes to ask your support for AB 313, critically necessary water legislation introduced by Assemblyman Adam Gray (D-Merced). AB 313, a good governance bill, takes significant strides toward restoring the fairness *all* water rights holders across California expect and deserve – and currently do not enjoy. The bill passed out of the Assembly policy and fiscal committees without a single “no” vote.

AB 313 would create a new structure for water rights matters, in which impartiality and objectivity would rule the day. The bill restructures water rights hearings, creating a new Water Rights Division in the Office of Administrative Hearings (OAH) to handle all water rights matters.

That’s in stark contrast to the current system: conflicts of interest and inherent biases are the norm, allowing state agencies to act with unchecked power and little accountability to the communities they are supposed to serve.

Currently, the State Water Resources Control Board (SWRCB) exercises comprehensive control over water rights. Not only does the SWRCB write regulations, it initiates enforcement actions, and then conducts its own hearings in its own courtroom, in which Board staff act as prosecutors and the SWRCB itself acts as the judge and jury. As any reasonable, fair-minded person could see, that extremely unusual structure creates myriad conflicts of interest preventing fairness and due process to water rights holders.

Under AB 313, any and all quasi-adjudicative matters involving water rights would be decided upon by administrative law judges in the new Water Rights Division, which would conduct hearings neutrally. The bill ensures all hearings regarding the issuance of administrative civil liability (ACL) and cease-and-desist orders (CDO) involving water rights are to be held in the new Water Rights Division, rather than the SWRCB. This productive transfer of power eliminates any potential duplicative efforts for any similar hearings and responsibility to fall under the SWRCB.

California water rights are both complicated and critically important. Simply put, managing the state's water system correctly will help secure our future. BBID strongly believes AB 313 takes an important first step in making the necessary reforms to help California's water managers provide for generations to come.

**For these reasons, BBID respectfully requests your "Aye" vote on AB 313.**

Should you have any questions about our position or require further information about the bill, please do not hesitate to contact Robyn Black, Eclipse Government Affairs, at 916-233-5200; or Dennis Cardoza, Foley & Lardner LLP at 202-295-4015. Thank you.