

AMENDED IN ASSEMBLY APRIL 19, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 786

Introduced by Assembly Member Machado

February 24, 1999

An act to add ~~Section 13175~~ *Sections 13148 and 13175* to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 786, as amended, Machado. San Joaquin River Agreement.

Existing law authorizes the State Water Resources Control Board to regulate matters relating to water quality in the state. Under existing law, various public and private agencies have entered into an agreement described as the "San Joaquin River Agreement" relating to the management of the San Joaquin River.

This bill would *prohibit the Department of Water Resources from signing, or expending funds to carry out, the San Joaquin River Agreement, and from operating the Harvey O. Banks Pumping Plant to carry out the Vernalis Adaptive Management Plan or the San Joaquin River Agreement until specified requirements have been met. The bill would prohibit the state board, the ~~Department of Water Resources~~ department, and the Department of Fish and Game from carrying out or expending any funds with regard to the Vernalis Adaptive Management Plan, as set forth in the San Joaquin River Agreement, until specified requirements*

are met. The bill would make related findings and declarations.

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. The Legislature finds and declares all of
2 the following:

3 (a) It is in the interests of the fishery, water, and
4 ecological resources of this state to promote the
5 development and adoption of multiparty agreements
6 that safeguard water supply and water quality in the
7 Sacramento-San Joaquin Delta while meeting upstream
8 and contractual obligations.

9 (b) The State Water Resources Control Board is the
10 state agency responsible for ensuring that the San Joaquin
11 River Agreement meets the constitutional and statutory
12 requirements that protect the various interests,
13 particularly those in the Sacramento-San Joaquin Delta
14 and in certain areas in which water originates in the state.

15 (c) The Legislature reserves the right to scrutinize the
16 outcome of any adjudicatory proceeding of the State
17 Water Resources Control Board that may affect the San
18 Joaquin River Agreement.

19 SEC. 2. *Section 13148 is added to the Water Code, to*
20 *read:*

21 *13148. The department shall not sign, or expend funds*
22 *to carry out, the San Joaquin River Agreement, nor shall*
23 *the department operate the Harvey O. Banks Pumping*
24 *Plant to carry out the Vernalis Adaptive Management*
25 *Plan or the San Joaquin River Agreement until the*
26 *department determines that all of the following*
27 *conditions have been met:*

28 (a) *The San Joaquin River Group Authority has*
29 *developed a long-term plan to improve water*
30 *management practices, including, but not limited to,*
31 *conservation and conjunctive use of surface water and*
32 *groundwater. The plan shall include a description with*
33 *regard to the manner in which state and federal funds*



1 *made available in accordance with the San Joaquin River*
2 *Agreement would be used to implement the water*
3 *management practices described in the plan.*

4 *(b) A permanent barrier has been placed at the head*
5 *of Old River.*

6 *(c) A plan has been developed by the department, the*
7 *appropriate regional board, and CALFED to reduce the*
8 *dissolved oxygen concentration in the vicinity of*
9 *Stockton.*

10 *(d) A strategy has been devised, and approved by the*
11 *state board, to achieve and maintain adequate water*
12 *quality in the south Sacramento-San Joaquin Delta*
13 *region.*

14 *(e) An evaluation has been completed by the*
15 *department, in cooperation with CALFED, with regard*
16 *to the benefits associated with the recirculation of water*
17 *pumped from the Sacramento-San Joaquin Delta by the*
18 *Central Valley Project or the State Water Project down*
19 *the San Joaquin River to help meet flow and water quality*
20 *requirements.*

21 *SEC. 3. Section 13175 is added to the Water Code, to*
22 *read:*

23 *13175. The state board, the department, and the*
24 *Department of Fish and Game shall not carry out, nor*
25 *expend any funds with regard to, the Vernalis Adaptive*
26 *Management Plan as set forth in the San Joaquin River*
27 *Agreement until the requirements set forth in*
28 *subdivisions (a) to (c), inclusive, of Section 78684.10 are*
29 *met.*

