

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2909

Introduced by Assembly Member Levine

March 9, 2016

An act to add *and repeal* Section 1733 to of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2909, as amended, Levine. Water: transfer or exchange: expedited review.

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law provides procedures for 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, as specified. *These temporary transfers are defined as transfers of one year or less.*

This bill would require the board to develop and implement an expedited 30-day review process for approval of petitions *under those provisions* 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 is for a reoccurring water transfer, as defined, or an environmentally beneficial transfer, as defined. The bill would require the Department of Water Resources to develop a 30-day review process for reoccurring water transfers between contractors for State Water

~~Project water and~~ for reoccurring water transfers that utilize facilities of the State Water Project. The bill would repeal its provisions as of January 1, 2022.

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 1733 is added to the Water Code, to read:
- 2 1733. (a) For the purposes of this section:
- 3 (1) “Environmentally beneficial transfer” means a transfer that
- 4 does not negatively impact an ecosystem’s health or local drinking
- 5 water supply in the source area and includes ~~any~~ *either* of the
- 6 following:
- 7 (A) A transfer between water users that is designed to benefit
- 8 the environment.
- 9 (B) A transfer that protects habitat and sensitive wildlife or
- 10 enhances managed wetland supply, wildlife refuges, ecosystems,
- 11 and instream flow.
- 12 ~~(C) A transfer that benefits local drinking water supplies by~~
- 13 ~~reducing local groundwater overdraft or improving water quality.~~
- 14 ~~(D) A transfer that contributes to the implementation of the~~
- 15 ~~Sustainable Groundwater Management Act (Part 2.74 (commencing~~
- 16 ~~with Section 10720) of Division 6).~~
- 17 (2) “Reoccurring water transfer” means a transfer of one year
- 18 or less that is substantially similar in volume, time of year, and
- 19 hydrologic conditions to a transfer previously approved by the
- 20 department or the board in the past 48 months.
- 21 (b) The board shall develop and implement an expedited 30-day
- 22 review process for approval of petitions *under this article* to
- 23 temporarily change the point of diversion, place of use, or purpose
- 24 of use due to a transfer or exchange of water or water rights if the
- 25 transfer is for a reoccurring water transfer or an environmentally
- 26 beneficial transfer.
- 27 (c) The department shall develop a 30-day review process ~~for~~
- 28 ~~reoccurring water transfers between contractors for State Water~~
- 29 ~~Project water and~~ for reoccurring water transfers that utilize
- 30 facilities of the State Water Project.
- 31 (d) Transfers under this section shall not alter the priority for
- 32 use of conveyance facilities.

- 1 (e) This section applies in addition to any other law relating to
2 water transfers or exchanges.
- 3 (f) This section shall remain in effect only until January 1, 2022,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2022, deletes or extends that date.

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