



**ASSEMBLYMEMBER ADAM C. GRAY
21ST ASSEMBLY DISTRICT**

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Contact: Adam Capper

Phone: (916) 319-2021

Gray Demands Action After State Water Board Loses in Court

SACRAMENTO – Assemblymember Adam C. Gray (D – Merced) renewed calls today to fix the state’s broken water rights management system following a court ruling that condemned the State Water Resources Control Board’s broken enforcement process.

In a case between the Byron-Bethany Irrigation District (BBID) and the State Water Board, a judge ruled this month that the Board lacks the authority to issue curtailment notices to pre-1914 and riparian water right holders. The judge ruled that the Board violated BBID’s due process rights by ordering immediate cessation of diversions and threatening the district with large fines without first providing the district its right to due process.

“The ruling reaffirms what we have known for some time,” Gray said. “We need to reform the State Water Board’s coercive enforcement process to guarantee water rights holders a fair hearing and due process. The Judge’s decision makes that clearer than ever.”

Assembly Bill 313, water rights legislation introduced by Assemblyman Gray last year, would have restored fairness in the handling of water rights enforcement by requiring hearings to take place in a neutral court. Under current law, the State Water Board initiates enforcement actions and conduct hearings in its own hearing room where Board staff serve as the prosecution team and Board members serve as judge and jury.

After receiving bipartisan support and approval by the Legislature, Governor Brown vetoed Gray’s bill. In his veto message, the Governor directed the California Environmental Protection Agency (CalEPA) to make recommendations to improve the State Water Board’s hearing process. However, a January 1st deadline to provide the recommendations passed without CalEPA providing the recommendations.

“The court’s ruling proves our bill is exactly the medicine the State Water Board needs,” continued Gray. “We must create a more accountable and equitable process that levels the playing field for everyone. The current system just isn’t good government.”

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Assemblymember Adam C. Gray represents the 21st Assembly District which includes all of Merced County and portions of Stanislaus County.