

Date of Hearing: April 29, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2215 (Calderon) – As Amended April 16, 2026

Policy Committee: Water, Parks and Wildlife Vote: 11 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

**SUMMARY:**

This bill extends the time periods for application of water to beneficial use and for the completion of construction work for six water right permits held by the Department of Water Resources (DWR) for the operation of the State Water Project (DWR) to December 31, 2046, and states that this provision shall not be construed as an approval of any proposed modification of physical facilities of the SWP, including the Delta Conveyance Project (DCP).

**FISCAL EFFECT:**

Minor and absorbable costs for DWR and the State Water Board. By statutorily validating and granting a time extension for DWR's permits for the SWP outside of the State Water Board's standard regulatory process for time extensions, this bill may result in indeterminate cost savings to both DWR and the State Water Board. In addition, DWR estimates this bill may result in savings to ratepayers of approximately \$11 million over a four-year period. Cost savings are associated with avoiding preparation of updated reports and modeling, response to parties in the regulatory process, and representation before the State Water Board's administrative hearing officer. These costs are paid by State Water Contractors' (SWC) ratepayers.

**COMMENTS:**

1) **Purpose.** According to the author:

[DWR] is responsible for operating and maintaining the SWP, and has been diligently working under a permit allowing DWR to enhance their capacity to appropriate water from the SWP – often referred as 'perfecting' a water right. Projecting the need for more time, DWR began proactively seeking an extension from the [State Water Board] to continue perfecting their water rights in 2009. Despite an updated request in 2025, DWR's requests have gone unprocessed. Without an extension, the State Water Board could limit DWR's water rights to current levels, which will not meet the growing demand for water and will hinder DWR's ability to address climate change.

2) **Background.** According to DWR, the SWP is a multi-purpose water storage and delivery system that extends more than 705 miles. A collection of canals, pipelines, reservoirs, and hydroelectric power facilities delivers water to 27 million Californians, 750,000 acres of farmland, and businesses throughout the state. Planned, built, operated and maintained by

DWR, the SWP is the nation's largest state-owned water and power generator and user-financed water system.

The SWP has several water rights permits granted by the State Water Board. These water rights provide permission to use a certain amount of water for beneficial purposes. Each water right granted by the State Water Board contains a timeframe to put the full amount of water to beneficial use, and California law provides mechanisms to extend these timeframes either before or after the permit timeframes conclude. According to DWR, water right permits, and the department's ability to divert water, do not expire when water right timeframes end. In fact, water right permits never expire. A party requesting a time extension may be required to complete an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) to assess the environmental impacts of a project, and alternatives, necessary to put unused water under a permit to beneficial use.

In 1991, the State Water Board granted DWR a 20-year extension for its SWP permits, and in 2009, DWR filed petitions requesting a five-year extension for the six permits included in this bill because the project associated with the permits was not yet complete. DWR and the State Water Board disagreed on whether an EIR was required for these petitions. DWR noted that issuance of the permits predated CEQA and that DWR was not required to complete an EIR for its petitions for extension of time in 1991. As a result, DWR never prepared an EIR for the 2009 petitions and, due to other priorities and workload, the State Water Board never approved or denied the 2009 petitions. DWR withdrew the 2009 petitions in August 2024 and subsequently filed a new, single petition with the State Water Board for a time extension for the six permits in January 2025.

The 2025 petition updates the 2009 petitions and requests a 76-year time extension from 2009 to 2085, similar to the original time extension in this bill (which has since been reduced to 20 years.) DWR issued a notice of preparation of an EIR and scoping meeting for the petition to comply with CEQA on September 30, 2025.

SWC is an association of 27 public water agencies that represents the legal, policy, and regulatory interests of the SWP contractors, who are responsible for the capital and operations and maintenance costs of the SWP. Writing in support of this bill, SWC and a coalition of organizations argues:

Legislative approval of the SWP time extension is appropriate because even if the SWP time extension petition were moved forward by the Water Board, its administrative process would likely take years, cost the taxpayers hundreds of thousands of dollars in staff time, and water agencies significant time and money to just answer the question: was DWR diligent in pursuing the development of its full water right. The approval of the time extension has no negative environmental impacts, saves public funds, and does not diminish opportunities for public participation.

Writing in opposition, a coalition of organizations argues this bill "oversteps existing regulatory processes through the [State Water Board], designed to oversee permit extension requests including for the SWP," and that the "attempt to validate permits through the legislature undermines the existing proceeding, which importantly allows for a greater level of transparency and public participation." The coalition argues that giving preferential

treatment to the SWC sets a “bad precedent for water rights permits going forward,” and that all water rights holders should be held to the same standards. Finally, the opposition argues that despite the explicit statement that this bill will not be construed as an approval of the controversial DCP, “the extension is a necessary requirement for [DWR] and SWCs to pursue and execute construction projects – like the DCP – connected to the perfecting of the SWP water rights permit.”

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