



www.mountaincountieswater.com

Board of Directors and Officials

Scott Ratterman (CCWD) – President
Barbara Balen (TUD) – Vice President
Jim Holmes (County of Placer) – Secretary
Lori Anzini (EID) – Treasurer
Mike Lee (PCWA) – Director
Lori Parlin (County of El Dorado) – Director
Sue Hoek (County of Nevada) – Director
Don Blaser (YWA) – Director
Susan Peters (AWA) – Director

Dave Breninger, retired (PCWA) – Governmental Affairs Official
Tom Cumpston – Legal Counsel

Justin Caporusso – Executive Director

June 26, 2023

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

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

Dear Chair Bauer-Kahan:

On behalf of the Mountain Counties Water Resources Association’s Board of Directors, we write 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

- 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