

AMENDED IN ASSEMBLY JUNE 29, 2004

AMENDED IN SENATE MAY 20, 2004

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.

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~~ *collaboration* 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, 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 prepare a plan to meet the existing permit and license conditions for which the department has an obligation, as described in a specified decision adopted by the state board. The bill would require the director to prepare the plan, and submit copies of the plan to the state board and California Bay-Delta Authority, prior to increasing the existing permitted diversion rate at a specified pumping plant.~~

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. The Legislature finds and declares all of the~~
2 *SECTION 1. Section 138.10 is added to the Water Code, to*
3 *read:*

4 *138.10. (a) On or before January 1, 2006, the director, in*
5 *collaboration with the Secretary of Interior or his or her designee,*
6 *shall prepare a plan to meet the existing permit and license*
7 *conditions for which the department has an obligation, as*
8 *described in the State Water Resources Control Board Decision*
9 *No. 1641.*

10 *(b) The plan shall be designed to achieve compliance with the*
11 *permit and license conditions described in subdivision (a). The*
12 *director shall prepare the plan, and submit copies of the plan to the*
13 *board and the California Bay-Delta Authority, prior to increasing*
14 *the existing permitted diversion rate at the State Water Project's*
15 *Harvey O. Banks Pumping Plant.*

16 *(c) Nothing in this section limits or restricts the department in*
17 *its operation of the State Water Project due to failure of other water*
18 *rights permittees or licensees to meet water quality conditions of*
19 *their respective permits or licenses.*

20 ~~following:~~

21 ~~(a) Under Water Right Decision No. 1641 of the State Water~~
22 ~~Resources Control Board and its subsequent revisions, the~~
23 ~~Department of Water Resources and the United States Bureau of~~
24 ~~Reclamation are each required to operate their respective facilities~~
25 ~~to meet numerous water quality standards.~~



1 ~~(b) The state should not assist an entity in increasing its use of~~
2 ~~public trust resources if that entity fails to meet water quality~~
3 ~~requirements that are conditions of a water rights permit or license.~~

4 ~~SEC. 2. Section 138.10 is added to the Water Code, to read:~~

5 ~~138.10. (a) On or before January 1, 2006, the director, in~~
6 ~~consultation with the Secretary of Interior or his or her designee,~~
7 ~~shall develop and implement a program to meet all existing water~~
8 ~~quality standards and objectives for which the State Water Project~~
9 ~~has responsibility, either separately or jointly with the federal~~
10 ~~Central Valley Project.~~

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

