

AMENDED IN SENATE MAY 24, 2006

AMENDED IN SENATE APRIL 18, 2006

**SENATE BILL**

**No. 1795**

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**Introduced by Senator Machado**

February 24, 2006

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~~An act to amend Section 1242 of, and to add Section 1267 to, the Water Code, relating to water. An act relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1795, as amended, Machado. Groundwater ~~recharge storage:~~ *beneficial use.*

Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

This bill would declare that ~~the recharging of a groundwater basin by a local agency for the purpose of repelling saline intrusion and recovering basin groundwater levels constitutes a beneficial use of water if the recharge is consistent with management objectives set forth in a local agency's groundwater management plan. The bill would require that every application for a permit to appropriate water for groundwater recharge purposes set forth specified information~~ *it is the intent of the Legislature to enact legislation to identify the placement of surface storage water into a groundwater basin for specified purposes as a beneficial use of water.*

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

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

1     SECTION 1. *It is the intent of the Legislature to enact*  
2 *legislation to identify the placement of surface storage water into*  
3 *a groundwater basin for the purposes of repelling saline*  
4 *intrusion and recovering groundwater basin levels in order to*  
5 *improve water quality as a beneficial use of water.*

6     ~~SECTION 1. Section 1242 of the Water Code is amended to~~  
7 ~~read:~~

8     ~~1242. (a) The storing of water underground, including the~~  
9 ~~diversion of streams and the flowing of water on lands necessary~~  
10 ~~to the accomplishment of the storage, constitutes a beneficial use~~  
11 ~~of water if the water so stored is thereafter applied to the~~  
12 ~~beneficial purposes for which the appropriation for storage was~~  
13 ~~made.~~

14     ~~(b) The recharging of a groundwater basin, by a local agency,~~  
15 ~~for the purpose of repelling saline intrusion and recovering basin~~  
16 ~~groundwater levels, including the diversion of streams, the~~  
17 ~~flowing of water on lands, or other similar means necessary for~~  
18 ~~the accomplishment of groundwater recharge for these purposes,~~  
19 ~~constitutes a beneficial use of water if the agency has determined~~  
20 ~~that the recharge is consistent with a local agency’s groundwater~~  
21 ~~management plan.~~

22     ~~(c) For purposes of this section, the following terms have the~~  
23 ~~following meanings:~~

24     ~~(1) “Groundwater” means all water beneath the surface of the~~  
25 ~~earth within the zone below the water table in which the soil is~~  
26 ~~completely saturated with water, but does not include water~~  
27 ~~which flows in known and definite channels.~~

28     ~~(2) “Groundwater basin” means any basin identified in the~~  
29 ~~department’s Bulletin No. 118, dated September 1975, and any~~  
30 ~~amendments to that bulletin, but does not include a basin in~~  
31 ~~which the average well yield, excluding domestic wells that~~  
32 ~~supply water to a single-unit dwelling, is less than 100 gallons~~  
33 ~~per minute.~~

1 ~~(3) “Groundwater recharge” means the augmentation of~~  
2 ~~groundwater, by natural or artificial means, with surface water or~~  
3 ~~recycled water.~~

4 ~~(4) “Groundwater management plan” means a plan adopted~~  
5 ~~pursuant to Part 2.5 (commencing with Section 10750) of~~  
6 ~~Division 6.~~

7 ~~(5) “Local agency” means any local public agency that~~  
8 ~~provides water service to all or a portion of its service area, and~~  
9 ~~includes a joint powers authority formed by local public agencies~~  
10 ~~that provide water service.~~

11 ~~SEC. 2. Section 1267 is added to the Water Code, to read:~~

12 ~~1267. (a) Every application for a permit to appropriate water~~  
13 ~~for groundwater recharge purposes shall set forth all of the~~  
14 ~~following:~~

15 ~~(1) The manner in which the groundwater recharge will be~~  
16 ~~accomplished.~~

17 ~~(2) The nature of the salinity intrusion or overdraft to be~~  
18 ~~addressed.~~

19 ~~(3) The manner in which the groundwater recharge will~~  
20 ~~improve the salinity intrusion or overdraft.~~

21 ~~(4) The method for monitoring groundwater recharge.~~

22 ~~(b) No application for a permit to appropriate water for~~  
23 ~~groundwater recharge purposes shall require an underground~~  
24 ~~storage supplement, or any other information regarding~~  
25 ~~withdrawal of water from the groundwater basin, to be included,~~  
26 ~~provided that the local agency has determined both of the~~  
27 ~~following:~~

28 ~~(1) The groundwater recharge will relieve conditions of~~  
29 ~~overdraft in the groundwater basin, improve water levels, repel~~  
30 ~~saline intrusion, or otherwise improve groundwater quality.~~

31 ~~(2) The groundwater recharge is consistent with a local~~  
32 ~~agency’s groundwater management plan.~~

33 ~~(c) For purposes of this section, the following terms have the~~  
34 ~~following meanings:~~

35 ~~(1) “Groundwater” means all water beneath the surface of the~~  
36 ~~earth within the zone below the water table in which the soil is~~  
37 ~~completely saturated with water, but does not include water~~  
38 ~~which flows in known and definite channels.~~

39 ~~(2) “Groundwater basin” means any basin identified in the~~  
40 ~~department’s Bulletin No. 118, dated September 1975, and any~~

1 ~~amendments to that bulletin, but does not include a basin in~~  
2 ~~which the average well yield, excluding domestic wells that~~  
3 ~~supply water to a single-unit dwelling, is less than 100 gallons~~  
4 ~~per minute.~~

5 ~~(3) “Groundwater recharge” means the augmentation of~~  
6 ~~groundwater, by natural or artificial means, with surface water or~~  
7 ~~recycled water.~~

8 ~~(4) “Groundwater management plan” means a plan adopted~~  
9 ~~pursuant to Part 2.5 (commencing with Section 10750) of~~  
10 ~~Division 6.~~

11 ~~(5) “Local agency” means any local public agency that~~  
12 ~~provides water service to all or a portion of its service area, and~~  
13 ~~includes a joint powers authority formed by local public agencies~~  
14 ~~that provide water service.~~

15 ~~(6) “Underground storage supplement” means an application~~  
16 ~~proposing underground storage pursuant to Section 733 of Title~~  
17 ~~23 of the California Code of Regulations.~~