



Water Rights Time Extension FAQs

DWR has asked the State Water Resources Control Board (State Water Board) to give it more time to develop use of its current water rights permits for the State Water Project (SWP). DWR is not asking to change the maximum amount of water the SWP holds permits to divert, where the SWP uses that water, or how they use it. But historically the SWP has not used the maximum amount of water its water rights permits allow, and DWR is asking for more time -- up to December 31, 2085 -- to continue improving the SWP in ways that would allow the SWP to capture water supply when it is available for the people of California. This additional time would help DWR meet future water needs and protect the environment.

Do water rights expire when timeframes end?

Water right permits do not expire when their timeframes end. In fact, water right permits never expire.

Each water right granted by the State Water Board contains a timeframe to put the water to beneficial use (e.g., timing and amount of water use). These timeframes are found in the "terms and conditions" of the permit and California law provides mechanisms to extend these timeframes.

What does happen when timeframes in a water right permit end?

Without an extension, the permit holder is limited to using only up to the maximum historical use achieved within the timeframe(s) identified in the existing permit. The end of those timeframes does not modify the permit and does not prevent the permit holder from seeking a time extension.

Is DWR currently operating the State Water Project without a permit?

No. DWR has water right permits that allow them to operate the SWP.

Why is DWR asking the SWB to extend the timeframe for perfecting the water right?

California expects flashier, more severe rain events, less snowpack, and more frequent and intense drought, increasingly warm average temperatures, and greater consumption of water by vegetation, soils, and even the atmosphere itself. Given the current and anticipated challenges related to climate change adaptation, DWR is working to manage water with the highest degree of flexibility possible. Swings between extreme wet and dry make it increasingly important to capture water when it is available and use it as efficiently



as possible. This is especially important in wet years that follow dry years, when reservoir capacity exists to capture storm runoff and build back water supply reserves for future dry years. Extending the timeframe for developing existing SWP water rights would allow DWR to, at times when it is available, capture more water within the limits set by the existing permits. (Historically, the SWP has rarely approached all those existing limits but a changing climate is altering the patterns on which water is available.) Extending the water right permits will give the SWP greater flexibility to better meet the needs of at least 27 million Californians while satisfying environmental and water quality obligations.

Why is there a deadline for developing water rights if the water rights never really expire?

Timeframes are given to discourage water rights from being held indefinitely without being used. But the law allows for extensions of these timeframes.

What will the State Water Board consider to decide to extend the timeframe to perfect, or fully use, the SWP water rights?

The State Water Board will follow provisions of the California water code that say, essentially, that an extension of time can be granted if the water right permit holder has made a showing of good cause, which typically includes having exercised due diligence to put the water to use within the existing timeframe and an expectation that an extension will enable further use during the extended period.

Why is CEQA required for the State Water Board to issue a time extension?

The State Water Board has stated that its issuance of a time extension constitutes a discretionary action to which the California Environmental Quality Act, or CEQA, applies. The State Water Board added that it prefers the petitioner (in this case DWR) to develop an Environmental Impact Report (EIR) because decision makers need to understand the potential environmental effects that might result from the continued development of the water rights.

The California Department of Fish and Wildlife will review the EIR as a responsible agency under CEQA. This project will not change the existing California Endangered Species Act authorizations for DWR's operation of the State Water Project.

How is the SWP time extension related to the Delta Conveyance Project?

The SWP time extension is not directly related to the Delta Conveyance Project. The two efforts are separate and distinct. Each effort on its own would improve the ability of the



SWP to perform in climate-driven extreme weather. If combined, the water rights time extension and the Delta Conveyance Project also would work together holistically to improve SWP flexibility and reliability. DWR seeks a water rights time extension regardless of the Delta Conveyance Project and seeks to construct the Delta Conveyance Project regardless of the SWP water rights time extension.

How is the SWP time extension petition related to the Delta Conveyance Project change in point of diversion petition?

DWR's request to extend the timeframe to continue development of the existing SWP water rights is not related to the DWR's request to change the SWP point of diversion for the Delta Conveyance Project. While both requests involve decisions by the State Water Board, they are separate processes, affect different provisions of the existing SWP water right permits, and have different legal and factual requirements.

For more information about the Delta Conveyance Project change in point of diversion process, visit the Delta Conveyance Project website at

<https://www.deltaconveyanceproject.com/planning-processes/change-in-point-of-diversion>