

AMENDED IN SENATE MAY 11, 2004

AMENDED IN SENATE MAY 5, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1155

Introduced by Senator Machado

January 28, 2004

An act to add Section 138.10 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1155, as amended, Machado. *Water quality standards: Sacramento-San Joaquin Delta: ~~Vernalis salinity objectives.~~*

Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined. 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.

The bill would *require the Director of Water Resources, in consultation with the Secretary of Interior or his or her designee, and on or before January 1, 2006, to develop and implement a program to meet all existing water quality standards and objectives for which the State Water Project has responsibility, either separately or jointly with the federal Central Valley Project. The bill would make legislative findings and declarations relating to the operation of state and federal water facilities and the 1995 Bay-Delta Plan salinity objectives at Vernalis, and, further, would find and declare that the state should not assist an entity in increasing its use of public trust resources if that entity fails to meet water quality requirements that are conditions of a water rights permit or license.*

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

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

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

3 (a) Under Water Right Decision *No.* 1641 of the State Water
4 Resources Control Board and its subsequent revisions, the
5 Department of Water Resources and the United States Bureau of
6 Reclamation are each required to operate their respective facilities
7 to meet numerous water quality standards. These standards
8 include, but are not limited to, the 1995 Bay-Delta Plan salinity
9 objectives at Vernalis.

10 (b) The modeling of both the State Water Resources Control
11 Board and the United States Bureau of Reclamation indicates that,
12 under current operations, violations of the Vernalis salinity
13 objectives are projected to occur in approximately half of all water
14 years. This number includes above-normal and wet water years,
15 which typically means there is sufficient water in the system so that
16 the salinity objectives are not an issue. If the above-normal and wet
17 water year classifications are removed from the modeling results,
18 it is predicted that water quality violations will occur at Vernalis
19 in July and August of most water years.

20 (c) The state should not assist an entity in increasing its use of
21 public trust resources if that entity fails to meet water quality
22 requirements that are conditions of a water rights permit or license.

23 *SEC. 2. Section 138.10 is added to the Water Code, to read:*
24 *138.10. (a) On or before January 1, 2006, the director, in*
25 *consultation with the Secretary of Interior or his or her designee,*
26 *shall develop and implement a program to meet all existing water*
27 *quality standards and objectives for which the State Water Project*
28 *has responsibility, either separately or jointly with the federal*
29 *Central Valley Project.*

30 *(b) The program shall be designed to achieve compliance with*
31 *water quality standards prior to increasing exports from the*
32 *Sacramento-San Joaquin Delta beyond levels authorized under*
33 *applicable operating criteria in effect on July 1, 2003.*

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