Delta Counties Coalition
Contra Costa County | Sacramento County | San Joaquin County | Solano County | Yolo County
"Working together on water and Delta issues."

Stop Assembly Bill (AB) 2215: No Special Treatment for a Controversial Project That Puts the Delta at Risk

What would AB 2215 do?

At its core, AB 2215 (Calderon) gives the Department of Water Resources (DWR) a special exemption from regulation by the State Water Resources Control Board (State Water Board). Instead of requiring DWR to justify extending its water rights permits for the State Water Project through an established public process, this bill would ignore these rules and push DWR's water rights permit deadlines out to 2046—decades after they originally expired in 2000 (construction) and 2009 (beneficial use).

How do water rights currently work?

California's water system depends on a simple principle: everyone plays by the same rules. If you take water from a lake, river, stream, or creek for beneficial use (for example, municipal and industrial uses, irrigation, hydroelectric generation, livestock watering, recreational use, fish and wildlife protection, and scenic enjoyment), California law requires that you have a water right.

For water rights requiring a permit from the State Water Board, the permits specify the amount of water to be used; conditions under which the water can be used; and timelines for completing construction of proposed water projects and when water use is to be completed. [1] All those seeking water rights permit extensions – including farmers, cities, and local agencies – must demonstrate due diligence, prove progress, and show that their projects serve the public interest. Applicants' requests are denied by the State Water Board for failing to meet these standards.

Why is AB 2215 a problem?

AB 2215 would set a troubling precedent for the future of water management in our state. It would allow the largest water project in California, run by DWR, to entirely bypass the State Water Board's existing requirements that other water right holders must follow. No other water user in

[1] Water Rights Process | California State Water Resources Control Board

California gets this kind of treatment, and DWR itself has not publicly requested this legislative fix. This bill is sponsored by the State Water Contractors.

The State Water Board's review process exists for a reason. It ensures transparency, protects other water rights holders, and balances competing demands in an already over-allocated system. It also requires environmental review and public input—both critical when decisions affect millions of Californians and the health of the Sacramento-San Joaquin Delta.

AB 2215 Would Advance the Delta Tunnel Project

This fundamental change would remove one of the last meaningful state law checks on the controversial Delta Tunnel Conveyance Project. The Delta Tunnel would be a 45-mile, 36-foot in diameter tunnel 100 to 130 feet below the surface of the Delta that would allow Sacramento River water to bypass the people and environment of the Delta. AB 2215 would prevent the key regulatory agency charged with balancing human and environmental needs from considering whether DWR has met the legal requirements to extend its water rights permits, a necessary step in being able to build the Delta Tunnel. This bill would entirely remove the oversight and accountability provided by the water rights permitting process, eliminating checks against potential harm of other water users and the environment.

Last year, a similar proposal attached to the state budget attempted to make DWR's State Water Project permits perpetual, unlike any other water rights in the state. The Legislature wisely rejected that effort.

DWR last adopted a Long-Term Operations Plan in October 2024, which is frequently updated. This bill is not about the ability to continue delivering water to areas already served by the State Water Project with existing infrastructure. It's about removing a significant barrier to the contentious Delta Tunnel.

Stop AB 2215 to Protect the Delta

The Delta supports communities, farms, and ecosystems through careful water management. Decisions regarding the Delta must adhere to the law and not bend to powerful water interests wishing to avoid basic requirements.

AB 2215 is unfair to other water rights applicants since these applications would be pushed aside in favor of DWR's massive water right. The Legislature shouldn't eliminate the State Water Board's authority to protect other beneficial water users. If there is a need to reform the permit extension process, the Legislature should address it openly and fairly. AB 2215 should be rejected by the Legislature for the protection of communities, the environment, and the integrity of our water rights system.