



AB 1420 – Small Irrigation Pond: Registered Diversions

SUMMARY

AB 1420 streamlines the process for a farm or vineyard owner to obtain a permit from the State Water Board to divert water into a small irrigation pond. These ponds provide significant environmental benefits by allowing growers to divert water during high stream flows and avoid such diversions during low stream flows. This both enhances growers' water security and protects natural resources.

BACKGROUND

Many vineyard owners and other farmers on the Central Coast and North Coast rely on water diverted from streams that support salmon and steelhead. These agricultural water diversions can occur during the irrigation season when streamflow is naturally low and juvenile salmon and steelhead are in the streams.

Many existing diverters would like to reduce diversions during the irrigation season and transition to winter water storage, but obtaining rights for a new storage pond is a complex and expensive multi-year endeavor requiring compliance with California appropriative water rights law, Fish and Game Code lake or streambed alteration agreements, Endangered Species Acts, CEQA, and county land use and zoning requirements. The compliance pathway is not clear and there is no ability to predict what conditions will be imposed on the permits.

The Legislature attempted to address this predicament in 2011 with AB 964 (Chapter 579, Huffman), which established a small irrigation use registration to facilitate water rights for small off-stream ponds used for frost protection, irrigation and related uses, on a statewide basis. The Water Board adopted general conditions for small irrigation use registrations within the North Coast region only.

Further, the Department of Fish and Wildlife (DFW) must review and provide conditions on proposed small irrigation use registrations on a case by case by basis before the Water Board approves the registration. As a result, many of the proposed registrations are not acted upon in a timely manner due to limited staff resources.

EXISTING LAW

Under existing law an individual or entity can register a water diversion for small irrigation ponds with the Water Board provided the registrant meets certain conditions for

the diversion. Notwithstanding the registration process with the Water Board, diversions are still subject to individual site-specific review and conditions by DFW.

Existing law directs the Board to adopt conditions for a small irrigation pond diversion for the North Coast prior to other regions of the State.

Existing law directs an entity to file a notification of lake or streambed alteration (LSA) with the DFW prior to undertaking an activity, such as a new water diversion, that would substantially divert or obstruct the natural flow of a river, stream or lake and establishes procedures and deadlines for the DFW to determine whether the activity must be subject to an LSA agreement.

THIS BILL

AB 1420 modifies current law by simplifying a registrant's permitting burden and by expanding the small irrigation use registration program.

AB 1420 simplifies a registrant's permitting burden by exempting registrations from the LSA program if DFW has provided conditions on the approved registration and the registrant provides a specified fee.

The bill will facilitate small irrigation use registrations for environmentally preferred projects during periods of high stream flow that result in the reduction of existing diversions during periods of low stream flow.

In addition, the bill will prioritize the adoption of conditions for environmentally preferred projects in coastal areas beyond the North Coast region.

SUPPORT

Wine Institute (Sponsor)

California Association of Winegrape Growers (Sponsor)

OPPOSITION

None

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