

Introduced by Senator Gaines

February 23, 2012

An act to amend Sections 4201, 4227, 4251, 4252, 4327 and 4357 of, and to add Sections 4250 and 4405 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1247, as introduced, Gaines. Watermaster service areas: cost of administration.

Existing law requires the Department of Water Resources to divide the state into watermaster service areas for the purpose of distributing water in accordance with certain water right determinations. Existing law authorizes the department to incur costs and make expenditures as necessary to provide for the administration of a service area and the distribution of water therein. Existing law requires the water rightholders to pay all of those costs.

This bill would reduce the amount of costs to be paid by the water rightholders and instead would require the department to pay an unspecified percent of watermaster costs and make conforming changes.

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 4201 of the Water Code is amended to
- 2 read:
- 3 4201. ~~All~~ ___ percent of the cost of administration of a service
- 4 area and the distribution of water therein shall be paid by *the state*

1 *and* ____ *percent* by the owners of the rights to divert or store
2 water within the service area as provided in this chapter.

3 SEC. 2. Section 4227 of the Water Code is amended to read:

4 4227. The statement shall also contain an apportionment of
5 ____ *percent of* the amount of the budget among the owners of
6 the various rights to store or divert within the service area.

7 SEC. 3. Section 4250 is added to the Water Code, to read:

8 4250. As used in this article, “owners expense” means ____
9 percent of the total amount of the budget for the service area.

10 SEC. 4. Section 4251 of the Water Code is amended to read:

11 4251. One-tenth of the ~~budget for the service area~~ *owners*
12 *expense* shall be apportioned equally among the respective
13 ownerships of all water rights involved, and except as otherwise
14 provided in this article the remaining nine-tenths shall be
15 apportioned among the ownerships of the respective water rights
16 in accordance with the quantities of water that the owners of the
17 respective water rights are entitled to store or divert within the
18 service area.

19 SEC. 5. Section 4252 of the Water Code is amended to read:

20 4252. In all cases of rights to divert the direct flow of a stream,
21 without storage, for power development or other nonconsumptive
22 use, where the entire flow so diverted, with the exception of
23 reasonable transportation losses, is returned to the same stream
24 system above the next lower diversion, the owners of these rights
25 shall share on account of these rights only in the equal
26 apportionment of one-tenth of the ~~budget for the service area~~
27 *owner’s expense*, and shall not share in so far as these rights are
28 concerned in the apportionment of the remaining nine-tenths.

29 SEC. 6. Section 4327 of the Water Code is amended to read:

30 4327. The statement shall be submitted on or before the first
31 day of September of the year preceding that for which it is made
32 *and shall apportion* ____ *percent of the budget it contains to the*
33 *association.*

34 SEC. 7. Section 4357 of the Water Code is amended to read:

35 4357. ~~The~~ ____ *percent of the* expenditures for the supervision
36 of the distribution of water in any service area shall be paid from
37 that portion or account of the Water Resources Revolving Fund
38 credited on the department’s books to that service area, upon claims
39 approved by the department and otherwise audited and approved
40 as may be required in the case of other claims against the state.

1 SEC. 8. Section 4405 is added to the Water Code, to read:
2 4405. ____ percent of the cost of the work to be performed by
3 the department in rendering watermaster service and incidental
4 duties required under the order or decree shall be paid by the state
5 and the remainder shall be paid by the owners and deposited by
6 the department and deposited by the department as received from
7 the respective owners.

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