

Assembly Bill No. 426

CHAPTER 634

An act to amend Section 1740 of the Water Code, relating to water rights.

[Approved by Governor October 8, 2013. Filed with
Secretary of State October 8, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 426, Salas. Water: water transfers: 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 eliminate the requirement that the court decree be issued after January 1, 1981.

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

SECTION 1. Section 1740 of the Water Code is amended to read:

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