



Express Opposition, Unless Amended, to
AB 647 (Eggman, D-Stockton)
Beneficial Use: Diversion of Water
Underground

Communications and Legislation

Item 8-5

April 13, 2015

Background

- Existing law provides for appropriation of water for beneficial use
- Storage of water underground is beneficial use IF water is subsequently put to use for which appropriation was made

Background

Continued

- State Water Resources Control Board (SWRCB) requires applicant to demonstrate that stored water will be recovered
- SWRCB has determined that leaving water underground permanently to repel saline water intrusion or to address subsidence is not beneficial use

AB 647, as Introduced

- Seeks to amend Water Code to state that permanent diversion of surface waters underground is beneficial use
- Removes 5-year forfeiture period for water being used in aquifer or held for later beneficial use

Concerns with AB 647

- Safeguards are necessary to:
 - Avoid impacts to SWP supplies and storage releases
 - Avoid “hoarding” of water
 - Ensure consistency with local sustainable groundwater management plans
 - Provide SWRCB oversight

Recommended Amendments to AB 647

- Ensure continued oversight of storage of riparian water rights by SWRCB
- Make certain SWRCB has oversight and approval authority over beneficial use of surface water for permanent underground storage
- Protect sustainability of groundwater basin
 - Prevent saline water intrusion, contaminant migration, aquifer subsidence

Recommended Amendments to AB 647

Continued

- Ensure diversion causes no injury to any legal user of water
 - Apply Terms 91 and 93 to prevent diversion of water quality releases from SWP and CVP reservoirs

AB 647 Support/Opposition

- Support:

- Stockton East Water District

- Opposition:

- Clean Water Action
- Center for Biological Diversity
- Leadership Counsel for Justice and Accountability
- Natural Resources Defense Council

Board Options

- Option #1

- Adopt the CEQA determination
- Oppose AB 647 unless amended

- Option #2

- Take no position on AB 647

Staff Recommendation

- Option #1

