

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-16-25

WHEREAS on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency to exist across all counties in the State due to drought conditions; and

WHEREAS on September 4, 2024, I terminated the drought State of Emergency in 19 counties, while maintaining the drought State of Emergency in the remaining 39 counties of the State because the multi-year nature of the drought yielded ongoing, significant impacts in those 39 counties (the "Proclaimed Drought Counties"), which include the Sacramento and San Joaquin River basins; the Tulare Lake basin; the Scott, Shasta, and Klamath River watersheds; and the Clear Lake watershed; and

WHEREAS even now, many groundwater basins remain depleted in the Proclaimed Drought Counties from overreliance and successive multi-year droughts; and

WHEREAS on March 10, 2023, March 31, 2023, and May 17, 2023, I issued Executive Orders N-4-23, N-6-23, and N-7-23, to facilitate Californians' ability to divert stormwaters and flood flows to recharge groundwater basins following storms in early 2023, to mitigate the effects of the drought State of Emergency on groundwater supplies, which were then substantially codified in statute through the enactment of Senate Bill No. 122 (2023), and the relevant provisions of those Orders were subsequently terminated; and

WHEREAS the relevant provisions of Senate Bill No. 122, codified at Water Code section 1242.1, authorize diversions for groundwater recharge where a local or regional agency has adopted a local flood-control plan pursuant to Water Code section 8201 or has considered flood risk as part of its most recently adopted general plan; and

WHEREAS local and regional agencies require more time to adopt these local flood-control plans or to update their general plans, and so the requirement of such plans would interfere with landowners' ability to make use of Senate Bill No. 122 to divert stormwaters for groundwater recharge in the interim; and

WHEREAS the State is anticipating significant precipitation associated with winter storms in late January and early February 2025, and is remaining vigilant to manage the impacts of that precipitation while maximizing opportunities for groundwater recharge and other drought relief; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the drought State of Emergency in the Proclaimed Drought Counties.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:



1. All provisions contained in the above-referenced Proclamations of a State of Emergency and related Executive Orders shall remain in full force and effect, except as terminated, withdrawn, or otherwise modified in subsequent Proclamations and Orders.
2. The requirement in Water Code section 1242.1, subdivision (a)(1), that a local or regional agency have "adopted a local plan of flood control pursuant to Section 8201" or have "considered flood risk as part of its most recently adopted general plan" is suspended in the Proclaimed Drought Counties. A local or regional agency in the Proclaimed Drought Counties may therefore trigger the remaining provisions of Water Code section 1242.1 without having adopted a local flood-control plan pursuant to Water Code section 8201 or having considered flood risk as part of its most recently adopted general plan.
3. The Department of Water Resources is directed to take all feasible and appropriate action to maximize diversions of excess flows that become available as a result of the anticipated winter storms, and other winter storms, to storage, including storage in San Luis Reservoir.
4. The Department of Water Resources, the State Water Resources Control Board, the Natural Resources Agency, and the Environmental Protection Agency are directed to identify any obstacles that would hinder efforts to maximize diversions to storage of excess flows that become available as a result of the anticipated winter storms, to remove or minimize such obstacles wherever possible, and to promptly report to my office any additional statutory or regulatory barriers that should be considered for suspension.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 31st day
of January 2025.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH. D
Secretary of State