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Governor vetoes water rights bill



According to Assemblyman Adam Gray, state agencies often treat water rights issues unfairly and act with unchecked power.

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POSTED October 17, 2017 3:54 p.m.

All seemed to be going well for Assemblyman Adam Gray's water rights legislation, Assembly Bill 313, which in September received final approval on the last day of the legislative session – the next-to-last step toward becoming law – until Monday, when the bill was vetoed by Governor Jerry Brown.

Upon hearing that his bill had been vetoed, Gray expressed frustration and disappointment for what he believes could have fixed a broken system. According to Gray, state agencies often treat water rights issues unfairly and act with unchecked power.

"For more than half a century, the State Water Resources Control Board has kept a dirty little secret," said Gray. "They are the judge, the jury, and the prosecution in the water world. They have zero accountability to the people of California, yet their

decisions impact the daily lives of millions of people."

AB 313 would have inserted checks and balances back into water rights enforcement. Rather than allowing the Water Board to write the rules and then unilaterally decide who breaks them as is done now, the bill would have required water rights enforcement hearings to occur at the Office of Administrative Hearings under the direction of an administrative law judge.

Under current law, the Water Board issues complaints against water users for allegedly violating water rights and provides 20 days for the water user to request an appeals hearing. The hearing occurs at the Water Board itself, with Water Board staff acting as the prosecution and a member of the Water Board acting as the judge. A legislative report found that out of more than 2,500 cases in the last decade, the Water Board has only overturned a single complaint.

"It's no wonder the Water Board wins 99.9 percent of its cases when they are essentially being asked whether or not they agree with themselves," said Gray.

The region Gray represents is currently the target of a massive water grab from the Water Board, and other local legislators were also disappointed with the Governor's decision to veto AB 313.

"I am disappointed that AB 313 was not signed by the governor," said Senator Anthony Cannella. "For too long the water users believed that the process was stacked against them. This bill would have inserted a nominal step to make the process more fair. Those of us who represent the valley will not stop fighting for a fair process."

"I'm disappointed that the Governor wasn't able to sign AB 313 and help restore some faith in the State Water Resources Control Board process," said Assemblyman Heath Flora. "This issue isn't going away and we will continue to fight."

The Turlock Irrigation District works closely with the SWRCB, and General Manager Casey Hashimoto urged Governor Jerry Brown to seal the deal on AB 313 when it passed through the State Senate last month.



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In a statement, the water agency said that though TID is disappointed in the Governor's decision to veto the bill, the company appreciates Gray's efforts to bring fairness and accountability to the water rights process.

In his veto message Governor Brown said that while he could not support Gray's bill, he is "directing the Secretary of the Environmental Protection Agency to evaluate the potential role for administrative law judges and provide a recommendation on improvements to the Board's hearing process..."

"I am encouraged that the Governor recognizes the lack of transparency and fairness in the Water Board's process," said Gray. "The bureaucrats at the State Water Board have lost any and all credibility with the communities I represent. I will continue to pursue every avenue at my disposal to promote greater public transparency and expose this out of control kangaroo court of an agency."

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