

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 647

**Introduced by Assembly Member Eggman
(Principal coauthor: Assembly Member Olsen)
(Coauthor: Senator Berryhill)**

February 24, 2015

An act to amend Section 1242 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as amended, Eggman. Beneficial use: storing of water underground.

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 provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. 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 storing of water underground constitutes a beneficial use of water if the diverted water is used while it is in underground storage for specified purposes. *This bill would state the intent of the Legislature that this storage of water underground not injure any legal user of the water involved.* This bill would provide that the period for the reversion of a water right does not include any period

when the water is being used in the aquifer or storage area or is being held in storage for later application to beneficial use, as prescribed.

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 1242 of the Water Code is amended to
2 read:

3 1242. (a) The storing of water underground, including the
4 diversion of streams and the flowing of water on lands necessary
5 to the accomplishment of that storage, constitutes a beneficial use
6 of water if the water so stored meets one or both of the following
7 conditions:

8 (1) Is thereafter applied to the beneficial purposes for which the
9 appropriation for storage was made.

10 (2) Is used while it is in underground storage for one or both of
11 the following express purposes:

12 (A) Protecting water quality, including providing a hydrostatic
13 barrier to saline water intrusion or other contamination.

14 (B) Preventing or remediating significant and unreasonable land
15 subsidence that substantially interferes with surface land uses.

16 (b) The forfeiture periods in Sections 1240 and 1241 do not
17 include any period when, consistent with this section, the water is
18 being used in the aquifer or storage area or is being held in storage
19 for later application to beneficial use.

20 (c) *It is the intent of the Legislature that any storage of water*
21 *underground pursuant to subdivision (a) not injure any legal user*
22 *of the water involved.*