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California State Senate

SENATOR
BRIAN DAHLE
FIRST SENATE DISTRICT



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BUDGET & FISCAL REVIEW
SUBCOMMITTEE #2 ON
RESOURCES, ENVIRONMENTAL
PROTECTION, & ENERGY
GOVERNANCE & FINANCE
NATURAL RESOURCES
& WATER
TRANSPORTATION

October 3, 2023

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: Request for Veto of SB 389 (Allen)

Dear Governor Newsom:

I respectfully request your veto of Senate Bill 389 (Allen), which authorizes the State Water Resources Control Board (SWRCB) to investigate and determine the validity of a water right.

There are major issues with the implication of this bill. Essentially, SB 389 empowers the administrative state and it undermines the water rights system for both water agencies and individual water rights holders. This bill is an attempt to undo water rights that have been held throughout the state for decades. I am concerned that this bill will result in the state controlling most if not all water rights, essentially eliminating individual and private water rights.

This bill authorizes the SWRCB to demand extensive information from the water rights holder including the basis of the water right claimed, the patent date claim for place of use, dates of actual water delivery, and diversion and storage information. These demands can include pre-1914 water rights and in many cases, the water rights holder does not have that information. Given the complex nature of current water law, particularly pre-1914 rights, SB 389 will be used as a way to delegitimize longstanding water rights throughout the state.

For these reasons, I respectfully request your veto of this measure.

Sincerely,

A handwritten signature in blue ink that reads "Brian Dahle".

Brian Dahle, Senator
1st Senate District