

# **FLOOR ALERT**

## **SB 565 (Pavley) Water Resources – OPPOSE**

Agricultural Council of California  
CA Association of Winegrape Growers  
CA Association of Nurseries and Garden  
Centers  
CA Association of Wheat Growers  
CA Bean Shippers Association  
CA Cattlemen's Association  
CA Citrus Mutual  
CA Cotton Growers and Ginners  
Associations  
CA Farm Bureau Federation  
CA Grain and Feed  
CA Grape and Tree Fruit League  
CA League of Food Processors  
CA Pear Growers  
CA Rice Industry Association  
CA Seed Association  
CA State Flower Association  
CA Tomato Growers Association  
Family Winemakers of California  
Nisei Farmers League  
Pacific Egg and Poultry Association  
Western Agricultural Processors  
Association  
Western Growers  
Western Pistachio Association  
Wine Institute

Association of California Water Agencies  
Coachella Valley Water District  
Desert Water Agency  
East Valley Water District  
El Dorado Irrigation District  
Friant Water Authority  
Glenn Colusa Irrigation District

Imperial Irrigation District  
Kern County Water Agency  
Kings River Conservation District  
Kings River Water Association  
Modesto Irrigation District  
Northern California Water Association  
Regional Water Authority  
Sacramento Regional Water Alliance  
Sacramento Suburban Water District  
San Bernardino Valley Municipal Water  
District\*  
San Diego County Water Authority  
San Joaquin River Exchange Contractors  
San Juan Water District  
Solano County Water Agency  
Three Valleys Municipal Water District  
(San Gabriel)  
Valley Ag Water Coalition  
Yolo County Flood Control & Water  
Conservation District\*  
Yuba County Water Agency  
CA Building Industry Association  
CA Chamber of Commerce  
CA Warehouse Association  
City of Roseville  
City of San Diego

CA Latino Water Coalition

CA Waterfowl Association

CA Municipal Utilities Assoc.  
Pacific Gas and Electric Company

We are opposed to SB 565 (Pavley) which would establish several new penalty and investigative powers at the State Water Resources Control Board dealing with water rights, while reducing existing due process and property rights protections for California water rights holders.

During the successfully completed historic Seventh Special Session of the 2009-2010 Legislative Session, the Legislature adopted a series of significant water reforms which focused on improving the sustainability and reliability of California's water supply and environment. Many thought it went too far, others thought it didn't go far enough, but compromise prevailed.

Many of the provisions in SB 565 had been considered for inclusion in SBx7 5 (Steinberg/Pavley), SB 681(Pavley) and SB 229 (Pavley), all failed passage due to much controversy and widespread opposition. We believe the proposed legislation is counterproductive in light of the negotiations and serious compromise that prevailed last year. SBx7 8 (Steinberg) represents the agreement reached by the Legislature and stakeholders.

Even before this legislation passed, Section 5101 of the California Water Code required statements of diversion and use, but there were no legal consequences for failure to report. **Now, there are...**

**The new law removes some exemptions and assesses fines on diverters who fail to submit the required reports, and for willful misstatements, and/or tampering with monitoring equipment. The new law also appropriates \$3.75 million to the State Water Resources Control Board for 25 new staff positions to manage water diversion reporting, monitoring and enforcement paid for by water users. The Water board is still hiring and implementing this new law that will identify illegal diverters and develop real diversion numbers.**

Failure to file a statement for each diversion that occurred after January 1, 2009, may be subject to civil liabilities that carry a maximum fine of \$1,000 plus \$500 for each day the violation continues after 30 days of the State Water Board notification of the violation.

VIOLATION	Old Penalty (before 2009)	New Penalty (2009 and after)	Correction Period	Per Day After Correction Period
Failure to File	None	\$1,000	30 Days	\$500
Accidental Misstatements* *Including those caused by a broken water measuring device	\$500	\$250	60 Days	\$250
Willful Misstatements* *Including those caused by tampering with a water measuring device	\$1,000	\$25,000	30 Days	\$1,000
Other Violations	None	\$500	30 Days	\$250

Further, the actual implementation of SBx7 8 has been confusing because water law and definition are complex, requiring many lawful water rights holders who previously have not filed, to seek legal help in submitting accurate information to the Water Board. Several provisions of SB 565 would only add to the confusion and hinder progress in protecting our water resources.

**Proponents maintain that SB 565 continues the work of the water package adopted last year by updating enforcement and penalty provisions, however; SBx7 8 (Steinberg) already accomplished that.**

**SB 565 is a water lawyer's dream and hinders the momentum that SBx7 8 has just begun to make -- we ask that you oppose SB 565.**