

AMENDED IN ASSEMBLY APRIL 19, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2049**

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**Introduced by Assembly Member Arambula**

February 18, 2010

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An act to ~~add Section 147.2 to~~ *amend Section 1745.10* of the Water Code, relating to the State Water Resources Development System.

LEGISLATIVE COUNSEL'S DIGEST

AB 2049, as amended, Arambula. State Water Resources Development System: ~~water delivery.~~ *transfers of water.*

Under existing law, the Department of Water Resources administers water supply contracts pursuant to which water suppliers (contractors) are supplied water from the State Water Resources Development System (*State Water Project*), in accordance with the California Water Resources Development Bond Act and other provisions of law.

~~This bill would prohibit the Director of Water Resources, to the extent permitted by law, from approving a transfer or assignment, for more than 10 years, of any contractual right to the delivery of a water supply from the State Water Resources Development System that is held by a contractor for agricultural use to another contractor for municipal use.~~

*Existing law authorizes the transfer or exchange of certain water or water rights upon approval by the State Water Resources Control Board of a petition to transfer the water or water rights. Existing law authorizes a water supplier to contract with a state drought water bank or with another water supplier or user inside or outside the service area of the water supplier to transfer or store specified water as part of a transfer, if certain requirements are met. Under existing law, a water user that transfers surface water pursuant to that authority is*

*prohibited from replacing that surface water with groundwater, unless the groundwater use is either (1) consistent with a specified groundwater management plan or (2) approved by the water supplier from whose service area the water is to be transferred and that water supplier, if a groundwater management plan has not been adopted, determines that the transfer will not create, or contribute to, conditions of long-term overdraft in the affected groundwater basin.*

*This bill would additionally prohibit a water user that transfers surface water pursuant to a contractual change in an entitlement to water from the State Water Project from replacing that surface water with groundwater, unless the groundwater use is consistent with either of the 2 requirements described above.*

*The bill would prohibit a water user that contracts for water from the State Water Project from transferring a portion of that water from agricultural use to municipal use, unless certain requirements are met. It would authorize the department to charge a specified fee to a water user that is subject to that provision.*

*The bill, with a specified exception, would prohibit a water user from using groundwater on land previously served by surface water, if the water user transfers surface water from agricultural use to municipal use for a period of 10 or more years.*

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. Section 1745.10 of the Water Code is amended
- 2     to read:
- 3     1745.10. (a) A water user that transfers surface water pursuant
- 4     to this article ~~may~~, or pursuant to a contractual change in an
- 5     entitlement to water from the State Water Resources Development
- 6     System, shall not replace that water with groundwater unless the
- 7     groundwater use is either of the following:
- 8     ~~(a)~~
- 9     (1) Consistent with a groundwater management plan adopted
- 10    pursuant to state law for the affected area.
- 11    ~~(b)~~
- 12    (2) Approved by the water supplier from whose service area
- 13    the water is to be transferred and that water supplier, if a
- 14    groundwater management plan has not been adopted, determines

1 that the transfer will not create, or contribute to, conditions of  
2 long-term overdraft in the affected groundwater basin.

3 (b) (1) A water user that contracts with the department for  
4 water from the State Water Resources Development System shall  
5 not transfer any portion of its contractual entitlement to water  
6 from agricultural use to municipal use, unless both of the following  
7 requirements are met:

8 (A) The groundwater basin of the service area from which the  
9 water is to be transferred is regularly, systematically, and logically  
10 monitored in accordance with Part 2.11 (commencing with Section  
11 10920) of Division 6.

12 (B) The department receives a written evaluation of the  
13 economic, social, and environmental effects of the transfer upon  
14 the service area from which the water is to be transferred.

15 (2) The department shall charge a water user that is subject to  
16 this subdivision a reasonable fee to cover the department's costs  
17 associated with the implementation of this subdivision, including  
18 costs incurred by the department if the department is required to  
19 perform groundwater monitoring functions pursuant to Section  
20 10933.5 for purposes of this subdivision.

21 (c) A water user that transfers surface water from agricultural  
22 use to municipal use for a period of 10 or more years shall not use  
23 groundwater on the land previously served by that surface water  
24 supply, unless that groundwater use is systematically and  
25 continuously monitored and reported to the department.

26 SECTION 1. ~~Section 147.2 is added to the Water Code, to~~  
27 ~~read:~~

28 ~~147.2. (a) To the extent permitted by law, the director shall~~  
29 ~~not approve a transfer or assignment, for more than 10 years, of~~  
30 ~~any contractual right to the delivery of a water supply from the~~  
31 ~~State Water Resources Development System that is held by a~~  
32 ~~contractor for agricultural use to another contractor for municipal~~  
33 ~~use.~~

34 ~~(b) Subdivision (a) does not affect a transfer or assignment of~~  
35 ~~a contractual right, as otherwise described in that subdivision, if~~  
36 ~~the transfer or assignment is for a period that does not exceed 10~~  
37 ~~years.~~