
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1146 (Papan) - Water infrastructure: dams and reservoirs: water release: false pretenses

Version: June 23, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: N.R. & W. 7 - 0, JUD. 12 - 1

Mandate: Yes

Consultant: Ashley Ames

Bill Summary: This bill would prohibit the release of stored water from a reservoir owned and operated by the United States in this state if the release is done under false pretenses, as defined by the bill.

Fiscal Impact:

- The Department of Justice anticipates unquantifiable but potentially significant costs (Legal Services Revolving Fund) relating to client representation, litigation, and enforcement work arising from this bill.

Background: On January 24, 2025, President Trump released an executive order that required federal officials to exert all efforts to send more water to fight southern California wildfires. On January 30, 2025, the Trump Administration notified water managers on the Tule and Kaweah Rivers that it would soon be releasing water from Success Lake and Kaweah Lake, respectively, in response to the President's executive order.

The Tule and Kaweah rivers flow into the old Tulare Lake bed, a terminal water body with no hydrologic connection to southern California. On January 31st, President Trump posted on social media "photo of beautiful water flow that I just opened in California. Today, 1.6 billion gallons and, in 3 days, it will be 5.2 billion gallons. Everybody should be happy about this long fought Victory! I only wished they listened to me six years ago – There would have been no fire!"

On Success Dam (Success Lake), the releases went from 50 cubic-feet per second (cfs) on January 30th to a high of 1,000 cfs on January 31st and returned to 50 cfs on February 2nd. On Terminus Dam (Lake Kaweah), the releases went from 3 cfs on January 30th to a high of 1,500 cfs on January 31st and returned to 3 cfs on February 2nd.

Combined, more than 2 billion gallons of water was released. Contrary to President's Trumps claims, the releases did not result in sending more water to southern California as represented in the executive order. Further, there were no storms forecasted for the area and the snowpack was well below average. There was sufficient capacity to store the water that was released. The releases also occurred at a time when the farmers downstream did not need the water for irrigation.

Proposed Law: This bill would:

1. Prohibit the release of stored water from a reservoir owned and operated by the United States in this state if the release is done under false pretenses.
2. Provide that a release under false pretense means a release of water from a reservoir owned and operated by the United States in a manner that is knowingly, designedly, and intentionally under any false or fraudulent representation as to the purpose and intended use of water.
3. Authorize the State Water Board, the Attorney General on behalf of the State Water Board, or the Attorney General in its independent capacity to bring an action for the issuance of injunctive relief, as specified, when a release of stored water is threatened, is occurring, or has occurred in violation of the above-described prohibition.

Staff Comments: This bill would authorize the State Water Board and Attorney General to bring an action for injunctive relief if a release of water from a federal reservoir under false pretenses is threatened, is occurring, or has occurred. In determining whether the release is occurring under false pretenses and determining whether to bring an action for injunctive relief, the State Water Board or Attorney General will likely have to evaluate a variety of other factors, as there can be various reasons behind a decision to release water from a reservoir.

It is assumed, that in implementing this section, that the State Water Board or Attorney General would only bring an action for injunctive relief if there is no other valid reason present for the decision to release water.

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