

Senate Bill 1390: Sustainable Conservation Sponsorship



Sustainable Conservation



Photo by Paolo Vescia

During California's wet season, strategic and responsible water diversions during extreme weather events pose several significant benefits. First and foremost, it lets water refill underground aquifers through groundwater recharge, but the secondary benefits include reduced community flood risks and expanded migratory bird and fish habitat.

However, when the state becomes inundated with floodwater after a storm, **recharge proponents must act fast to spread out the water onto an orchard, field or floodplain.** Hamstrung by permitting roadblocks, **many of these recharge projects aren't able to access water in a timely manner.** To address this, Governor Newsom issued an Executive Order in March of 2023 authorizing water agencies to divert excess flood flows on rivers and streams for the purposes of groundwater recharge, without the need to obtain a costly and time-consuming water right. This precedent later became codified in Senate Bill (SB) 122.

Authored by Senator Anna Caballero (D-14) and sponsored by Sustainable Conservation, SB 1390 strives to capitalize on the momentum of SB 122 by further increasing the eligibility of recharge proponents who wish to divert water during times of excess flow. The supplemental language will ensure safe and responsible completion of more recharge projects in response to evolving climate challenges and critical water needs.

SB 1390 builds upon the progress made in 2023's SB 122 to **enable diversion of flood flows for groundwater recharge** by clarifying planning requirements, defining flood conditions, and expanding diversion reporting requirements

Senate Bill 122 (2023) Main Impacts



Authorizes the diversion of flood flows for groundwater recharge without a water right permit



Promotes aquifer recharge, reduces flood risk, and protects groundwater quality

Key Language Addressed in Senate Bill 1390 (2024)



Clarifies when flood conditions begin and end



Reduces the restrictiveness of access to flood flows for recharge



Utilizes sophisticated flow forecasting models to better anticipate flood conditions