

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 426

Introduced by Assembly Member Salas

February 15, 2013

An act to ~~amend~~ *add* Section ~~13529~~ of 1733 to the Water Code, relating to ~~recycled~~ water.

LEGISLATIVE COUNSEL'S DIGEST

AB 426, as amended, Salas. Water: ~~recycled water~~. *water transfers: temporary changes.*

Existing law regulates water transfers and, among other things, allows a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses.

This bill would additionally allow a permittee or licensee to make a temporary change, as defined, in the point of diversion, place of use, or purpose of use, up to the amount of a permit or license, in order to transfer or exchange water or water rights through a water transfer agreement for a specified term if specific requirements are met. The bill would require a permittee or licensee to submit a notice of the transfer or exchange to the board including specific information. The bill would also require the State Water Resources Control Board to post the notice on its Internet Web site no later than 10 days after the

date on which the notice was submitted, and to keep the notice posted on the board's Internet Web site for 30 days.

~~Existing law regulates the use of recycled water and establishes notification requirements for unauthorized discharges of recycled water to waters of the state. Existing law also makes specified findings and declarations with respect to recycled water.~~

~~This bill would make a technical, nonsubstantive change to those findings and declarations.~~

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 the following:*

2 (a) *It is the policy of this state to improve the flexibility and*
3 *provide greater regional self-reliance of water supplies.*

4 (b) *It is the policy of this state to encourage conjunctive use of*
5 *surface water and groundwater supplies and to make surface water*
6 *available for other beneficial uses.*

7 SEC. 2. *Section 1733 is added to the Water Code, to read:*

8 1733. (a) *Notwithstanding any other law, in an above-average*
9 *water year in a defined hydrologic region reported by the*
10 *department, a permittee or licensee may make a temporary change*
11 *in the point of diversion, place of use, or purpose of use, up to the*
12 *amount of the permit or license, to transfer or exchange water or*
13 *water rights through a water transfer agreement for a specified*
14 *term if all of the following requirements are met:*

15 (1) *The transfer or exchange facilitates the conjunctive use of*
16 *groundwater and surface water supplies within a defined*
17 *hydrologic region.*

18 (2) *The transferee and transferor are part of an regional*
19 *management group of a integrated regional water management*
20 *plan as defined in Section 10534.*

21 (3) *The integrated regional water management plan under*
22 *paragraph (2) includes a conjunctive use component and the*
23 *transfer or exchange is implemented consistent with that*
24 *component.*

25 (4) *The transferee agrees to forgo pumping groundwater in an*
26 *amount equivalent to the surface water received through the*
27 *transfer during the year of the transfer.*

1 (5) *The temporary change occurs at a point of diversion where*
2 *a water right or entitlement is held by the transferee or transferor.*

3 (6) *The transfer or exchange commences no sooner than 15*
4 *days following the submission of the notice under subdivision (b).*

5 (b) (1) *The permittee or licensee shall submit a notice of the*
6 *transfer or exchange to the board, which includes all of the*
7 *following:*

8 (A) *The permit or license number.*

9 (B) *The amount of water to be transferred or exchanged.*

10 (C) *The boundaries of the relevant integrated regional water*
11 *management plan.*

12 (D) *The name of the transferor.*

13 (E) *The name of the transferee.*

14 (2) *The board shall post the notice under paragraph (1) on its*
15 *Internet Web site no later than 10 days after the date on which the*
16 *notice was submitted, and the notice shall remain posted on the*
17 *board's Internet Web site for 30 days.*

18 (c) *Upon the completion of the term of an agreement to transfer*
19 *or exchange water or water rights, the right to the use of the water*
20 *shall revert to the transferor as if the transfer or exchange of water*
21 *or water rights had not been undertaken.*

22 ~~SECTION 1. Section 13529 of the Water Code is amended to~~
23 ~~read:~~

24 ~~13529. The Legislature hereby finds and declares all of the~~
25 ~~following:~~

26 ~~(a) The purpose of Section 13529.2 is to establish notification~~
27 ~~requirements for unauthorized discharges of recycled water to~~
28 ~~waters of the state.~~

29 ~~(b) It is the intent of the Legislature in enacting this section to~~
30 ~~promote the efficient and safe use of recycled water.~~

31 ~~(c) The people of the state have a primary interest in the~~
32 ~~development of facilities to recycle water to supplement existing~~
33 ~~water supplies and to minimize the impacts of growing demand~~
34 ~~for new water on sensitive natural water bodies.~~

35 ~~(d) A substantial portion of the future water requirements of the~~
36 ~~state may be economically met by the beneficial use of recycled~~
37 ~~water.~~

38 ~~(e) The Legislature has established a statewide goal to recycle~~
39 ~~700,000 acre-feet of water per year by the year 2000 and 1,000,000~~
40 ~~acre-feet of water per year by the year 2010.~~

1 ~~(f) The use of recycled water has been proven to be safe and~~
2 ~~the State Department of Health Services is drafting regulations to~~
3 ~~provide for expanded uses of recycled water.~~

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