



**STOCKTON  
EAST WATER  
DISTRICT**  
www.sewd.net

Providing Service  
Since 1948

**DIRECTORS**

Richard Atkins  
President  
Division 1

Andrew Watkins  
Division 2

Alvin Cortopassi  
Vice President  
Division 3

Melvin Panizza  
Division 4

Paul Sanguinetti  
Division 5

Loralee McGaughey  
Division 6

Thomas McGurk  
Division 7

**STAFF**

Kevin M. Kauffman  
General Manager

Jeanette R. Thomas  
AGM - Operations

Ipedio "Jun" Jamosmos, Jr.  
Finance Director

Jeanne M. Zolezzi  
General Counsel

Phone 209-948-0333  
Fax 209-948-0423

E-mail sewd@sewd.net

6767 East Main Street  
Stockton, CA 95215

Post Office Box 5157  
Stockton, CA 95205

August 21, 2012

The Honorable Lois Wolk  
State Capitol, Room 5114  
Sacramento, CA 95814  
(916) 323-2304



**RE: Assembly Bill 685 – OPPOSE**

Dear Senator Wolk:

I am writing on behalf of Stockton East Water District to express our strong opposition to AB 685 (Eng). The bill has the potential to upset decades of legal precedent while doing nothing to address the challenges of providing safe drinking water to disadvantaged communities.

AB 685 would declare that it is the policy of the state that every human being has the right to clean, affordable, and accessible water. While this is a noble policy goal, California Water Code Section 106 already declares that “the use of water for domestic purposes” is the “highest use” of water. This basic water policy has been vetted through the courts for decades. Codifying a new “human right to water” without considering existing legal authority will lead to conflicts that have not been adequately addressed by this legislation. For example, AB 685 would codify a new human right to water along with an additional requirement that the water served be “affordable.” By doing so, the bill could be read to prohibit a water agency from terminating the water service of a non-paying customer. This would create budgetary issues for water agencies at a time when local budgets are already stretched thin.

The bill is so ambiguous that it would invite endless litigation in order to define exactly what a “human right to water” entails. The Senate Appropriations Committee was sufficiently concerned with potential costs to request an amendment that would exempt the State from any legal liability. The Committee noted that the State might be liable for the cost of providing safe drinking water should the law be interpreted as creating an enforceable right. Recent amendments exempt the State from liability but leave local agencies exposed to costly litigation. Local agencies cannot afford the uncertainty that this legislation would create.

California Water Code Section 106 is already a fundamental cornerstone of the water rights system in this state. Creating a new “right to water” in California law could potentially upset decades of legal precedent and negatively affect the ability of water agencies to provide safe, clean and affordable water to all their customers. For these reasons, we strongly urge a “NO” vote on AB 685 when it comes before you for consideration on the Senate Floor.

Very truly yours,

KEVIN M. KAUFFMAN, P.E.  
General Manager

cc: Assembly Member Mike Eng (916) 319-2149  
Association of California Water Agencies (916) 561-7124  
Board of Directors