

**Assembly Bill No. 2419**

CHAPTER 134

An act to amend Sections 4.1, 4.2, and 4.5 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973), and to amend Sections 4.1, 4.2, and 4.3 of the Central Delta Water Agency Act (Chapter 113 of the Statutes of 1973), relating to water.

[Approved by Governor July 19, 2000. Filed with Secretary of State July 19, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, Machado. Water districts.

(1) The South Delta Water Agency Act creates the South Delta Water Agency and the Central Delta Water Agency Act creates the Central Delta Water Agency. Those agency acts grant those agencies specified powers, including the authority to negotiate, enter into, and enforce agreements with the United States and the state to protect the water supply of the lands within those respective agencies against the intrusion of ocean salinity and to ensure that those lands have a dependable water supply.

This bill would authorize those agencies to take all reasonable and lawful actions to carry out those functions and to pursue legislative and legal actions.

(2) Those agency acts prohibit those agencies from affecting water rights within their respective boundaries.

This bill would delete that prohibition and allow those agencies to assist landowners, districts, and water right holders within the boundaries of those respective agencies in the protection of vested water rights and to represent the interests of those parties in water right proceedings before the State Water Resources Control Board and the courts of this state and the United States, to carry out the purposes of each respective agency.

(3) The South Delta Water Agency Act authorizes that agency to perform any lawful act necessary in order that a sufficient in-channel water supply may be available for any present or future beneficial use of the lands within the boundaries of that agency.

This bill would authorize the South Delta Water Agency and the Central Delta Water Agency to perform any lawful act necessary in order to ensure that a sufficient in-channel water supply of suitable quality is available for any present or future beneficial use of the lands within the boundaries of those respective agencies.



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

SECTION 1. Section 4.1 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973) is amended to read:

Sec. 4.1. (a) The general purposes of the agency shall be to take all reasonable and lawful actions to negotiate, enter into, execute, amend, administer, perform, and enforce one or more agreements with the United States, the State of California, or other entities, and to pursue legislative and legal actions that have for their general purposes either of the following:

(1) To protect the water supply of the lands within the agency against intrusion of ocean salinity.

(2) To assure the lands within the agency a dependable supply of water of suitable quality sufficient to meet present and future needs.

(b) The agency may also undertake activities to advise and assist landowners and local districts within the agency in reclamation and flood control matters.

SEC. 2. Section 4.2 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973) is amended to read:

Sec. 4.2. The agency shall also have the following powers:

(a) To have perpetual succession.

(b) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise, or lease, or dispose of, real and personal property of every kind within or without the agency.

(e) To borrow money and incur indebtedness; provided, however, that with the exception of agreements provided for in Section 4.1, the agency shall not at any one time incur indebtedness in excess of the ordinary annual income and revenues of the agency; except that the agency may borrow money for its expenses incurred during the period until the agency first receives tax money.

(f) To employ labor and contract for services.

(g) To cause assessments to be levied, in the manner hereinafter provided, for the purpose of paying expenses and obligations of the agency, including its formation expenses and any warrants issued therefor.

(h) To act jointly with or cooperate with the United States and with the State of California to the end that the purposes and activities of the agency may be fully and economically performed.

(i) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(j) To carry on technical and other investigations of all kinds necessary or convenient for the accomplishment of the purposes or powers of the agency.



(k) To do any and every lawful act necessary in order that a sufficient in-channel water supply of suitable quality may be available for any present or future beneficial use or uses of the lands within the agency.

SEC. 3. Section 4.5 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973) is amended to read:

Sec. 4.5. (a) The agency shall have no authority or power to bind, prejudice, impair, restrict, or limit water rights within the agency.

(b) The agency may assist landowners, districts, and water right holders within the agency's boundaries in the protection of vested water rights and may represent the interests of those parties in water right proceedings and related proceedings before the State Water Resources Control Board and the courts of this state and the United States, to carry out the purposes of the agency.

SEC. 4. Section 4.1 of the Central Delta Water Agency Act (Chapter 113 of the Statutes of 1973) is amended to read:

Sec. 4.1. (a) The general purposes of the agency shall be to take all reasonable and lawful actions, including to negotiate, enter into, execute, amend, administer, perform, and enforce one or more agreements with the United States, the State of California, or other entities, and to pursue legislative and legal actions that have for their general purposes either of the following:

- (1) To protect the water supply of the lands within the agency against intrusion of ocean salinity; and
- (2) To assure the lands within the agency a dependable supply of water of suitable quality sufficient to meet present and future needs.

(b) The agency may also undertake activities to assist landowners and local districts within the agency in reclamation and flood control matters.

SEC. 5. Section 4.2 of the Central Delta Water Agency Act (Chapter 113 of the Statutes of 1973) is amended to read:

Sec. 4.2. (a) The agency shall have no authority or power to bind, prejudice, impair, restrict, or limit vested water rights within the agency.

(b) The agency may assist landowners, districts, and water right holders within the agency's boundaries in the protection of vested water rights and may represent the interests of those parties in water right proceedings and related proceedings before the State Water Resources Control Board and the courts of this state and the United States, to carry out the purposes of the agency.

SEC. 6. Section 4.3 of the Central Delta Water Agency Act (Chapter 113 of the Statutes of 1973) is amended to read:

Sec. 4.3. The agency shall also have the following powers:

- (a) To have perpetual succession.
- (b) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.



(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise, or lease, or dispose of real and personal property of every kind within or without the agency.

(e) To borrow money and incur indebtedness; provided, however, that with the exception of agreements provided for in Section 4.1, the agency shall not at any one time incur indebtedness in excess of the ordinary annual income and revenues of the agency; except that the agency may borrow money for its expenses incurred during the period until the agency first receives tax money.

(f) To employ labor and contract for services.

(g) To cause assessments to be levied, in the manner hereinafter provided, for the purpose of paying expenses and obligations of the agency, including its formation expenses and any warrants issued therefor.

(h) To act jointly with or cooperate with the United States and with the State of California to the end that the purposes and activities of the agency may be fully and economically performed.

(i) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(j) To carry on technical and other investigations of all kinds necessary or convenient for the accomplishment of the purposes or powers of the agency.

(k) To do any and every lawful act necessary in order that a sufficient in-channel water supply of suitable quality may be available for any present or future beneficial use or uses of the lands within the agency.

