



BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT

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May 21, 2024

Senate Natural Resources and Water Committee
California State Senate
State Capitol
Sacramento, CA 95814

Re: SUPPORT - AB 1337 (Wicks)

Dear Chair Min and Honorable Members of the Senate Natural Resources and Water Committee,

The County of Humboldt supports AB 1337 and we urge your support of this bill.

Humboldt County supports AB 1337, which allows the State Water Board to regulate flows and enforce California's water rights system in a more fair, consistent, equitable manner. California's water rights system is a complex series of rules which dictate when water rights holders can divert water and when they must curtail those diversions. The passage of the Water Commission Act in 1913, which became effective in 1914, established the current permitting process whereby all post-1914 water rights are required to have permits. However, all pre-existing water rights share no such requirement. As a result, pre-1914 rights are not established pursuant to the water code and are largely free from regulation. This has no small impact on California's water resources, as approximately 45% of all water rights in the state are pre-1914 and they account for nearly 35% of all surface water diversions by volume. Despite the fact that about a third of all surface water is diverted under a pre-1914 water right, Water Code section 1052, the section which authorizes the State Water Board to curtail rights during non-emergency water shortages, only applies to post-1914 rights. Therefore, even when there is not enough water to satisfy all pre-1914 right holders, the State Water Board lacks the authority to regulate, and these right holders are left to police themselves. Not only are pre-1914 rights the oldest, and therefore strongest claims to water in the state, these claims were generally unavailable to minorities and tribes. Pre-1914 water rights benefit from immunities which post-1914 water rights lack. This is a key example of systemic inequality which requires a legislative fix.

Humboldt County depends on sufficient water and healthy rivers to support and restore strong fisheries, to sustain our rural economy, and to provide critical ecosystem services to our community and all residents of California. Thank you for your attention to AB 1337. We strongly encourage your support of this important legislation.

Sincerely,

Rex Bohn, Chair
Humboldt County Board of Supervisors

CC:
Senator Mike McGuire, Senate President pro Tempore
Assemblymember Jim Wood