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#### Affiliate Members

City of Folsom  
Santa Clara Valley Water District

April 21, 2023

The Honorable Dave Min  
Chair, Senate Natural Resources & Water Committee  
1021 O Street, Room 3220  
Sacramento, CA 95814

#### **RE: SB 389 (Allen): State Water Resources Control Board: Determination of Water Right: OPPOSE**

Dear Chair Min:

On behalf of the Mountain Counties Water Resources Association's Board of Directors, I'm writing to respectfully submit our opposition to Senate Bill 389, which would authorize the State Water Resources Control Board (Board) to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right.

MCWRA advocates for the water interests of its 58 members in 12 of the mountain counties within the Wildland-Urban Interface (WUI) of woodland and forested lands in the Sierra Nevada. These foothill and mountain areas contain the headwaters for 40% of the state's developed water supply, which also provides for hydropower production, irrigation, recreation, water recycling, tourism, and instream flows that fuel the engine of our State's economy.

SB 389 threatens to undermine the reliability of any water right, and, in turn, interests that depend on these rights. The bill would authorize the Board to challenge any water rights holder to defend its claim of right. Once the Board begins adjudicating a claim, the bill would stack the deck against all right holders forced into these proceedings with minimal due process protections and placing the burden of proof on the right holder. SB 389 threatens to undermine water rights reliability by authorizing the Board to strip claimants of their rights with little due process.

Please feel free to reach out should you have any questions regarding our position.

Sincerely,

Scott Ratterman, President  
Mountain Counties Water Resources Association