

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 350

Introduced by Senator Machado

(Principal coauthor: Senator Perata)

(Principal coauthor: Assembly Member Wolk)

**(~~Coauthor: Senator Torlakson~~ Coauthors: Senators Kuehl and
Torlakson)**

(Coauthor: Assembly Member Pavley)

February 16, 2005

An act to add Part 12 (commencing with Section 12999.25) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 350, as amended, Machado. San Joaquin River restoration and water management.

Under existing federal law, the federal Bureau of Reclamation operates the Central Valley Project and appropriates water for the beneficial uses of that project pursuant to permits granted by the State Water Resources Control Board and subject to specified state laws.

This bill would establish the San Joaquin River Fund in the State Treasury. The bill would require the Secretary of the Resources Agency, upon appropriation by the Legislature, to expend the money in the fund for projects that (1) improve habitat and physical conditions in and along the San Joaquin River to facilitate the restoration of stream flows and—the native anadromous fish populations or (2) result in the acquisition of cost-effective replacement water supplies and related actions.

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 following:

3 (a) The San Joaquin River is one of California's largest rivers
4 and one of two major tributaries to the San Francisco
5 Bay/Sacramento-San Joaquin Delta Estuary, an estuary of
6 international significance and the source of drinking water for
7 more than 22 million Californians. The river is also a vital
8 ecological and recreational resource that once supported one of
9 the largest salmon populations on the Pacific Coast, and
10 contributed substantially to California's commercial and
11 recreational fishing industries.

12 (b) The water quality and ecological health of the San Joaquin
13 River are severely degraded, largely due to operations of the
14 federal Central Valley Project (CVP) over the past 50 years,
15 including diversions from Friant Dam, which cause long
16 stretches of the river to dry up in most years and which extirpated
17 the river's historic salmon fishery above the confluence of the
18 Merced River. These CVP operations have caused or exacerbated
19 chronic water quality and water supply problems in the lower
20 San Joaquin River and delta region, adversely impacting the
21 agricultural economy and communities in that area, as well as the
22 more than 22 million Californians who depend on the delta for
23 their drinking water.

24 (c) Improving water quality in the San Joaquin River and
25 restoring flows and ecological health to the river between Friant
26 Dam and the delta will provide broad environmental, water
27 quality, economic, and social benefits to millions of Californians
28 and is in the best interests of the State of California.

29 (d) CVP water supply operations, including diversions from
30 the San Joaquin River, also play a significant role in the regional
31 water supply that sustains the agricultural economy of the
32 southern San Joaquin Valley. It is the intent of the Legislature to
33 promote proven, cost-effective water management strategies to
34 ensure that the San Joaquin River and other regional water
35 supplies are managed to provide multiple benefits, including both
36 restoration of the river and maintenance of a strong agricultural
37 economy. Toward that end, this act provides for substantial
38 investments in restoration of the river, replacement of water

1 supplies, and improved water management strategies to avoid or
2 minimize potential adverse effects on Friant Division CVP
3 contractors, agricultural communities, and farm workers in the
4 southern San Joaquin Valley.

5 (e) The Legislature acknowledges that pending federal court
6 litigation will resolve issues relating to the compliance of Friant
7 Dam operations with certain environmental and fishery
8 protection laws. This act is not intended to affect that litigation,
9 or any other litigation. However, ~~this act may facilitate the~~
10 ~~implementation of any final judgment or settlement in that case,~~
11 ~~or the implementation of related restoration activities consistent~~
12 ~~funding made available by this act may be used to support or~~
13 ~~supplement efforts to implement any final judgement or~~
14 ~~settlement in that case or other related restoration activities~~
15 *consistent with the purposes set forth in this act.*

16 SEC. 2. Part 12 (commencing with Section 12999.25) is
17 added to Division 6 of the Water Code, to read:

18

19 PART 12. SAN JOAQUIN RIVER RESTORATION AND
20 WATER MANAGEMENT

21

22 12999.25. (a) The San Joaquin River Fund is hereby
23 established in the State Treasury. There shall be deposited in the
24 fund all moneys appropriated to the fund and all income derived
25 from the investment of moneys that are in the fund.

26 (b) Money deposited into the fund shall be for the purposes of
27 restoring water flows and ecological health to the San Joaquin
28 River, and concurrently developing replacement water supplies
29 and improved water management strategies and practices to
30 facilitate restoration while avoiding or minimizing potential
31 adverse water supply impacts on long-term contractors of the
32 Friant Division of the Central Valley Project.

33 (c) The Secretary of the Resources Agency, upon
34 appropriation by the Legislature, shall expend the money in the
35 fund for projects that meet either of the following requirements:

36 (1) Improve habitat and physical conditions in and along the
37 San Joaquin River in order to facilitate the expeditious
38 restoration of stream flows and ~~the~~ native anadromous fish
39 populations from Friant Dam to the delta, with associated water
40 quality benefits for the lower San Joaquin River and the delta.

1 (2) Result in the acquisition of cost-effective replacement
2 water supplies, and related actions, including water acquisitions
3 from willing sellers, transfers, and exchanges, to achieve
4 increased releases of water from Friant Dam for the purposes
5 described in subdivision (b).

6 (d) The secretary shall manage the fund to ensure that
7 expenditures for restoration and water supply projects, to the
8 greatest extent practicable, are equal.

9 (e) The secretary may receive financial contributions on behalf
10 of the fund from any state, federal, or nongovernmental entities.

11 (f) *Any voter approved bond funds appropriated to the fund*
12 *shall be expended in a manner that is consistent with voter intent*
13 *for the expenditure of those funds.*

14 (g) This part shall be implemented consistent with existing
15 state laws.

16 ~~(g)~~

17 (h) This part does not affect litigation involving San Joaquin
18 River restoration.

19

20

21 **CORRECTIONS:**

22 **Heading Authors line 3.**

23
