

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 426**

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**Introduced by Assembly Member Salas**

February 15, 2013

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An act to ~~add Section 1733 to amend Section 1740~~ of the Water Code, relating to water *rights*.

LEGISLATIVE COUNSEL'S DIGEST

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

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. *Under existing law, any water right determined under a court decree issued after January 1, 1981, is transferable as specified.*

~~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.

*This bill would eliminate the requirement that a court decree be issued after January 1, 1981.*

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 1740 of the Water Code is amended to  
2 read:

3 1740. Any water right determined under a court decree issued  
4 pursuant to Chapter 3 (commencing with Section 2500) of Part 3;  
5 after January 1, 1981, shall be transferable pursuant to this chapter  
6 and Chapter 10 (commencing with Section 1700). The court having  
7 the appropriate jurisdiction over the decreed rights may enter a  
8 supplemental decree modifying any rights involved upon motion  
9 of the board or any party with a vested water right.

10 SECTION 1. The Legislature finds and declares the following:

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

13 (b) It is the policy of this state to encourage conjunctive use of  
14 surface water and groundwater supplies and to make surface water  
15 available for other beneficial uses.

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

17 1733. (a) Notwithstanding any other law, in an above-average  
18 water year in a defined hydrologic region reported by the  
19 department, a permittee or licensee may make a temporary change  
20 in the point of diversion, place of use, or purpose of use, up to the  
21 amount of the permit or license, to transfer or exchange water or  
22 water rights through a water transfer agreement for a specified  
23 term if all of the following requirements are met:

24 (1) The transfer or exchange facilitates the conjunctive use of  
25 groundwater and surface water supplies within a defined hydrologic  
26 region.

- 1     ~~(2) The transferee and transferor are part of an regional~~  
2 ~~management group of a integrated regional water management~~  
3 ~~plan as defined in Section 10534.~~  
4     ~~(3) The integrated regional water management plan under~~  
5 ~~paragraph (2) includes a conjunctive use component and the~~  
6 ~~transfer or exchange is implemented consistent with that~~  
7 ~~component.~~  
8     ~~(4) The transferee agrees to forgo pumping groundwater in an~~  
9 ~~amount equivalent to the surface water received through the transfer~~  
10 ~~during the year of the transfer.~~  
11     ~~(5) The temporary change occurs at a point of diversion where~~  
12 ~~a water right or entitlement is held by the transferee or transferor.~~  
13     ~~(6) The transfer or exchange commences no sooner than 15 days~~  
14 ~~following the submission of the notice under subdivision (b).~~  
15     ~~(b) (1) The permittee or licensee shall submit a notice of the~~  
16 ~~transfer or exchange to the board, which includes all of the~~  
17 ~~following:~~  
18     ~~(A) The permit or license number.~~  
19     ~~(B) The amount of water to be transferred or exchanged.~~  
20     ~~(C) The boundaries of the relevant integrated regional water~~  
21 ~~management plan.~~  
22     ~~(D) The name of the transferor.~~  
23     ~~(E) The name of the transferee.~~  
24     ~~(2) The board shall post the notice under paragraph (1) on its~~  
25 ~~Internet Web site no later than 10 days after the date on which the~~  
26 ~~notice was submitted, and the notice shall remain posted on the~~  
27 ~~board's Internet Web site for 30 days.~~  
28     ~~(e) Upon the completion of the term of an agreement to transfer~~  
29 ~~or exchange water or water rights, the right to the use of the water~~  
30 ~~shall revert to the transferor as if the transfer or exchange of water~~  
31 ~~or water rights had not been undertaken.~~