



March 28, 2017

Assemblymember Adam Gray, District 21
Capitol Office: State Capitol P.O. Box 942849
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RE: Assembly Bill 313

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RICK GILMORE
General Manager
Secretary

To Whom It May Concern:

California has finally emerged from historic drought, but substantial and unprecedented challenges to water rights, water management, and water infrastructure remain. Comprehensive reforms are necessary to ensure the prosperous future of our state. It is against that backdrop that Byron-Bethany Irrigation District (BBID) is proud to formally announce its support of Assembly Bill 313, a necessary modernization of the state's water management structure.

AB 313, authored by Assemblyman Adam C. Gray (D-Merced), makes sweeping changes to California's water rights administration and enforcement. This bill corrects the state's broken water rights system that improperly allows the State Water Resources Control Board (SWRCB) to act as prosecutor, judge and jury with little oversight or accountability to the public. AB 313 removes improper conflicts of interest and inherent biases in the current system, restoring the fairness all water rights holders deserve. Ultimately, the bill allows the SWRCB to narrow its focus and concentrate on its core mission: water quality.

The current biased system is unacceptable to any fair-minded person. The SWRCB, an agency with unelected board members, used the recent drought in an effort to expand its substantial authority over water rights. With no checks and balances, the SWRCB seeks to become the sole decision-maker on all water right matters; appropriating long-standing water rights and refusing due process for water right holders. The SWRCB uses its quasi-judicial authority to hold water rights enforcement hearings where its own staff serves as the prosecution, and its board members serve as judge and jury.

BBID felt the full weight of this unchecked power. The District faced a crossroads when the SWRCB brought a \$5-million administrative enforcement action in July 2015, alleging BBID diverted water when none was available. In reality, the District was lawfully exercising its pre-1914 water rights. With the livelihoods of District landowners, growers, and hundreds of jobs at stake, BBID sought to protect those century-old water rights. The SWRCB dismissed the enforcement action last June because the SWRCB failed to prove its case.

BBID has since taken an active leadership role in a constructive, collaborative effort to help solve the state's water issues, and bring clarity to California's water management system. AB 313 takes a significant step in that direction.

The bill proposes moving the SWRCB's existing authority over water rights to the Department of Water Resources (DWR), which is better suited to handle water rights matters. The shift would bolster DWR's ability to fulfill its core mission of managing California's water resources. To ensure neutrality, enforcement proceedings will be held in a newly-created Water Rights Division under the Office of Administrative Hearings (OAH). A new State Water Project Authority will assume DWR's current authority over water rights and operations of the State Water Project. Furthermore, DWR will assume the SWRCB's existing responsibilities for regulation of groundwater planning and use under the Sustainable Groundwater Management Act (SGMA).

It is an opportune time to modernize California's water management system, which has gone largely unchanged since 1969. Many of our neighbors, including Washington, Oregon, Arizona and Idaho, already employ a water management system similar to what is proposed in AB 313. The Little Hoover Commission issued a report in 2010 urging lawmakers to make many of the changes proposed by AB 313.

It is for these reasons that we strongly support AB 313, and we respectfully urge you to join us in supporting this bill.

Very truly yours,

BYRON BETHANY IRRIGATION DISTRICT
Rick Gilmore
General Manager