

April 3, 2023

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Water, Parks, and Wildlife Committee
1020 N Street, Room 160
Sacramento, CA 95814

RE: AB 1337 - State Water Resources Control Board: water shortage enforcement – OPPOSE

Dear Chair Bauer-Kahan,

On behalf of the Turlock Irrigation District (TID), we regrettably write you in opposition to AB 1337. AB 1337 goes well beyond managing scarce supplies during drought. The bill is a vast expansion of the State Water Resources Control Board's authority over riparian and pre- and post-1914 water right holders in all hydrologic conditions.

TID is the first publicly owned irrigation district in the state and is one of only four today that provides irrigation water and power to residential, commercial, industrial and agricultural customers within its service area. TID provides safe, low-cost, reliable energy to a growing customer base of almost 240,000 home, farm, business, industrial and municipal users within a 662-square-mile service area. TID serves approximately 4,700 irrigation customers covering approximately 150,000 acres of prime, Central Valley farmland. The water rights TID holds serve as the economic backbone of our diverse community; livelihoods, jobs and economic security are at stake across our entire region if such rights are jeopardized or undermined.

AB 1337 would expand State Water Board authority to, among other things, curtail water diversions and to issue regulations purporting to protect the public trust in all water year types. AB 1337 would allow the State Water Board to do by regulation what it currently can only do by adjudication, thus raising concerns with due process and fact-finding specific to each circumstance. There needs to remain a process for people that will be impacted by any decision to be involved by providing evidence and being heard by a neutral arbiter. AB 1337 eliminates this protection while providing stiff financial penalties for the violation of any regulation.

TID cannot support any unprecedented and unjustified expansion of State Water Board authority to determine, in its sole discretion, how, when, and against whom to apply and enforce through regulation the waste and unreasonable use doctrine and the public trust doctrine. The legislation provides no guidance as to the evidence needed to support the development of regulations nor defines what constitutes an alleged violation of these doctrines and statutes, and would bring to light conflicts between the State Water Board's quasi-judicial and quasi-legislative roles.

If enacted, SB 1337 would bring unprecedented uncertainty to TID customers, water right holders and water service providers in California. The State Water Board's issuance of a regulation purporting to protect public trust resources without clear due process protections and the opportunity to provide

evidence is unacceptable. The costs to defend against over-burdensome regulations and enforcement would be extraordinary.

It is because of these concerns and reasons that TID must oppose AB 1337. Should you have any questions regarding these comments, please contact Josh Weimer, External Affairs Manager, at jmweimer@tid.org or (209) 883-8361.

Regards,

A handwritten signature in cursive script that reads "Michelle Reimers".

Michelle Reimers
General Manager

CC: The Honorable Buffy Wicks
Chair & Members, Assembly Water, Parks & Wildlife Committee