

AMENDED IN ASSEMBLY APRIL 5, 2016

AMENDED IN ASSEMBLY MARCH 1, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1755**

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**Introduced by Assembly Member Dodd**

February 2, 2016

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An act to add Part 4.9 (commencing with Section 12400) to Division 6 of the Water Code, relating to water data.

LEGISLATIVE COUNSEL'S DIGEST

AB 1755, as amended, Dodd. The Open and Transparent Water Data Act.

Existing law imposes on the Department of Water Resources various duties with respect to water in the state. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Existing law regulates water transfers and authorizes a permittee or licensee to change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if certain conditions are met.

This bill would enact the Open and Transparent Water Data Act. The act would require the department to establish a public benefit corporation that would create and manage (1) a statewide water information system to improve the ability of the state to meet the growing demand for water supply reliability and healthy ecosystems, that, among things, would integrate existing water data information from multiple databases and (2) an online water transfer information clearinghouse ~~for to report on water transfer information transactions~~ that would include, among other

~~things, include a database of historic water transfers and transfers pending responsible agency approval and with information on completed water transfers, a public forum to exchange information on water market issues, and information to assist proponents with the water transfer approval processes.~~

The act would require the department, the state board, and the Department of Fish and Wildlife to develop protocols for data sharing, documentation, quality control, public access, and promotion of open source platforms and decision support tools related to water data and to submit to the Legislature a report on those protocols. The act would specify that a recipient of state funds for research or projects relating to the improvement of water data shall adhere to those protocols or be ineligible for state funding.

The act would create the Water Information System Administration Fund. The act would specify that moneys in the fund would be available, upon appropriation, to the department for the improvement of water data and for the purposes of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 4.9 (commencing with Section 12400) is  
2 added to Division 6 of the Water Code, to read:

3  
4 PART 4.9. THE OPEN AND TRANSPARENT WATER DATA  
5 ACT

6  
7 CHAPTER 1. GENERAL PROVISIONS

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9 12400. This part shall be known, and may be cited, as the Open  
10 and Transparent Water Data Act.

11 12401. The Legislature finds and declares all of the following:

12 (a) The recent drought reveals that California needs a real-time,  
13 accessible statewide water information system to help water  
14 managers operate California’s water system more effectively and  
15 help water users make informed decisions based on water  
16 availability and allocation.

17 (b) California has a number of databases containing information  
18 on hydrology, biology, water quality, the physical environment,

1 and water rights and use. The passage of the Sustainable  
2 Groundwater Management Act (Part 2.74 (commencing with  
3 Section 10720)) will result in more data on groundwater use and  
4 availability. Unfortunately, current water data is often challenging  
5 to obtain, outdated, and not always readily available to water  
6 managers and the public due to its collection by numerous entities  
7 and storage in disparate databases that often rely on tools that do  
8 not keep pace with technological advances.

9 (c) The need to account for California’s water is essential, yet  
10 water managers must make decisions about water resources while  
11 relying on outdated and incomplete information. A greater  
12 understanding of and ability to access existing water data will  
13 support more timely and science-based decisions related to water  
14 planning, water allocations, water transfers, and water use  
15 efficiency that will lead California to a more sustainable water  
16 future.

17 (d) On October 2, 2015, the Delta Stewardship Council released  
18 a white paper entitled “Enhancing the Vision for Managing  
19 California’s Environmental Information.” The white paper and the  
20 Environmental Data Summit were a collaborative effort of the  
21 Delta Stewardship Council and its Delta Science Program, the  
22 Department of Water Resources, the Sacramento-San Joaquin  
23 Delta Conservancy, the State Water Resources Control Board, the  
24 Department of Fish and Wildlife, the San Francisco Estuary  
25 Institute, the State and Federal Contractors Water Agency, and 34  
26 North. The white paper recommended four necessary actions to  
27 achieve the goal of streamlining the collaboration of huge amounts  
28 of environmental data between various state and federal agencies  
29 and identified the need for new policies for managing California’s  
30 large amounts of data: development of a system where data could  
31 be accessed from a centralized source, implementing new methods  
32 for clear documentation of existing data, and developing business  
33 models that will better facilitate the management of data.

34 (e) The California Water Plan Update 2013, Volume 1, Chapter  
35 6, entitled “Integrated Data and Analysis: Informed and Transparent  
36 Decision-Making,” describes key actions needed to improve water  
37 resources information and analysis for integrated water  
38 management and urges agencies that collect data to work together  
39 to prioritize and align water resources information that is collected  
40 by multiple agencies.

1 (f) The California Water Action Plan recognizes the need to  
2 take bold action to transfer the state’s water management system  
3 to face the challenges of the 21st century. Climate change,  
4 population growth, and vulnerable ecosystems create greater  
5 uncertainty in future water availability. To address these challenges  
6 California needs to do both of the following:

7 (1) Invest in a 21st century water management system that can  
8 adapt to wide variations in rainfall.

9 (2) Safeguard and restore California’s freshwater ecosystems  
10 so they can withstand variations in climate and competing demands  
11 for water.

12 (g) Standards for transparent access to data have changed with  
13 the public demanding real-time information on demand. However,  
14 the demand for available data currently outstrips the ability to  
15 deliver information to water managers and the public.

16 (h) Clear data standards and protocols help to promote  
17 compatibility among datasets, allowing for sharing, aggregation,  
18 and analysis by multiple groups.

19 (i) Metadata summarizes basic information about data, which  
20 can make finding and working with particular data easier. Clear  
21 documentation of metadata avoids misunderstandings, reduces  
22 disputes, and increases the effectiveness of management decisions.

23 (j) Water data and research that is gathered using state funds  
24 should be made publicly accessible. State delegation of data  
25 management to contractors should not result in the public losing  
26 access to its own information.

27 (k) The availability of cheap and open-source tools could help  
28 produce an online water transfer information clearinghouse without  
29 the need to create an expensive new centralized database.

30 (l) An effective water market is one of several water  
31 management tools needed to improve the state’s water supply  
32 reliability.

33 12402. Unless the context otherwise requires, the following  
34 definitions govern the construction of this part:

35 (a) “Clearinghouse” means the online water transfer information  
36 clearinghouse created pursuant to Section 12415.

37 (b) “Department” means the Department of Water Resources.

38 (c) “Metadata” means data that describes data.

39 (d) “NGO” means a nongovernmental organization.

1 (e) “State board” means the State Water Resources Control  
2 Board.

3 (f) “Water information system” means the statewide water  
4 information system created pursuant to Section 12410.

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6 CHAPTER 2. PUBLIC BENEFIT CORPORATION PARTICIPATION

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8 Article 1. General Provisions

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10 12405. (a) The department shall establish a public benefit  
11 corporation to house, manage, and oversee the statewide water  
12 information system created pursuant to Section 12410 and the  
13 online water transfer information clearinghouse created pursuant  
14 to Section 12415.

15 (b) The public benefit corporation may, notwithstanding any  
16 other law and not subject to otherwise applicable provisions of the  
17 Government Code and Public Contract Code, operate the water  
18 information system and the clearinghouse on its own, through a  
19 third party, or by engaging the services of private consultants,  
20 educational institutions, and NGOs to render professional and  
21 technical assistance with and advice for carrying out creation and  
22 management activities.

23 (c) To the extent permitted by federal law, the public benefit  
24 corporation may receive gifts, grants, or donations of moneys from  
25 any agency of the federal government, any agency of the state, or  
26 any municipality, county, or other political subdivision thereof, or  
27 from any individual, association, foundation, or corporation for  
28 achieving any of the purposes of this part. These moneys shall be  
29 deposited in the Water Information System Administration Fund  
30 created pursuant to Section 12425.

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32 Article 2. Statewide Water Information System

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34 12410. (a) The public benefit corporation established pursuant  
35 to Section 12405 shall establish a statewide water information  
36 system to improve the ability of the state to meet the growing  
37 demand for water supply reliability and healthy ecosystems. The  
38 public benefit corporation shall create the water information system  
39 in collaboration with state and federal agencies, water data users,  
40 and water experts.

1 (b) The water information system shall, at a minimum, do all  
2 of the following:

3 (1) Integrate existing water data information from multiple  
4 autonomous databases managed by federal, state, and local agencies  
5 and academia using consistent and standardized formats.

6 (2) Integrate, at a minimum, the following datasets:

7 (A) The department’s information on State Water Project  
8 reservoir operations, groundwater use, and groundwater levels  
9 through California Statewide Groundwater Elevation Monitoring  
10 (CASGEM), urban water use, and land use.

11 (B) The state board’s data on water rights, water diversions,  
12 and water quality through California Environmental Data Exchange  
13 Network (CEDEN).

14 (C) The Department of Fish and Wildlife’s information on fish  
15 abundance and distribution.

16 (D) The United States Geological Survey’s streamflow  
17 conditions information through the National Water Information  
18 System.

19 (E) The United States Bureau of Reclamation’s federal Central  
20 Valley Project operations information.

21 (F) The United States Fish and Wildlife Service’s, United States  
22 Forest Service’s, and National Oceanic and Atmospheric  
23 Administration Fisheries’ fish abundance information.

24 (3) Incorporate clear and careful documentation of data quality  
25 and data formats through metadata.

26 (4) Adhere to data protocols developed by state agencies  
27 pursuant to Section 12420.

28 (5) Be able to receive both spatial and time series data from  
29 various sources.

30 (6) Enable custom dashboards, visualizations, graphing, and  
31 analysis.

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33 Article 3. Online Water Transfer Information Clearinghouse

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35 12415. (a) The public benefit corporation established pursuant  
36 to Section 12405 shall establish an online water transfer  
37 information clearinghouse ~~for water transfer information to report~~  
38 *on water transactions* that shall include all of the following:

39 (a)

1 (1) A database of historic water transfers and transfers pending  
2 responsible agency approval, with information on completed water  
3 transfers.

4 (b)

5 (2) A public forum to exchange information on water market  
6 issues.

7 (e)

8 (3) Information to assist proponents with responsible agency  
9 approval the water transfer approval processes.

10 (b) The public benefit corporation shall not arrange, coordinate,  
11 negotiate, or approve proposed water transfers through the online  
12 water transfer information clearinghouse.

13 (c) The public benefit corporation shall not publish information  
14 about proposed water transfers, except for information published  
15 by the state board or other government agency, including, but not  
16 limited to, information publicly available on a government agency  
17 Internet Web site.

18  
19 CHAPTER 3. STATE AGENCY RESPONSIBILITIES

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21 12420. (a) The department, the state board, and the Department  
22 of Fish and Wildlife shall develop an open, transparent process to  
23 develop protocols for data sharing, documentation, quality control,  
24 public access, and promotion of open source platforms and decision  
25 support tools related to water data. The agencies shall develop and  
26 submit to the Legislature, in compliance with Section 9795 of the  
27 Government Code and before the establishment of a statewide  
28 water information system pursuant to Section 12410, a report  
29 describing these processes and protocols.

30 (b) Grant recipients for research or projects relating to the  
31 improvement of water data that receive state funds shall adhere to  
32 the protocols developed by state agencies pursuant to subdivision  
33 (a) for data sharing, transparency, documentation, and quality  
34 control.

35 (c) A researcher or grant recipient that does not comply with  
36 subdivision (b) is not eligible for state funding until the researcher  
37 or grant recipient complies with those requirements.

