



Express opposition to AB 2550 (Patterson, R- Fresno) – SWRCB: instream flow curtailments: compensation

Communications and Legislation Committee

Item 8-6

April 11, 2016

AB 2550 (Patterson)

As Introduced

- Compensation when Water Board enforces water right priority
- Applies to junior and senior water rights
- Finds that a curtailment is “taking”
- Compensation based on reporting

State Water Resources Control Board

Curtailment Activities

- Spring/Summer 2015: Notices of water unavailability issued to junior and senior appropriators in Delta and watershed
- After court challenge, SWRCB clarified that notices are only informational
- SB 88 includes new diversion reporting requirements on surface diversions



State Water Resources Control Board

Curtailment process

- Mailed notices and other communications
- Mailed notice of enforcement action
- Diverter may request hearing to challenge curtailment
- SWRCB issues final order regarding curtailment

Enforcement after finding of illegal diversion

Impacts on Metropolitan

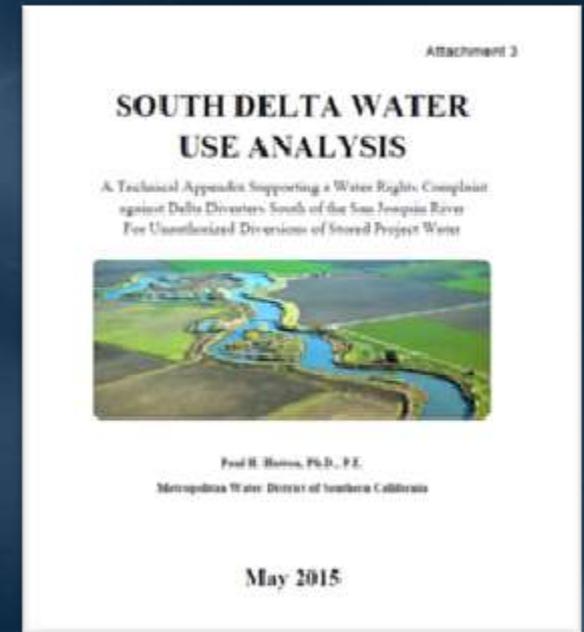
- Would inhibit SWRCB enforcement authority:
 - Fails to recognize that curtailed diverters are unlawfully diverting someone else's water
 - Fails to recognize that SWP-CVP stored water supplies are released for multiple purposes, including compliance with regulatory requirements

Impacts to Metropolitan, continued

- Would inhibit SWRCB enforcement authority:
 - Fails to recognize limitations on reporting accuracy
 - Fails to recognize that those filing diversion reports may not actually have a water right
 - Would prevent administration of water rights due to budget constraints.

Metropolitan has interest in protection of stored water supplies

- June 2016: MWD-SWC filed SWRCB complaint
- MWD-SWC moved to intervene in Santa Clara Superior Court, consolidated curtailment cases
- Case currently stayed



AB 2550 Patterson

- No known support or opposition
- Status: Assembly Water, Parks and Wildlife Committee on April 12

Board Options

- Option 1:

- Adopt CEQA determination
- Oppose AB 2550

- Option 2:

- Take no position on AB 2550

Staff Recommendation

- Option 1

