

UNDERSTANDING WATER CODE SECTION 1242.1 AND EXECUTIVE ORDER N-16-25: OPPORTUNITIES FOR GSAs AND AGRICULTURAL PRODUCERS

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INTRODUCTION

California's water management is at a pivotal point, shaped by the dual challenges of prolonged droughts and sudden, severe floods. The passage of Water Code Section 1242.1 and the issuance of Executive Order N-16-25 mark advancements in the state's efforts to address these issues. These measures simplify the process for diverting floodwaters to recharge groundwater basins, offering practical benefits to Groundwater Sustainability Agencies (GSAs) and agricultural producers. This publication explores how these changes can support sustainable water practices and enhance resilience across California's agricultural landscape.

OVERVIEW OF WATER CODE SECTION 1242.1 AND EXECUTIVE ORDER N-16-25

Water Code Section 1242.1

- **Purpose:** Allows temporary floodwater diversions *without water rights* **during extreme flood events** to recharge groundwater basins.
- **Requirements:**
 - A local/regional agency must declare an **imminent flood risk** (e.g., threats to infrastructure, roads, or structures).
 - Diversions must use **existing infrastructure** or **temporary pumps with protective screens**.
 - Prohibits recharge on high-risk lands (e.g., near animal facilities, uncultivated areas).
 - Expires on **January 1, 2029**.

Executive Order N-16-25

Streamlines flood risk declarations in 39 Proclaimed Drought Counties, including:

- Sacramento and San Joaquin River basins.
- Tulare Lake Basin.
- Scott, Shasta, Klamath River, and Clear Lake watersheds.

Before the Order	After the Order
Floodwater diversions could only occur if a local or regional agency declared an imminent flood risk based on specific flood control planning documents	In 39 Proclaimed Drought Counties, the Executive Order suspends the requirement to use formal flood control plans.
Agencies needed to follow formal procedures tied to pre-existing planning documents, which could delay diversions, especially in areas without such plans.	Agencies may instead use readily available information (e.g., real-time gauges, expert input) to declare flood risks.
Unchanged	
Public notices are still required (agencies must announce flood risks via websites, emergency alerts, etc.)	
Reporting to the State Water Board remains mandatory (Notice, Preliminary, and Final Reports).	

IMPLICATIONS FOR GSAs

- **Accelerate SGMA Compliance:**
Integrate floodwater recharge projects that align with your basin’s adopted GSP goals, prioritizing infrastructure like percolation ponds or managed wetlands. Use State Water Board annual reports (published starting 2025) to track diversion volumes and refine strategies.
- **Develop Incentive Systems:**
Collaborate with agricultural producers to design flexible recharge credit programs that recognize and reward proactive floodwater management. Credits can offset pumping during droughts, aligning individual actions with basin-wide goals.
- **Collaborate for Resilience:**
Partner with flood control agencies, farmers, and environmental groups to balance recharge, agriculture, and ecosystem health. Host workshops to educate stakeholders on compliance and opportunities.

OPPORTUNITIES FOR AGRICULTURAL PRODUCERS

- **Cost-Effective Recharge:** Use of **temporary pumps** (equipped with rigid, fish-protective screens) or **existing/new infrastructure** (e.g., post-July 2023 structures compliant with CEQA) to redirect floodwaters to fields or recharge basins.
- **Earn Recharge Credits:** Work with GSAs to convert flood diversions into credits if any, reducing future pumping limits.
- **Avoid Prohibited Areas:**
Floodwater cannot be applied to:
 - Lands near animal facilities or fields flagged for nitrogen overapplication.
 - Uncultivated areas (e.g., grasslands), **except managed wetlands or existing recharge facilities.**

Delta-Specific Rules:

- **San Joaquin River (upstream of Vernalis):** Diversions allowed *only* during “excess flow” with no Delta restrictions.
- **Sacramento River and San Joaquin River (downstream of Vernalis):** Permitted during “excess flow” even if Delta has **OMR (Old and Middle River flow)** or **SJR I/E (San Joaquin Inflow-to-Export ratio)** restrictions.
- Monitor **DWR’s Daily Delta Operations Summary** for compliance.

PROTECTIVE CONDITIONS

- **Environmental Safeguards:**
 - Temporary pumps must use rigid screens parallel to water flow to minimize fish entrainment.
 - Avoid impacts to endangered species, water quality, or senior water rights.
- **Water Ownership:**
 - **No water rights are granted;** diverted water benefits the basin, not individual users.

REPORTING REQUIREMENTS

Submit these reports to the State Water Board via the [Flood Recharge Diversions Portal](#):

1. **Notice of Diversion:** Within 48 hours of starting diversions.
2. **Preliminary Report:** Within 14 days of diversion start.
3. **Final Report:** Within 15 days of diversion end.

Annual State Water Board reports (posted online) will detail basin-wide recharge progress, aiding GSAs in long-term planning.

NEXT STEPS

GSAs: Formalize recharge plans, launch credit systems, and engage stakeholders.

Producers: Assess land suitability, explore temporary pumping, and collaborate with GSAs.

All Stakeholders: Prioritize transparency, ecological balance, and compliance with Delta rules.

RESOURCES

- [DWR Groundwater Recharge Portal](#) for tutorials and forms.
- Contact the State Water Board: FloodDiversion@waterboards.ca.gov.

Link to Executive order: https://www.gov.ca.gov/wp-content/uploads/2025/01/Executive-Order-N-16-25-FINAL.pdf?utm_medium=email&utm_source=govdelivery

More details: https://waterboards.ca.gov/waterrights/water_issues/programs/groundwater-recharge/docs/1242-1-tech-guidance.pdf?utm_medium=email&utm_source=govdelivery

Laljeet Sangha is a Community Water Systems Advisor serving Kern, Kings, and Tulare Counties with the University of California Agriculture and Natural Resources (UCANR). His program focuses on the critical intersection of community and agricultural water systems, addressing challenges related to water supply, quality, and sustainability. Laljeet provides technical assistance and guidance on key water management policies, including the Sustainable Groundwater Management Act (SGMA) and the Irrigated Lands Regulatory Program (ILRP). Additionally, he engages in research, outreach, and capacity-building efforts to help stakeholders navigate evolving water regulations and adopt best management practices.

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