

AB 2026 (Aguiar-Curry)

Key Elements for Improving Groundwater Recharge in California

It is the intent of this bill to learn from recent experiences and “to enact legislation to further increase groundwater storage and remove impediments to recharge in a way that will maximize groundwater recharge while protecting water rights and communities, state and federal water projects, and environmental needs, including changes to the temporary urgency permitting for groundwater recharge, refining the process for unpermitted diversion of flood flows, and improving the process for permitted groundwater recharge.”

AB 2026 will:

Flood Flows

Refine SB 122 (2023) by enhancing public safety and clarifying certain provisions to encourage groundwater recharge. The bill:

- 1) Removes the 3-year sunset.
- 2) Expands the water eligible under this option to include flows downstream of a dam that is releasing water for flood control purposes.
- 3) Expands the approving agencies to allow for diversion consistent with [EO N-16-25](#) (January 31, 2025).
- 4) Expands the definition of imminent risk of flooding from “immediate future” to “soon if flood actions are not immediately implemented.”
- 5) Exempts WC 1242.1 diversions under the above provisions from CEQA, in alignment with the Administration’s proposal.

Water Availability for Permitting

Expand water available under permits by better utilizing an alternative to the current 90/20 criteria. It defines the process for the consideration and usage of alternative diversion criteria, including modern science and criteria developed by the Department of Water Resources and water suppliers in the Sacramento Valley. These criteria will protect water rights and communities, state and federal water projects, and environmental needs.

Delta Conditions

Build on SB 1390 (Caballero, 2024) using the language from the version of the bill last amended on August 22, 2014, and makes clear when water can be diverted. We welcome the inclusion of additional changes to this language for the San Joaquin Valley when agreed upon by the San Joaquin Valley Water Collaborative Action Program.

Beneficial Uses

Define recharged water as a beneficial use.

CEQA Streamlining

Build upon the provisions in the various Governor's Executive Orders with CEQA streamlining provisions developed by the Administration, with specific provisions ensuring tribal consultation.

Fees

Address affordability by limiting fees for the full permit, the 180-day permit and the 5-year permit.