
State Water Resources Control Board

Frequently Asked Questions

New Streamlined Noticing for Temporary Transfers

Assembly Bill (AB) 2895 amended sections of the Water Code pertaining to the State Water Resource Control Board's (Board) approval of temporary transfer petitions. AB 2895 can be viewed here: [Legislative Information Website](#). The primary change was the creation of a new optional noticing procedure that will result in streamlined processing of temporary transfers. This document provides a summary of the changes, the new streamlined noticing process, and answers to questions related to the changes. For more information about the changes or the new process, please contact the Board's Division of Water Rights (Division) Water Transfer Program at WaterRightPetitions@waterboards.ca.gov.

What changes were made to the Water Code?

Water Code sections 1725 through 1732 describe how water right holders may petition the Board to temporarily amend their permit or license for a temporary transfer. Section 1726 provides the process the Board has used in prior years to issue notice and process temporary transfer petitions; this section has not been changed. Section 1727 has been amended to create a new "intent to transfer" notification process. Water right holders that follow the process described in Section 1727 are eligible for the new streamlined noticing process. The requirement for publishing notice of temporary transfers in newspapers has been eliminated from both the existing and streamlined noticing processes.

AB 2895 also created a new Section 1725.5 that provides definitions applicable to temporary transfers and reorganizes information previously contained in Section 1728. Section 1725.5 also clarifies that the term "transfer" can mean an exchange of water or water rights. Finally, Section 1725 now has a new subdivision (b) which makes clear that the temporary transfer petition process in Sections 1725 to 1732 is applicable to any water right (not just permits or licenses) where the right holder is seeking to do a temporary change under Section 1707 (an "instream flow dedication"). Those seeking a temporary instream dedication under Section 1707 can use the temporary transfer process to accomplish that dedication, or a transfer of water between parties can include an instream dedication.

What is the streamlined noticing process?

Water Code Section 1727 describes the new noticing process. Once a temporary transfer petition is submitted, the 10 days typically required for Division staff to prepare the notice is eliminated and all noticing is conducted electronically via email distribution. The notice period starts on the submittal date of a complete petition and lasts for 30 days, regardless of the staff time required to prepare and distribute the notice. To be eligible for this process and avoid waiting 10 days for preparation of the notice materials, and avoid the water right holder mailing hard copies of the notice to all potentially affected water users, a water right holder must submit the following information by January 31 of each year. This submittal is not a petition and is not a commitment to submit a petition in the future. It is a notification to the State Water Board that a water right holder is considering a temporary transfer, otherwise referred to as an "Intent to Transfer."

Information required by January 31 of the transfer year:

- 1) The permit or license number, or water right proposed to be changed under Section 1707, being considered for a temporary change.
- 2) The method by which water will be made available for the transfer.
- 3) An email address to which interested parties or the board may submit inquiries regarding the potential temporary change.

How will the Intent to Transfer information be used?

By **February 15** of each year, the Board will post on its website and announce via its email distribution system (lyris email) a list of the Intent to Transfer information received by January 31.

By **March 1** of each year, any interested person may request notice of a petition submitted under Section 1726 by submitting to the Board that person's email address, the permit or license for which the interested person requests notice of a petition for temporary change, and the concerns related to effects on other legal users, fish, wildlife, instream beneficial uses, or groundwater conditions the person may raise in comments on the petition. The board shall forward to the water right holder considering the temporary change any concerns received. This will provide water transferors an opportunity to confer with interested parties and resolve any potential issues or objections that may arise during the proposed transfer.

Resolution of potential issues in advance of the temporary transfer petition process may enable the Board to issue a decision on a temporary transfer five days after the notice period ends instead of 25 days after the notice period ends. Processing of a temporary transfer may be shortened by up to 30 days if parties take advantage of the opportunity to confer prior to petition submittal and participate in the streamlined process.

How do I submit my Intent to Transfer to the State Water Board?

The following information must be submitted to the email address WaterRightPetitions@waterboards.ca.gov with a subject line of “Intent to transfer notification” by January 31:

- 1) The permit or license number, or water right proposed to be changed under Section 1707, being considered for a temporary change.
- 2) The method by which water will be made available for the transfer.
- 3) An email address to which interested parties or the board may submit inquiries regarding the potential temporary change.

What if I need to submit my temporary transfer petition prior to March 1?

All water right holders that submit the Intent to Transfer information by January 31 will be eligible for the streamlined process. If a temporary transfer petition is submitted prior to March 1, the petition will be noticed electronically following the procedure described in Water Code section 1727(e). If interested parties identify themselves by March 1 pursuant to Section 1727(d), Division staff will email them a copy of the petition in addition to conducting the electronic noticing process.

(Last updated January 26, 2023)