
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

| | | | |
|--------------------|----------------------|----------------------|---------------|
| Bill No: | AB 2260 | Hearing Date: | June 23, 2026 |
| Author: | Connolly | | |
| Version: | May 18, 2026 Amended | | |
| Urgency: | No | Fiscal: | Yes |
| Consultant: | Genevieve Wong | | |

Subject: Water: restoration management: small restoration use

SUMMARY

This bill would create a “small restoration use” water right registration, which would allow up to 20 acre-feet (AF) of water per year to be diverted and stored for native fish and wildlife preservation and enhancement.

BACKGROUND AND EXISTING LAW

Water Rights Permitting Reform Act. Under current law, any person may obtain a right to appropriate water for a small domestic, small irrigation, or livestock stockpond use by registering the use with the State Water Resources Control Board (State Water Board) and then putting the water to reasonable and beneficial use, subject to certain conditions. “Small domestic use” is a direct diversion of 4,500 gallons/day or less or a diversion to storage of 10 acre-feet (AF) or less annually for domestic, aesthetic, fire protection, recreational, or fish and wildlife uses associated with a dwelling. “Small irrigation use” is a diversion to storage of 20 AF or less annually for irrigation, heat control, or frost protection uses or a direct diversion of 42,000 gallons/day or less or up to a maximum of 20 AF annually for irrigation use. “Livestock stock pond” use is a direct diversion of 4,500 gallons/day or less or diversion for storage of 10 AF or less annually to a water impoundment structure constructed for livestock watering. Incidental aesthetic, fire protection, recreational, and fish and wildlife uses are also permitted as part of livestock pond use.

These registrations last for a term of up to five years and can be renewed for additional five-year terms if the registrant meets conditions placed upon the registration, reports use, and pays fees. One of the required conditions is that the registration includes a certification that the registrant has contacted a representative of the California Department of Fish and Wildlife (CDFW) and has agreed to comply with conditions set forth by CDFW.

Current law also requires the State Water Board to establish general conditions to which all appropriations of water for small domestic, small irrigation, and livestock stockpond use are subject. The State Water Board adopted the general conditions for small irrigation use registrations on September 20, 2013 and for small domestic and livestock stockpond uses on January 27, 2014.

Existing law, under the Water Rights Permitting Reform Act of 1988:

- 1) Authorizes a person to obtain a right to appropriate water for a small domestic, small irrigation, or livestock stockpond use after registering the use with the State Water Board and applying the water to reasonable and beneficial use with due diligence (Water Code (WAT) §1228.2).
 - a) Define “small domestic use” as a domestic use, as that use is defined by a State Water Board rule, or the use for aesthetic, fire protection, recreational, or fish and wildlife purposes that is associated with a dwelling or other facility for human consumption, that does not exceed direct diversion of 4,500 gallons per day or diversion to storage of 10 AF per year (WAT §1228.1(b)(1)).
 - b) Defines “small irrigation use” as either:
 - i) An irrigation use, heat control use, or frost protection use, not to exceed diversion to storage of 20 AF per year, or
 - ii) An irrigation use not to exceed direct diversion of 42,000 gallons per day, up to a maximum of 20 AF per year (WAT §1228.1(b)(2)).
 - c) Defines “livestock stockpond” as a water impoundment structure constructed for livestock water use not to exceed direct diversion of 4,500 gallons per day, or diversion to storage of 10 AF per year, as that use is defined by the State water Board, and including impoundment for incidental aesthetic, fire protection, recreational, or fish and wildlife purposes (WAT §1228.1(b)(3)).
- 2) Requires the State Water Board to establish reasonable general conditions to which appropriations pursuant to the Act are subject except that the State Water Board is not required to adopt general conditions for small irrigation use until the State Water Board determines that funds are available for that purpose (WAT §§1228.6, 1229).

PROPOSED LAW

This bill would:

- 1) Create an additional water right registration, “small restoration use,” for issuance by the State Water Board.
 - a) Define “small restoration use” as either of the following uses of water in connection with a project to restore, enhance, or provide habitat for native fish and life:
 - i) A use for native fish and wildlife preservation and enhancement not to exceed diversion to storage of 20 AF per year, as specified.
 - ii) A use for native fish and wildlife preservation and enhancement not to exceed direct diversion of 42,000 gallons per day, up to a maximum of 20 AF per year.

- b) Specify that “use for native fish and wildlife preservation and enhancement” includes, but is not limited to, the use of water for a storage and forbearance project or the release of stored water to enhance streamflow for the benefit of native fish and wildlife.
 - c) Specify that “storage and forbearance project” is a project in which a legal user of water makes a binding commitment to reduce diversions under an existing right at times of deficient streamflow in exchange for a new right to divert water during times of higher streamflow to support the same level of existing beneficial uses under the existing right.
 - d) Specify that a “binding commitment to reduce diversions under an existing right” may be caused by an instream flow dedication, as specified, a forbearance agreement, or a condition or term of a permit or license. Require that compliance with a binding commitment to reduce diversions under an existing right be made a condition of any small restoration registration issued in connection with a storage and forbearance project.
- 2) Authorize more than one registration for small restoration use be in effect at any time for a registrant if the diversion or storage facilities subject to the registration do not exceed the ratio of one per 20 irrigated acres, and if the total water use on all the acreage covered by the registrations, including any water use based on other rights, does not exceed 100 AF/year. This same authorization is provided for small irrigation use under existing law.
 - 3) Authorize more than one registration for small restoration use be in effect at any time and at the same facility for a registrant if the total diversion or storage facilities subject to the small restoration use registrations do not exceed the ratio of one per 20 acres, and if the total water use on all acreage covered by the registrations, including any water use based on other rights, does not exceed 100 AF/year.
 - 4) Subjects the initiation of rights to appropriate water for small restoration use to existing requirements regarding fully appropriated stream systems, which existing law also applies to small domestic use, small irrigation use, and livestock stockpond registrations.
 - 5) Require the State Water Board to give priority to processing small restoration use registrations that are coupled with a petition for mandatory dedication to instream beneficial uses or wetlands habitat, as specified.
 - 6) Apply existing registration renewal requirements for small domestic use, small irrigation use, and livestock stockpond registrations to small restoration use registrations.
 - 7) Not require the State Water Board to adopt conditions for small restoration use until funds are available and would provide that registration for small restoration use is not authorized until the State Water Board establishes general conditions to protect instream beneficial uses. Existing law applies also applied this to small irrigation use registrations.

- 8) Authorize the State Water Board to establish general conditions for some methods of diversion or categories of small restoration use before establishing general conditions for other methods or categories, which in case small restoration use registration is authorized for those methods or categories. Existing law also applied this to small irrigation use registrations.
 - a) Exempt the adoption and revision of general conditions for small restoration use from the requirement to assess economic impacts and to prepare a standardized regulatory impact analysis.
- 9) Revert unused water back to the public and to be regarded as unappropriated public water if the person entitled to use the water fails to use all or part of the water beneficially for five years. Existing law also applies this reversion to small domestic use, small irrigation use, and livestock stockpond registrations.
- 10) Require a person who holds a small restoration use permit to pay an annual fee, as established by the State Water Board. This fee also applies to small domestic use, small irrigation use, and livestock stockpond registrations.
- 11) Exempt the person who diverts water pursuant to a small restoration use registration from having to file with the State Water Board a statement of their diversion and use. Existing law also exempts small domestic use, small irrigation use, and livestock stockpond registrations.

ARGUMENTS IN SUPPORT

According to the author, “Climate change is bringing a new, drier reality to California’s coastal watersheds. Ensuring enough water in these streams is critical to protecting California’s native fish and wildlife species, including the State’s endangered populations of native salmon and steelhead trout, and providing reliable water supplies to communities and tribal nations. AB 2260 would address these issues by expanding an existing pathway for obtaining water rights to include small restoration projects. By making this change, California will increase the pace of restoration projects that support healthy fish and wildlife populations, increase water supply certainty for communities, and improve drought resilience.

ARGUMENTS IN OPPOSITION

None received

COMMENTS

Builds upon existing processes. This bill would apply similar requirements to those that are already applied to small irrigation use registrations to small restoration use registrations.

Related legislation

AB 717 (Aguiar-Curry, 2025) was similar to this bill and would have created a “small restoration use” registration that allows the use or diversion to storage of no more than 20 AF of water annually. AB 717 was held in the Assembly Appropriations Committee.

AB 1024 (Aguiar-Curry, 2023) would have exempted water right registrations for small domestic use, small irrigation, or livestock stockpond in specified northern and central California counties from lake or streambed alteration agreement requirements. AB 1024 was held in the Senate Appropriations Committee.

AB 1420 (Aguiar-Curry, 2017) was substantially similar to AB 1024 of 2023. AB 1420 was held in the Senate Appropriations Committee.

AB 1704 (Dodd, 2016) would have required the State Water Board to adopt general conditions for small irrigation uses by January 1, 2018, as specified. AB 1704 was held in the Senate Appropriations Committee.

AB 964 (Huffman, Chapter 579, Statutes of 2011) authorizes any person to obtain a right to appropriate water for a small irrigation use, as defined, upon registering the use with the State Water Board and applying the water to reasonable beneficial use.

SUGGESTED AMENDMENTS: none**SUPPORT**

California Trout (co-sponsor)
The Nature Conservancy (co-sponsor)
Trout Unlimited (co-sponsor)
California Association of Winegrape Growers
California Farm Bureau Federation
California Waterfowl Association
Catholic Charities of Stockton
Center for Environmental Health
Cleaneart4kids.org
Friends of the River
Grassland Water District
Northern California Water Association
Southern California Watershed Alliance
Wine Institute

OPPOSITION

None received

-- END --