

A Partial Agenda for Water Rights Reform

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Managing WATER SCARCITY

A Framework for Fair and Effective Water Right
Curtailment in California

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Policy Report



CLIMATE
& ENERGY



WATER



OCEANS



LAND USE

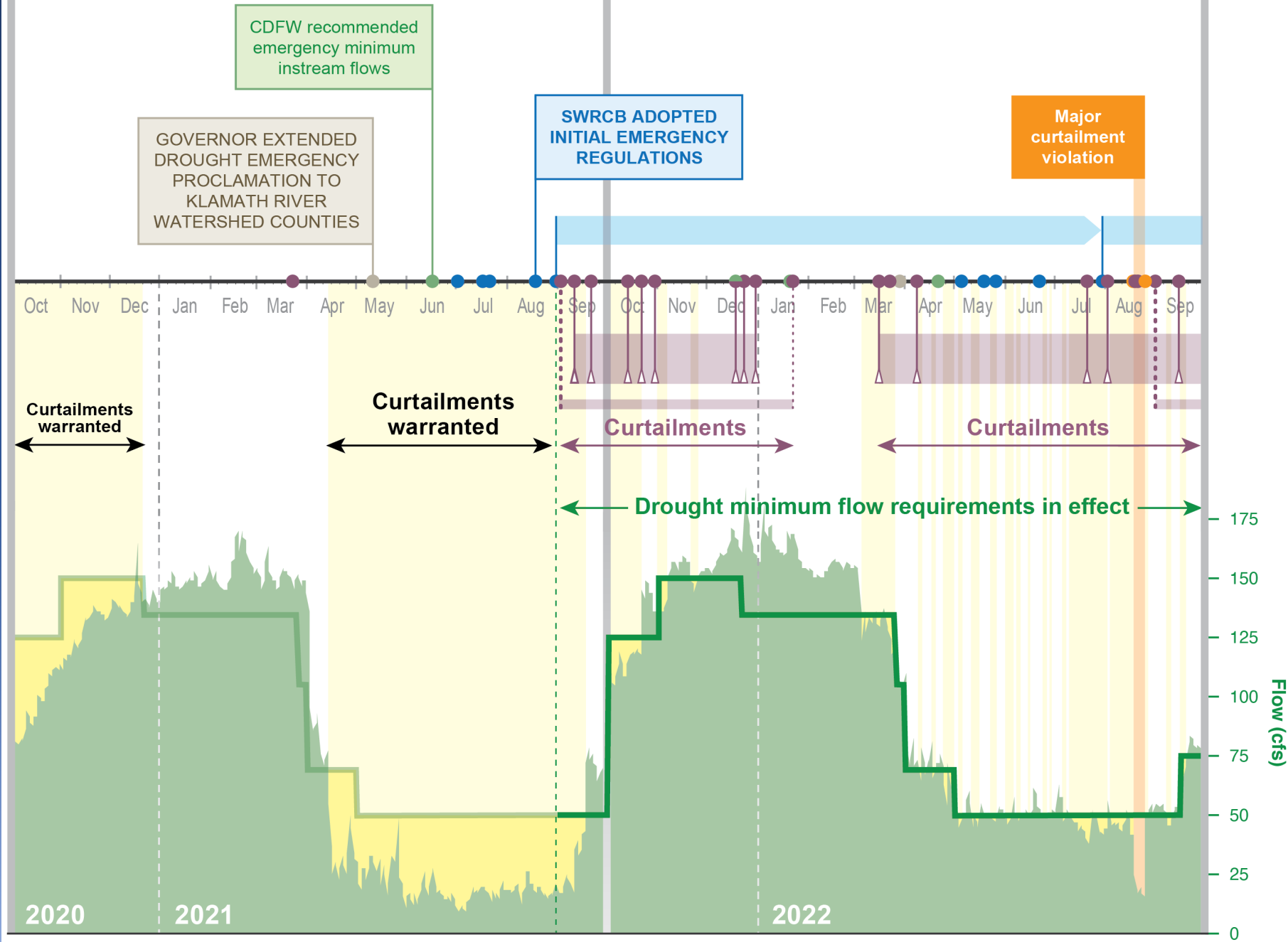


Key Challenges

- Information gaps
- Unclear enforcement authority
- Cumbersome enforcement mechanisms
- Weak penalties

2021 Water Year

2022 Water Year



CDFW recommended emergency minimum instream flows

GOVERNOR EXTENDED DROUGHT EMERGENCY PROCLAMATION TO KLAMATH RIVER WATERSHED COUNTIES

SWRCB ADOPTED INITIAL EMERGENCY REGULATIONS

Major curtailment violation

Curtailments warranted

Curtailments warranted

Curtailments

Curtailments

Drought minimum flow requirements in effect

Flow (cfs)

2020

2021

2022

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- **Require more frequent and more accurate water use reporting.**

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- Require more frequent and more accurate water use reporting.
- Accelerate (and fund) faster development of instream flow standards.

Our recommendations for the Legislature

SB 389

AB 460

AB 1337

Enable the SWRCB to adopt more effective curtailment regulations:

A	Clarify its authority to implement priority-based curtailments for <u>all</u> diverters.	-	-	Partially
B	Extend its ER authority to <u>all</u> critically dry years.	-	-	-
C	Direct it to adopt certain watershed-specific provisions of the curtailment framework by ER.	-	-	-

Enhance the SWRCB's curtailment enforcement options:

D	Clarify its authority to address any diverter's curtailment violation.	-	-	Partially
E	Provide it with stronger penalty options for violation of curtailment regulations and orders.	-	Partially	Partially
F	Expressly authorize it to issue interim relief orders to prevent irreparable harm.	-	Partially	-
G	Expressly authorize it to physically stop (shut off) unlawful diversions.	-	-	-

Support the SWRCB in improving engagement and information for fair and effective curtailments:

H	Authorize it to appoint "watermasters," modeled after the Delta Watermaster, for other watersheds. Shift the traditional watermaster program from DWR to the SWRCB.	-	-	-
I	Expressly authorize it to (1) adopt regulations to require more frequent reporting of water diversion and use and (2) require diverters to provide additional information needed to inform fair and effective curtailments.	Partially	Partially	-
J	Accelerate development and implementation of instream flow requirements to ensure curtailments protect water quality and public trust uses.	-	-	-

Groundwater Rights and Governance

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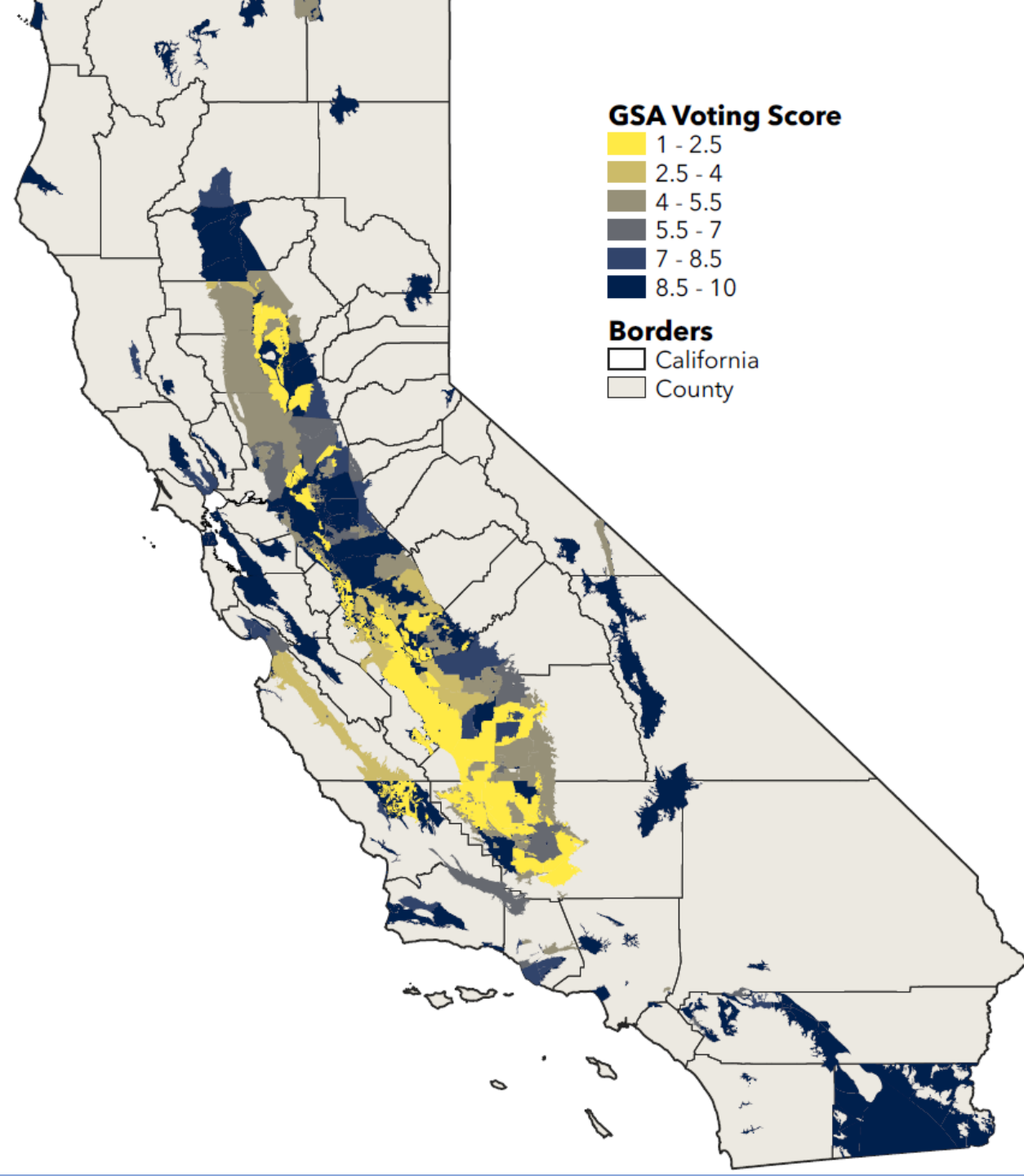
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- Many water districts are landowner-dominated.
 - In most irrigation districts, only landowners can serve on the board of directors.
 - In California water districts, water storage districts, most reclamation districts, and some other agencies, only landowners can serve on the board of directors and only landowners can vote.



Potential reforms:

- Limit groundwater governance to popularly elected bodies
- Create new, popularly elected groundwater regulatory agencies
- Limit eligibility of non-popularly-elected districts for federal and state grant funding
- Limit eligibility of non-popularly-elected districts for other governmental benefits
- Create mechanisms for state takeovers of recalcitrant districts