



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-263 Scott River: Shasta River: watersheds.** (2025-2026)

SHARE THIS:  

Date Published: 09/26/2025 09:00 PM

**Assembly Bill No. 263**

**CHAPTER 130**

An act to amend Section 1058.5 of the Water Code, relating to water.

[ Approved by Governor September 26, 2025. Filed with Secretary of State September 26, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 263, Rogers. Scott River: Shasta River: watersheds.

Existing law provides that an emergency regulation adopted by the State Water Resources Control Board following a Governor's proclamation of a state of emergency based on drought conditions, for which the board makes specified findings, may remain in effect for up to one year, as provided, and may be renewed if the board determines that specified conditions relating to precipitation are still in effect.

This bill would provide that specified emergency regulations adopted by the board for the Scott River and Shasta River watersheds shall remain in effect until January 1, 2031, or until permanent rules establishing and implementing long-term instream flow requirements are adopted for those watersheds, whichever occurs first. The bill would require the board to provide annual public updates, including opportunities for public comment, on its progress toward developing permanent flow rules for the rivers, as provided.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Scott River and Shasta River watersheds.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

- (a) Droughts and extreme weather events in California are becoming more frequent and severe.
- (b) The rapidly changing climate threatens the health of California's rivers and streams that provide water for the state's farms and communities, as well as for fish and wildlife.
- (c) Salmon populations are not only an important part of our state's biodiversity, but a rich component of our history, heritage, and economy.
- (d) California has a responsibility to prepare for the future and protect the ecosystems and people whose well-being are connected to the continued success of salmon.

(e) The California commercial salmon season, which is valued at \$1.4 billion in economic activity and supports 23,000 jobs annually, has been closed for three years in a row as a result of low salmon population numbers.

(f) The California Salmon Strategy for a Hotter Drier Future: Restoring Aquatic Ecosystems in the Age of Climate Change (2024) identifies the Scott and Shasta Rivers as salmon strongholds and calls for the establishment of minimum instream flows on the rivers.

(g) California has invested significant funds in supporting the development of flow regulations on the Scott River and Shasta River watersheds.

(h) The Department of Fish and Wildlife used well-established science to determine survival-level flows for the Scott River and Shasta River watersheds.

(i) The cultural identities of California Indians are intrinsically connected to the rivers and streams that support salmon and other native fish that sustained them since time immemorial and throughout periods of genocide and discrimination dating back to European colonization.

(j) The Scott River is the largest producer of wild Southern Oregon/Northern California Coast coho salmon, the evolutionarily distinct unit that is listed as threatened on the federal endangered species list and the California endangered species list.

(k) The Shasta River is the biggest producer of wild Upper Klamath-Trinity Fall Chinook salmon. Historical reports from the Department of Fish and Wildlife describe 80,000 adult salmon returning to the Shasta River in 1931. By contrast, the Pacific Fishery Management Council estimated that 36,568 adult fall Chinook salmon returned to the entire Klamath River Basin in 2024.

(l) Water rights on the Shasta River were adjudicated in 1932, and water rights on the Scott River were adjudicated in 1980. Tribes were unfairly excluded from participating in these adjudications, underscoring the need to ensure adequate flows to maintain flows and restore fisheries today.

**SEC. 2.** Section 1058.5 of the Water Code is amended to read:

**1058.5.** (a) This section applies to any emergency regulation adopted by the board for which the board makes both of the following findings:

(1) The emergency regulation is adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.

(2) The emergency regulation is adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions.

(b) Notwithstanding Sections 11346.1 and 11349.6 of the Government Code, any findings of emergency adopted by the board, in connection with the adoption of an emergency regulation under this section, are not subject to review by the Office of Administrative Law.

(c) (1) An emergency regulation adopted by the board pursuant to this section may remain in effect for up to one year, as determined by the board, and is deemed repealed immediately upon a finding by the board that due to changed conditions it is no longer necessary for the regulation to remain in effect. An emergency regulation adopted by the board pursuant to this section may be renewed if the board determines that the conditions specified in paragraph (2) of subdivision (a) are still in effect.

(2) Notwithstanding paragraph (1), the requirements of Article 23.5 (commencing with Section 875) of Chapter 2 of Division 3 of Title 23 of the California Code of Regulations, as operative January 27, 2025, shall remain in effect until January 1, 2031, or until permanent rules establishing and implementing long-term instream flow requirements in the Scott River and Shasta River watersheds are adopted, whichever occurs first. The board shall provide annual public updates, including opportunities for public comment, on its progress toward developing permanent flow rules for the rivers while this provision is in effect.

(d) In addition to any other applicable civil or criminal penalties, any person or entity that violates a regulation adopted by the board pursuant to this section is guilty of an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

(e) (1) Notwithstanding subdivision (b) of Section 1551 or subdivision (e) of Section 1848, a civil liability imposed under Chapter 12 (commencing with Section 1825) of Part 2 of Division 2 by the board or a court for a violation of an emergency conservation regulation adopted pursuant to this section shall be deposited, and separately accounted for, in the Water Rights Fund. Funds

deposited in accordance with this subdivision shall be available, upon appropriation, for water conservation activities and programs.

(2) For purposes of this subdivision, an “emergency conservation regulation” means an emergency regulation that requires an end user of water, a water retailer, or a water wholesaler to conserve water or report to the board on water conservation. Water conservation includes restrictions or limitations on particular uses of water or a reduction in the amount of water used or served, but does not include curtailment of diversions when water is not available under the diverter’s priority of right or reporting requirements related to curtailments.

**SEC. 3.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances and needs of the Scott River and Shasta River watersheds.