



June 18, 2026

Senator Monique Limón  
Senate President Pro Tempore  
1021 O Street, Suite 8518  
Sacramento, CA 95814

Senator Josh Becker  
Chair, Senate Natural Resources and Water  
Committee  
1021 O Street, Suite 6520  
Sacramento, CA 95814

**RE: Letter in Opposition to Assembly Bill 2215 (Calderon)**

Dear President Pro Tempore Limón, Chair Becker, and Members of the Committee,

On behalf of the Shingle Springs Band of Miwok Indians, Winnemem Wintu Tribe, Little Manila Rising, and Restore the Delta (collectively, the “Delta Tribal Environmental Coalition” or “DTEC”), we write in strong opposition to Assembly Bill 2215 (“AB 2215”). AB 2215 would legislatively grant a retroactive extension of time for the Department of Water Resources (“DWR”) to perfect its conditional water rights for the State Water Project by more than forty years. In doing so, the bill would create an unnecessary and unjustified carveout for State Water Project permits from routine water rights administration, supplanting the authority of the State Water Resources Control Board (“State Water Board”) to adjudicate a pending petition for extension of time by DWR on the same subject and interfering with the State Water Board’s ongoing adjudication of DWR’s petition for a change in water rights for the Delta Conveyance Project. The bill would circumvent well-established hearing processes that assure permit extensions are grounded in the public interest. It would compromise public faith in the administration of the State’s water rights system. Finally, it would threaten Tribal Beneficial Uses and public trust interests in the Bay-Delta watershed.

Existing law provides a well-established process for permittees to seek an extension of time to perfect conditional water rights. Under existing law, the State Water Board may extend time on application of a permit holder so long as it finds that: (1) granting the petition is in the public interest, (2) the petitioner has exercised due diligence, (3) the petitioner’s failure to comply with previous time requirements could not reasonably have been avoided, and (4) satisfactory progress will be made if an extension is granted. Cal. Code Regs., tit. 23, § 844. A time extension proceeding guarantees notice to the public and opportunity for protest, thereby allowing Tribes, community members, water rights holders, and other interested parties to participate in the permit process and inform well-considered decisions about the public interest. *Id.* § 843. To protect these interests, existing law also authorizes the State Water Board to impose appropriate

conditions on approval of an extension and to deny an application or revoke a permit if conditions are not met. *Id.* § 845. These regulations together harmonize flexibility in water rights administration with the constitutional imperative to ensure that the water resources of the state are put to reasonable and beneficial use and managed for the public welfare. Cal. Const. Art. X, § 2. Existing law rightly requires DWR to follow these regulations just like any other permit holder.

Assembly Bill 2215 would effectively exempt DWR from these requirements with respect to its State Water Project permits. Its provisions would legislatively rewrite history, conflict with judicial findings, and undercut State Water Board authority.

First, AB 2215's findings are inconsistent with the history of repeated failures by DWR to fulfill the conditions of its State Water Project permits and make diligent progress toward doing so. Section 1(e) of AB 2215 asserts that DWR has exercised due diligence such that good cause exists for extending the permits to 2046. The historical record is not in accord. The State Water Board issued the State Water Project permits in 1972, conditional on DWR completing construction of diversion projects by December 1, 1980 and applying water allotted under the permits to beneficial use by December 1, 1990. DWR failed to meet these terms. In 1991, DWR obtained an extension of time to complete construction by 2000 and make full application of the water by 2009. It again failed to do so. DWR unsuccessfully petitioned for another five-year extension on December 31, 2009, ultimately withdrawing the petition in 2024 and submitting a new one on January 21, 2025.<sup>1</sup> DWR has not supported its latest petition nor its 2009 petition with the environmental review required under the California Environmental Quality Act ("CEQA") and included only partial and "provisional" data with its latest petition.<sup>2</sup>

Equally troubling are provisions in the bill that mischaracterize the status of the Delta Conveyance Project and make plain AB 2215's intent to circumvent existing permit limits on construction. Section 1(c) of the bill states that DWR is "working to construct the Delta Conveyance Project" as part of efforts to "modernize the State Water Project" and deems the Delta Conveyance Project necessary for DWR to put water appropriated under the State Water Project permits to beneficial use. None of these rationales hold up to scrutiny. DWR's deadline to construct new facilities under Term 6 of the amended permits expired on December 31, 2000 and was never extended. Further, the Project's construction is far from a foregone conclusion. DWR is yet to secure financing and necessary approvals; most significantly, DWR's petition for a change in point of diversion for its water rights permits to enable the Project's construction and operation remains in ongoing evidentiary hearings before the State Water Board's Administrative

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<sup>1</sup> Petition for Extension of Time to Perfect Condition Water Rights Under the State Water Project Permits 16478, 16479, 16481, and 16482 for Water Supply and Permits 16477 and 16480 for Hydropower Operations (Jan. 21, 2025).

<sup>2</sup> *Id.* at 7 n.1 ("This data is provisional and undergoing confirmation for its accuracy and completeness.").

Hearings Office, and its application to retroactively extend the permits' construction deadline remains incomplete.

Second, the bill's characterization of the Delta Conveyance Project as a "modification of the physical facilities of the State Water Project" directly conflicts with case law. In rejecting DWR's validation action for the Project, the Court of Appeal foreclosed DWR's efforts to portray the Project as a mere "modification" to existing infrastructure. *See Dep't of Water Res. v. Metro. Water Dist. of S. Cal.* (2025) 117 Cal.App.5th 751. Rather, according to the Court of Appeal, the Project would represent a "new State Water Project 'unit,'" which DWR lacks statutory authorization to approve "under the guise of a 'further modification.'" *Id.* at 759.

Third, AB 2215 would undermine the State Water Board's ongoing time extension proceedings, which are better suited for evaluating the propriety of the extension DWR is seeking and will better assure legitimacy in the outcome. The existing adjudicatory process allows the State Water Board to exercise its considerable expertise in water rights administration to evaluate DWR's extension petition on full consideration of its supporting documentation and protests by interested parties. It also allows the State Water Board to condition any approval as necessary and appropriate to protect the public interest and ensure diligence in the State Water Board's application of water to beneficial use. By granting an unconditional legislative extension of time, AB 2215 overrides State Water Board authority and erases public rights to participate in time extension proceedings on State Water Project permits. It also precludes imposition of conditions the State Water Board may have found necessary to protect the public welfare.

The Bay-Delta watershed is in a well-recognized state of ecological crisis. The Delta faces declining populations of salmon and other native fish species that threaten the cultural and spiritual practices of Native American Tribes and thousands of fishing jobs, as well as proliferating harmful algal blooms that threaten human health and public access to the Delta. Unsustainable water diversions from the Bay-Delta have played a major role in this crisis. For decades, DWR has skirted rules meant to safeguard the state's water resources and the health of vital ecosystems like the Bay-Delta, failing to fulfill permit conditions and obtaining Temporary Urgency Change Orders that waive compliance with water quality standards. AB 2215 is yet another example of DWR seeking exemption from rules that apply to all other water rights holders at the expense of the environment, Delta communities, and Native American Tribes.

We urge the Senate to decline to advance Assembly Bill 2215. If the time extension is in the public interest and consistent with law, DWR is already able to obtain it from the State Water Board through the regular adjudicatory process. Assembly Bill 2215 is a dangerous solution in search of a problem. It would cut the public and critical stakeholders, including Tribes and Delta communities, out of the process and improperly invade State Water Board jurisdiction. It should proceed no further.

Thank you for your consideration.

Respectfully,



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Cc: Members of the Senate Natural Resources and Water Committee, Members of the Senate Committee on Judiciary

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<sup>3</sup> This letter is not intended to represent the views of Yale Law School, if any.