

AMENDED IN ASSEMBLY JANUARY 26, 2016

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1244

Introduced by Assembly Member Gray

February 27, 2015

An act to amend Section 1229 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1244, as amended, Gray. Water rights: small irrigation use.

Existing law authorizes any person to obtain a right to appropriate water for a small irrigation use upon registering the use with the State Water Resources Control Board and thereafter applying the water to reasonable and beneficial use with due diligence. Existing law provides that the board is not required to adopt general conditions applicable to appropriations for small irrigation use until the board determines that funds are available for that purpose. Existing law provides that the authority to register for small irrigation use is effective only to the extent that the board establishes the general conditions for the applicable category of small irrigation use. ~~Existing law requires the board, prior to adopting other general conditions for small irrigation use, and no later than June 30, 2012, to adopt general conditions for small irrigation use for facilities used for frost protection in a prescribed area, unless the board determines that sufficient funds are not available for that purpose.~~

This bill would require the board, when adopting general conditions, to consult with the Department of Food and Agriculture and the University of California Cooperative Extension, regarding relevant

agricultural information, and with the Department of Fish and Wildlife, regarding potential impacts on fish and wildlife species, for small irrigation use ~~other than for facilities used for frost protection in a prescribed area.~~ *use.*

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 1229 of the Water Code is amended to
2 read:

3 1229. (a) The board is not required to adopt general conditions
4 for small irrigation use pursuant to subdivision (a) of Section
5 1228.6 until the board determines that funds are available for that
6 purpose.

7 (b) A registration for small irrigation use pursuant to this article
8 is not authorized until the board establishes general conditions for
9 small irrigation use pursuant to subdivision (a) of Section 1228.6
10 to protect instream beneficial uses.

11 (c) The board may establish general conditions for some
12 methods of diversion or categories of small irrigation use before
13 establishing general conditions for other methods or categories,
14 in which case a registration for small irrigation use is authorized
15 only for those methods or categories for which the board has
16 established the general conditions for the protection of instream
17 beneficial uses.

18 (d) *The board, when adopting general conditions, shall consult*
19 *with the Department of Food and Agriculture and the University*
20 *of California Cooperative Extension, regarding relevant*
21 *agricultural information, and with the Department of Fish and*
22 *Wildlife, regarding potential impacts on fish and wildlife species,*
23 *for small irrigation use.*

24 ~~SECTION 1. Section 1229 of the Water Code is amended to~~
25 ~~read:~~

26 ~~1229. (a) The board is not required to adopt general conditions~~
27 ~~for small irrigation use pursuant to subdivision (a) of Section~~
28 ~~1228.6 until the board determines that funds are available for that~~
29 ~~purpose.~~

30 ~~(b) A registration for small irrigation use pursuant to this article~~
31 ~~is not authorized until the board establishes general conditions for~~

1 small irrigation use pursuant to subdivision (a) of Section 1228.6
2 to protect instream beneficial uses.

3 ~~(e) The board may establish general conditions for some~~
4 ~~methods of diversion or categories of small irrigation use before~~
5 ~~establishing general conditions for other methods or categories,~~
6 ~~in which case a registration for small irrigation use is authorized~~
7 ~~only for those methods or categories for which the board has~~
8 ~~established the general conditions for the protection of instream~~
9 ~~beneficial uses.~~

10 ~~(d) The board, prior to adopting other general conditions for~~
11 ~~small irrigation use, and no later than June 30, 2012, shall adopt~~
12 ~~general conditions for registration of small irrigation use for~~
13 ~~facilities used for frost protection in the area described in paragraph~~
14 ~~(1) of subdivision (a) of Section 1259.4, unless the board~~
15 ~~determines that sufficient funds are not available for that purpose.~~

16 ~~(e) The board, when adopting general conditions, shall consult~~
17 ~~with the Department of Food and Agriculture and the University~~
18 ~~of California Cooperative Extension, regarding relevant agricultural~~
19 ~~information, and with the Department of Fish and Wildlife,~~
20 ~~regarding potential impacts on fish and wildlife species, for small~~
21 ~~irrigation use not described in subdivision (d).~~