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Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON STRATEGIC FORCES
SUBCOMMITTEE ON TACTICAL AIR AND LAND
FORCES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS,
FOREST AND PUBLIC LANDS
SUBCOMMITTEE ON WATER AND POWER

Dear Colleague: Protect States Water Rights

From: The Honorable John Garamendi

Date: 2/27/2012

Vote "Nay" or "Present" on H.R. 1837

I will be voting "Nay" on H.R. 1837. I urge you to either vote "Nay" or "Present" on H.R. 1837, because it would turn upside down 150 years of California water law and use the power of the federal government to preempt our state law and constitution.

Titles 1 and 2 of the bill rewrite complex federal water law without sufficient bipartisan collaboration, expert analyses or stakeholder engagement. Without Democrats and Republicans working cooperatively to address California's water challenges, no solution will be achieved.

H.R. 1837 is not broadly supported in California among urban, agricultural, conservationist, and recreational water stakeholders. Several notable groups have not taken a position on the legislation because it lacks consensus. Most of the state's leading editorial boards are opposed. H.R. 1837 is dividing us, instead of uniting us.

Water law is sacred in the western United States. If you represent the western states of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, or Wyoming, then H.R. 1837 is especially alarming because it grants the federal government power to override a state's water law. A "Nay" or "Present" vote is a states' rights vote.

Furthermore, the Congressional Budget Office reports that "H.R. 1837 would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) by preempting state laws and requiring or prohibiting some activities related to water management and wildlife preservation. The bill would require the state of California to change how it manages a state system for storing and delivering water. It also would prohibit the state from restricting existing water rights in an effort to protect any species affected by the operations of the water projects in the state. Similarly, it would prohibit restrictions on water rights that are designed to protect, enhance, or restore the value of public water resources. Finally, the bill would preempt several other state laws related to water management and wildlife preservation."

H.R. 1837's unintended consequences are too great and its unanticipated uncertainties are too risky. What happens in California won't stay in California no matter what Title 5 of this bill

says. This bill, if it ever becomes law, will ignite California's next water war and the fights will spread across the West.

Don't get roped into voting "Yea" on H.R. 1837 by leadership. Vote "Nay" or "Present", protect states' water rights and let those of us in California work together to reach solutions to our water challenges.

Sincerely,
JOHN GARAMENDI
Member of Congress