

April 27, 2009

The Honorable Fran Pavley
California State Senate, District 23
State Capitol, Room 4035
Sacramento, CA 95814

Re: SB 681
Position: Oppose

Dear Senator Pavley:

On behalf of the Kings River Water Association (KRWA) and the Kings River Conservation District (KRC D) we regret to inform you of their opposition to your bill, SB 681, an act to amend Sections 2525, 2526, 2550 and 2763.5 of the Water Code, relating to water.

KRWA and KRC D are regional agencies that oversee the operation of the Kings River in the San Joaquin Valley of California. KRWA is an association comprised of the 28 public and private agencies with rights or entitlements to water from the Kings River. The organization manages those water entitlements and deliveries, and is engaged in various environmental enhancement and water quality-related projects. KRC D is a public agency responsible for flood control, power, on-farm water management, environmental programs and groundwater management. KRWA and KRC D are actively involved in water quality protection in the Kings River watershed, both directly and through participation in the Southern San Joaquin Valley Water Quality Coalition.

This bill is unnecessary. By definition, adjudication occurs when there are disputes between competing users of a common supply. If those disputes reach a level where State Water Resources Control Board (SWRCB) involvement is necessary, one or more of the parties will bring it to the board. There is no need for the SWRCB to intercede on its own.

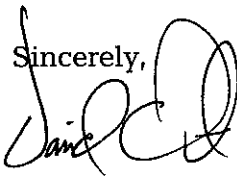
The bill could result in the premature involvement by the SWRCB. As noted above, when a dispute becomes unresolvable, a party will bring it to the SWRCB. The SWRCB should defer action until that action is necessary. If it becomes involved prematurely, the SWRCB could do more harm than good by compelling an unnecessary adversarial proceeding.

The SWRCB cannot afford to initiate its own adjudications. The Division of Water Rights does not have the staff or funding to initiate adjudications on its own. The Division is already short on funding and subject to litigation over water rights fees; it has no ability to conduct adjudications it might initiate, unless it imposes the costs on the parties. It seems

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grossly inequitable to allow the SWRCB to force parties into an adjudication and then compel those parties to pay for it.

Please contact us if you have any questions or comments regarding this correspondence.

Sincerely,


David Orth, General Manager
Kings River Conservation District



Steve Haugen, Watermaster
Kings River Water Association

DO/SH/mc

File: 204.01
L09-0108

cc: Honorable Chair and Members, Senate Natural Resources and Water Committee
The Gualco Group, Inc.

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