

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 2517 (Vince Fong) – As Amended March 21, 2024

SUBJECT: Water: water districts: irrigation districts: long-term maintenance agreements

SUMMARY: Requires the Department of Water Resources (DWR) to respond to long-term maintenance agreement requests from irrigation districts within 120 days and to prioritize requests on waterways that have existing short-term agreements.

EXISTING LAW:

- 1) Provides for the formation of an irrigation district to deliver irrigation water and prescribes the process by which an irrigation district may be established (Water Code §§ 20700 – 20982).
- 2) Prescribes the powers and purposes for which an irrigation district may be formed including, the delivery of water for irrigation and the provision of watermaster, drainage, or flood control services (Water Code §§ 22075 – 22235).
- 3) Provides that irrigation districts have the authority to perform all acts necessary to fulfill their purpose (Water Code § 22225).
- 4) Provides that an irrigation district may contract to operate, maintain, or improve ditches and laterals not owned by the district upon petition by at least two-thirds of the landowners to be served under the contract (Water Code § 22234).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The author points out that there is no specified timeline for DWR to respond to a request to enter into a maintenance agreement with an irrigation district; as such, “irrigation districts can wait for years at a time before receiving a response or final agreement from DWR for a long-term agreement.” The author argues that “[this bill] will expedite the approval of maintenance agreements so irrigation districts can act swiftly to clear debris from waterways to protect rural communities from excess flooding.”
- 2) **Background.** California’s more than 90 irrigation districts function under a collection of statutes known as the Irrigation District Law that describe their governance structure and authority. In general, these districts are governed by a five-member board of directors, with each member representing a division within the district. In most cases, registered voters are eligible to vote in district elections, but directors (also referred to as board members) must be voters, landowners, and residents in the division of the district they represent. This landowner requirement reflects the historical role of irrigation districts to exclusively provide irrigation water to agricultural land. However, as California’s population has grown, more and more residential and commercial development is encroaching on agricultural land. In response to this growth, many irrigation districts began providing retail water service to

residential customers that live within their jurisdictions in the absence of traditional retail water suppliers in the area, or providing electricity services.

Irrigation District Law grants irrigation districts broad authority to perform any act “necessary to furnish sufficient water in the district for any beneficial use” and “in order to put to any beneficial use any water under its control.” In addition to the powers expressly given, an irrigation district has “such implied powers as are necessary to carry out the main purposes of the Irrigation District Law or the irrigation district” [*Stimson v. Alessandro Irrigation Dist.* (1902) 135 Cal. 389, 393].

- 3) **Proposed technical and clarifying amendments.** To add clarity and avoid ambiguity, the Committee may wish to ask the author to take the following technical amendments:

20630. (a) The department shall respond to a request to enter into a long-term maintenance agreement with an ~~requests from~~ irrigation districts within 120 days.

(b) The department shall prioritize responding to long-term maintenance agreements for waterways that already have existing short-term regular-term maintenance agreements.

(c) For purposes of this section, the following terms have the following meanings:

(1) “Long-term maintenance agreement” means an agreement with a duration greater than five years.

(2) “Regular-term maintenance agreement” means an agreement with a duration of five years or less.

- 4) **Related legislation.** AB 2505 (Gray), Chapter 23, Statutes of 2022, clarifies that an irrigation district may impose fines under specified existing authority to impose fines for water theft or under any authority granted by Irrigation District Law.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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