

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 2260 (Connolly) – As Amended March 17, 2026

SUBJECT: Water: restoration management: small restoration use

SUMMARY: Creates a fourth water right registration, “small restoration use,” that allows up to 20 acre-feet (AF) of water per year to be diverted and stored for fish and wildlife preservation and enhancement. Specifically, **this bill**:

- 1) Creates an additional water right registration, “small restoration use,” for issuance by the State Water Resources Control Board (State Water Board).
- 2) Defines “small restoration use” as any of the following uses of water in connection with a habitat project:
 - a) For fish and wildlife preservation and enhancement not to exceed diversion to storage of 20 AF annually, including impoundment for incidental fire protection, recreational, or fish and wildlife purposes; and
 - b) For fish and wildlife preservation and enhancement not to exceed direct diversion of 42,000 gallons per day up to a maximum of 20 AF annually.
- 3) Clarifies that “use for fish and wildlife preservation” includes the use of water for a storage and forbearance project or the release of stored water to enhance streamflow for the benefit of fish and wildlife.
- 4) Defines “storage and forbearance project” for purposes of this bill as a project in which a legal water user makes a binding commitment to reduce existing diversions for beneficial use 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 use.
- 5) Clarifies that for purposes of this bill a “binding commitment” may be accomplished by an instream flow dedication pursuant to Water Code § 1707, a forbearance agreement, or a condition or term of a permit or license. Compliance with the binding commitment to reduce existing diversions shall be made a condition of any small restoration registration issued in connection with a storage and forbearance project.
- 6) Provides that the State Water Board shall prioritize processing small restoration use registrations that are coupled with a petition for mandatory dedication to instream beneficial uses or wetlands habitat pursuant to Water Code § 1707.
- 7) Requires a registration for small restoration use to be renewed prior to the expiration of the five-year term of the registration.
- 8) Permits the State Water Board to adopt general conditions for small restoration use registrations.

EXISTING LAW:

- 1) Permits the State Water Board to issue water right registrations that permit an applicant to appropriate water for small domestic, small irrigation, or livestock stockpond uses if the applicant submits a complete registration, pays required fees, and meets other specified requirements (Water Code § 1228.1). Provides that a water right registration for small domestic, small irrigation, or livestock stockpond uses shall expire after five years unless renewed as specified (Water Code § 1228.4).
- 2) Requires the State Water Board to establish general conditions for all water right registrations. These general conditions shall include that registrations are subject to prior rights, conditions lawfully required by the Department of Fish and Wildlife (DFW), and requirements that diversions be constructed and water be applied to beneficial use with due diligence (Water Code § 1228.6).
- 3) Defines “small domestic use” as a direct diversion of 4,500 gallons/day or less or a diversion to storage of 10 AF or less annually for domestic, aesthetic, fire protection, recreational, or fish and wildlife uses associated with a dwelling (Water Code § 1228.1).
- 4) Defines “small irrigation use” as a diversion to storage of 20 AF or less annually for irrigation, heat control, or frost protection uses or a direct diversion of not greater than 42,000 gallons/day or up to a maximum of 20 AF annually for irrigation use (Water Code § 1228.1).
- 5) Defines “livestock stockpond” use as a direct diversion of no greater than 4,500 gallons/day or diversion for storage of no greater than 10 AF annually to a water impoundment structure constructed for livestock watering. Incidental aesthetic, fire protection, recreational, or fish and wildlife uses are permitted as part of livestock stockpond use (Water Code § 1228.1).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The author points out that streamflow is vital for California’s native fish and wildlife species and notes that during drought or summertime the lack of sufficient streamflow can threaten species, particularly aquatic species such as steelhead and salmon. In order to address this deficiency, restoration practitioners have devised arrangements to ensure there is adequate streamflow for fish species. Implementing these types of restoration projects at scale is challenging, however, because they may require a water right and the process to acquire a new water right can take many years. The author argues this bill will address this barrier to restoration through the creation of a more expedited pathway, a small restoration use water right registration, that involves a relatively small amount of water. The author maintains “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.

The sponsors point to one of the recommendations in the California Natural Resources Agency’s report, “Cutting the Green Tape: Regulatory Efficiencies for a Resilient Environment,” that is part of the impetus for this bill:

The current [State Water Board] and DFW water rights permitting process creates significant inefficiencies and redundancies that result in lost opportunities and delayed benefits for aquatic resources. In its current form, the process to modify an existing water right for the purpose of protecting instream flows for native fisheries provides limited flexibility. It makes it challenging for [State Water Board] staff to allow water-rights holders to vary their usage—taking more water when it has a smaller impact on the stream so they can take less water at other, more critical times.

Further, the author contends this bill supports the goals in the Governor’s “California Salmon Strategy for a Hotter, Drier Future” that calls on the State Water Board and DFW to “design and implement an initiative focused on the North Coast – a region well-suited to harmonizing water resiliency, streamflows, and true salmon strongholds – by transitioning communities toward drought-resilient, water-efficient infrastructure such as water tanks, ponds, and off-stream storage and recharge that improve instream flow for salmon.”

- 2) **Background.** Water right registrations have been offered by the State Water Board since 1989 and provide an expedited pathway to acquisition of an appropriative water right for certain small projects: small domestic use, small irrigation use, and livestock stockponds. These registrations last for up to five years and can be renewed for additional five-year terms if the registrant meets conditions placed upon the registration, reports their use, and pays fees. The maximum volume of water that can be diverted and stored under a registration is capped: 10 AF annually for small domestic use and livestock stockponds and 20 AF annually for small irrigation use.

According to the State Water Board, the process to apply for a water right registration proceeds as follows: “the State Water Board reviews the registration packet to ensure the submittal meets the criteria of the program. Once the review is complete, for small domestic use and livestock stockpond registrations, the State Water Board shares the registration with [DFW] for an opportunity to develop special conditions, unless the special conditions or a waiver of conditions has already been received.” For small irrigation use registrations, applicants must consult with DFW prior to submittal of a registration. After State Water Board review, the State Water Board may then issue a certificate of registration subject to any special conditions from DFW. In 2023, the State Water Board reported there were 1,004 small domestic registrations with a face value of 3,319 AF, 26 small irrigation registrations with a face value of 293 AF, and 363 livestock stockpond registrations with a face value of 1,767 AF that are active.

- 3) **Recent amendment.** This bill was recently amended to strike an amendment to Fish and Game Code § 1672 pertaining to restoration management permits because the proposed changes are unnecessary. DFW has sufficient existing authority under the restoration management permit statute to accomplish the goal of allowing the diversion of water for environmental purposes.
- 4) **Arguments in support.** The California Salmon and Steelhead Coalition (Coalition) that consists of The Nature Conservancy, California Trout, and Trout Unlimited is the sponsor of this bill. The Coalition argues this bill will assist in making streamflow available for fish during the summer and periods of drought thereby improving the survival of fish and wildlife while also providing critical water supplies for communities, rural residents, and tribal nations. The Coalition asserts this bill will make it easier to do projects with water users that

take water during wet periods and store it in ponds or tanks so that the water user can reduce diversions during the summer or periods of drought and leave water instream for fish. A barrier to doing more of these types of projects is the need to obtain a new water right, a process that can take years. The Coalition contends this bill will eliminate this barrier by “creating a new pathway for obtaining water rights for small restoration projects.”

- 5) **Related legislation.** AB 717 (Aguiar-Curry) of 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) of 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) of 2017 was substantially similar to AB 1024 of 2023. AB 1420 was held in the Senate Appropriations Committee.

AB 1704 (Dodd) of 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.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Winegrape Growers
California Farm Bureau Federation
California Trout
Catholic Charities of Stockton
Center for Environmental Health
Cleaneearth4kids.org
Friends of the River
Northern California Water Association
Southern California Watershed Alliance
The Nature Conservancy
Trout Unlimited
Wine Institute

Opposition

None on file

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