

ASSEMBLY BILL

No. 647

**Introduced by Assembly Member Eggman
(Principal coauthor: Assembly Member Olsen)
(Coauthor: Senator Berryhill)**

February 24, 2015

An act to amend Section 1242 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as introduced, Eggman. Beneficial use: diversion of water underground.

Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Existing law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

This bill would declare that the diversion of water underground constitutes a beneficial use of water for which an appropriation may be made if the diverted water is stored and thereafter applied to beneficial use or if beneficial use of the water, including, but not limited to, protection of water quality or recovery of groundwater levels, is made while the water is underground. This bill would provide that the period for the reversion of a water right does not apply to water being beneficially used in the aquifer or being held in storage for later beneficial 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 1242 of the Water Code is amended to
 2 read:
 3 1242. ~~The storing~~ *diversion* of water underground, including
 4 the diversion of streams and the flowing of water on lands
 5 necessary to the accomplishment of ~~such storage~~ *that diversion*,
 6 constitutes a beneficial use of water *for which an appropriation*
 7 *may be made* if the *diverted* water ~~so~~ *is stored* ~~is~~ and thereafter
 8 applied to the ~~beneficial purposes for which the appropriation for~~
 9 ~~storage was made.~~ *beneficial use, consistent with this division, or*
 10 *if beneficial use of the water, including, but not limited to,*
 11 *protection of water quality or recovery of groundwater levels, is*
 12 *made while the water is underground. The forfeiture periods*
 13 *described in this article do not apply to water being beneficially*
 14 *used in the aquifer or being held in storage for later beneficial*
 15 *use.*