

Senator Kuehl's "Mega Water Bill"

February 9, 2005

Senator Sheila Kuehl, Chair of the newly created Senate Natural Resources and Water Committee, February 3 2005, unveiled a bill proposal that:

- Imposes severe penalties on water users that fail to meet specified reporting requirements.
- Imposes additional duties on the Division of Water Rights of the State Water Resources Control Board (SWRCB) without providing state funding.
- Increases planning responsibilities of urban and agricultural water users.

Senator Kuehl says that the bill has three purposes:

1. Strengthen water conservation policy.
2. Reduce uncertainty about the use and abundance of the state's water resources.
3. Increase the integrity and integration of water resources and planning.

The Bill also:

- Establishes a "rebuttable presumption" of waste if a user does not implement "cost effective" water conservation practices. Accordingly, the burden will now fall on the water rights holder to defend his or her water rights once it is alleged that he or she is not adequately conserving water.

- Provides that water users that fail to file reports of annual surface water use face the forfeiture of their water rights, as well as civil liability and ineligibility for state grants.
- Requires pumpers to file annual extraction reports with the SWRCB.
- Removes the CEQA exemption for Urban Water Management Plans.
- Requires groundwater management plans (AB 3030) to be updated every five years.
- Requires the filing of agricultural water management plans as a condition of receiving state grants.
- Requires SWRCB to establish a list of stream systems that are candidates for being declared fully appropriated, but does not provide funding.

Senator Kuehl's bill is not yet in print.

For more detailed background information on the proposed bill and to receive a copy of the bill when it is in print, please contact Hatch & Parent Advocates Chris Frahm or Jeff Volberg at 916-441-1232 or via email at CFrahm@hatchparent.com or JVolberg@hatchparent.com.