



Legislative, Regulatory Affairs and Communication Committee

Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability

Item 7-15

April 10, 2023

Legislative Activity & Approach

- Legislative slate of bills introduced
- Goal of improving the state's water rights system
- As drafted, the bills create lack of certainty & bypass the due process
- Significant water supply impacts to Metropolitan & the region

What are water rights?

- Fundamental, vested property rights
- Creates certainty needed for human and economic activity
- Requires stable, predictable process of administration

The Problem

- Climate change is creating volatility and intensity in weather events that demand quick responses by State Board
- Lack of staffing, tools and funding
- Modernization and additional support needed
 - More nimble, effective enforcement of water rights
 - Stronger deterrence of violations

Water Supply Impacts & Risks

- Colorado River agreements
 - 450,000 AFY for Metropolitan & SDCWA
- Bay-Delta regulatory stability
 - 30 percent of Southern California's annual supply
- Existing water supply programs
 - Lower Yuba River Accord Water Transfer (250,000 AF since 2007)
 - Arvin Edison (38,000 AF in 2021)
- New water partnerships & water transfer market
- Infrastructure investments & regional economy

Modernization of Water Rights Administration

Proposed Policy Principles

- Support funding for staff and data modernization tools, including technical assistance
- Support funding for and adjudication of water rights consistent with state law and ensure protection of due process rights and fair process
- Support application of waste and unreasonable use doctrine, on case by case basis

Proposed Policy Principles

Modernization of Water Rights Administration

- Support increases in civil penalties to deter violations
- Support protection of SWP releases from unlawful diversion
- Support improvements in existing law to authorize the AG to seek injunctive relief

Modernization of Water Rights Administration

Proposed Policy Principles

- Support voluntary water transfers and exchanges
- Support the consolidated place-of-use of the SWP/CVP for improved flexibility
- Support flexible regulations to divert water while maintaining/protecting water rights, SWP supplies and the environment

Water Rights Administration Policy Principles

Board Options

- Option #1
Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability
- Option #2
Take no action

Water Rights Administration Policy Principles

Staff Recommendation

- Option #1
Adopt Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability

