

CAPITOL OFFICE  
STATE CAPITOL  
SACRAMENTO, CA 95814  
(916) 651-4004

ROSEVILLE DISTRICT OFFICE  
2200 A DOUGLAS BLVD.  
SUITE 100  
ROSEVILLE, CA 95765

CHICO DISTRICT OFFICE  
2653 FOREST AVENUE  
SUITE 110  
CHICO, CA 95928

CRESENT CITY DISTRICT OFFICE  
1080 MASON MALL  
SUITE 4  
CRESENT CITY, CA 95531

# California State Senate



**SENATOR**  
**JIM NIELSEN**  
FOURTH SENATE DISTRICT  
REPUBLICAN CAUCUS WHIP

COMMITTEES  
GOVERNMENTAL ORGANIZATION  
VICE-CHAIR  
BUDGET & FISCAL REVIEW  
HEALTH  
INSURANCE  
VETERANS AFFAIRS



October 14, 2014

Ms. Felicia Marcus  
Chair, State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Dear Chair Marcus:

The State Water Resources Control Board (SWRCB) will consider recommendations on actions that SWRCB should take to most effectively implement and enforce the water rights priority system in future dry years. Between the drought, the new emergency regulation powers granted to SWRCB under Senate Bill 104, and the groundwater management legislation, 2014 has been a devastating year for many of California's water rights holders.

In particular, SB 104 provided historic changes to SWRCB's ability to regulate and enforce water rights. The Board was eager to use those new powers as was seen with the urban conservation regulations and, more disconcertingly, with the curtailments of water diversions. While the Board was adamant that the curtailments were intended to protect senior water rights, the discussions during board meetings inspired less confidence that senior and pre-1914 water rights holders will be saved in the future. Water Code section 1058.5 offers broad Board power to usurp these historic water rights. Such sweeping power breaches trust in historic water rights and, ultimately, will devalue the agricultural lands in California.

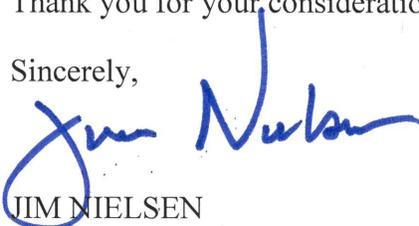
I urge the Board to self-moderate by amending its regulations to specifically indicate that it will not, in any manner, usurp senior and particularly pre-1914 water rights unless the emergency situation is severe and perennial. Such an emergency will adversely impact human and/or fish and wildlife needs; and prior to regulating, the Board should make specific findings related thereto.

As demonstrated by the crowds gathered at the public hearing, stakeholders, including myself, continue to have concerns that junior, senior and riparian rights will be suspended, primarily to the detriment of California's multi-billion dollar agricultural industry. In future drought actions, SWRCB must give due credence to the importance of agriculture to Californians' economy, health and safety, and public benefit. (Certainly the human need for food and fiber is a "public benefit.")

I respect that SWRCB has been dealt a challenging year filled with complex circumstances and appreciate that the State Water Board is preparing for another dry year in 2015. However, I advise the Board to be exceptional stewards of Californians' water rights laws and traditions to ensure water rights holders can have confidence that their historic contracts will be honored.

Thank you for your consideration.

Sincerely,



JIM NIELSEN  
Senator, Fourth District