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June 26, 2023

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

**RE: AB 460 (Bauer-Kahan): State Water Resources: Enforcement: OPPOSE**

Dear Chair Min:

On behalf of the Mountain Counties Water Resource Board of Directors, we write to respectfully oppose Assembly Bill 460, which would provide new authority for the State Water Resources Control Board (Board). The newfound authority would allow for its motion or upon the petition of an interested party to apply or enforce items such as the Reasonable Use and Public Trust Doctrine. The bill would weaken the protected rights to judicial review of the Board.

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.

The scope of the bill is broad, and the bill allows any “interested party” to petition the Board for an interim relief order which effectively allows

virtually anyone to petition the Board for an interim relief order.

The bill is far larger than addressing the alleged illegal diversions of surface water. The bill would allow third parties to use the interim enforcement proceedings in AB 460 to attack decisions relating to housing and recycled water projects.

Water rights are property rights and they should not be infringed without due process of the law. AB 460, diverts the due process with the Board when it makes certain findings. We respectfully oppose AB 460.

- Executive Members**
- Amador Water Agency
  - Calaveras County Water District
  - County of Alpine
  - County of Amador
  - County of Calaveras
  - County of El Dorado
  - County of Nevada
  - County of Placer
  - County of Tuolumne
  - County of Yuba
  - El Dorado Water Agency
  - El Dorado Irrigation District
  - Foresthill Public Utility District
  - Georgetown Divide
  - Public Utility District
  - Grizzly Flats
  - Community Services District
  - Jackson Valley Irrigation District
  - Murphys Sanitary District
  - Placer County Water Agency
  - South Tahoe Public Utility District
  - Tuolumne Utilities District
  - Twain Harte
  - Community Services District
  - Utica Water and Power Authority
  - Weimar Water Company
  - Yuba Water Agency
- Affiliate Members**
- City of Folsom
  - Santa Clara Valley Water District

Please feel free to reach out should you have any questions regarding our position. Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ratterman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Ratterman, President  
Mountain Counties Water Resources Association