

Use of use; prior approval

Use of use, or purpose of use of treated waste water, obtain approval of the board for any such provisions of Chapter 10 (commencing with Section 933, p. 2954, § 4.)

Use

person other than the treated waste water producer has introduced such water into the stream for or enhancing fishery, wildlife, recreational or other rights may not use or claim such water.

ORIGIN

Estimate of amount of water to be purchased.

Mediation.

Compensation of exporter for water. Pumping groundwater from combined Sacramento and Delta-Central Sierra Basins.

Groundwater regulation; construction of article.

Watersheds; construction of article.

Protected area

intending to export water for use outside the county of origin, or groundwater appropriations filed, or groundwater appropriations. (Added by Stats.1984, c. 1655, § 2.)

all of lands which normally drain to the river and only the following, river and including the Russian River System, and San Joaquin River Systems are considered to be within each of these

and including the Russian River System

as, and San Joaquin River Systems are considered to be within each of these

protected area means an appropriator or user of water on land owned of (Added by Stats.1984, c. 1655, § 2.)

Prohibited

the prior right to all the water reasonably available in the protected area, or any of the inhabitants of the protected area, to pump groundwater for use outside the protected area, or groundwater appropriations filed, or groundwater appropriations. (Added by Stats.1984, c. 1655, § 2.)

§ 1217. Water users' right to purchase water from exporters; contract meetings and negotiations; actions

(a) In addition to the right to obtain a water right which would have priority over the rights of an exporter, water users in a protected area shall have the right to purchase, for adequate compensation, water made available by the construction of any works by a water supplier exporting or intending to export water for use outside the protected area. Nothing in this section shall be construed to authorize export of water from a protected area to which users within the protected area are otherwise entitled, nor to require users within a protected area to pay for water to which they are otherwise entitled.

(b) At the request of a water user or users within a protected area, a water supplier exporting or intending to export water for use outside the protected area who is subject to Section 1216 shall meet and negotiate in good faith for the purpose of entering into contracts for the purchase of water as provided in subdivision (a).

(c) Any water user or users in a protected area may bring an action in the superior court to require compliance with the duty to meet and negotiate in good faith pursuant to this section. The court may issue a temporary restraining order, preliminary injunction, or permanent injunction, as appropriate, to secure compliance with this section.

(d) The meetings and negotiations required by this section may occur between the water supplier exporting water for use outside a protected area and any water user or users in a protected area, as determined appropriate by the parties. The meetings and negotiations shall not be subject to the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code or Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

(e) Nothing in this section shall be construed as a limitation on the authority of the board to establish water quality standards or to subject water right entitlements to terms and conditions for the protection of reasonable and beneficial uses consistent with the provisions of Section 2 of Article X of the California Constitution. (Added by Stats.1984, c. 1655, § 2.)

§ 1218. Estimate of amount of water to be purchased

Upon the request of an applicant for a permit to appropriate water for use outside a protected area, a county of origin shall cooperate with the applicant in estimating the amount of water that may be purchased within the county pursuant to subdivision (a) of Section 1217 and that may be developed or used within the county impacting the proposed project, including an estimated time schedule.

The purpose of this section is to assist the applicant in planning the export project and to assist the counties of origin in their water planning. (Added by Stats.1984, c. 1655, § 2.)

§ 1219. Mediation

A water supplier exporting or intending to export water outside a protected area, or a water user or users within a protected area, may declare that an impasse has been reached between the parties in negotiations over matters within the scope of negotiations specified in Section 1217 and may request the director to appoint a panel of five disinterested persons from whom the parties shall select, by a process of elimination, the mediator. After drawing lots to determine the order, the parties shall each, in turn, eliminate a name from the panel until there is only one person remaining on the panel, who shall be the mediator. The mediator shall meet forthwith with the parties or their representatives, either jointly or separately, and shall take such other steps as the mediator may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The services of the mediator, including any per diem fees, and actual and necessary travel and subsistence expenses, shall be provided by the parties. Nothing in this section shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure, and in the event of such agreement, the director shall not appoint a mediator. (Added by Stats.1984, c. 1655, § 2.)

§ 1219.5. Compensation of exporter for water

The provisions of this article shall not require any water supplier exporting or intending to export water for use outside a protected area to furnish to any water user or users in a protected area claiming rights under this article, without adequate compensation therefor, any water made available for domestic, municipal, industrial, or agricultural uses by the construction of any works by the water exporter. (Added by Stats.1984, c. 1655, § 2.)

§ 1220. Pumping groundwater from combined Sacramento and Delta-Central Sierra Basins

(a) No groundwater shall be pumped for export from within the combined Sacramento and Delta-Central Sierra Basins, as defined in Department of Water Resources' Bulletin 160-74, unless the pumping

is in compliance with a groundwater management plan that is adopted by ordinance pursuant to subdivision (b) by the county board of supervisors, in full consultation with affected water districts, and that is subsequently approved by a vote in the counties or portions of counties that overlie the groundwater basin except that water that has seeped into the underground from any reservoir, afterbay, or other facility of an export project may be returned to the water supply of the export project. For the purposes of this section, the county board of supervisors may designate a county water agency to act on its behalf if the directors of the county water agency are publicly elected and the county water agency encompasses the entire county. The county board of supervisors may revoke that designation by resolution at any time.

(b) Notwithstanding any other provision of law, a county board of supervisors whose county contains part of the combined Sacramento and Delta-Central Sierra Basins may adopt groundwater management plans to implement the purposes of this section.

(c) A county board of supervisors shall not exercise the powers authorized by this section within the boundaries of another local agency supplying water to that area without the prior agreement of the governing body of that other local agency. *(Added by Stats.1984, c. 1655, § 2.)*

§ 1221. Groundwater regulation; construction of article

This article shall not be construed to authorize the board to regulate groundwater in any manner. *(Added by Stats.1984, c. 1655, § 2.)*

§ 1222. Watersheds; construction of article

Nothing in this article shall be deemed to diminish the rights and protections to watersheds of origin contained in existing law including, but not limited to, Part 4.5 (commencing with Section 12200) of Division 6. *(Added by Stats.1984, c. 1655, § 2.)*

ARTICLE 2. EXCLUSIVE METHOD OF APPROPRIATION

Section

1225. Compliance with division provisions; exception.

§ 1225. Compliance with division provisions; exception

Except as provided in Article 2.5 (commencing with Section 1226) of this chapter, no right to appropriate or use water subject to appropriation shall be initiated or acquired except upon compliance with the provisions of this division. *(Stats.1943, c. 368, p. 1615, § 1225. Amended by Stats.1974, c. 140, p. 281, § 1.)*

ARTICLE 2.5. STOCKPONDS

Section

1226. Legislative findings and declaration.
1226.1. Validity of water rights; priorities.

Section

1226.2. Priority of water rights; date of filing.
1226.3. Claim of water right; fee; certificate.
1226.4. Revocation of certificate of water right.

§ 1226. Legislative findings and declaration

The Legislature finds and declares that it is necessary and beneficial to the state to clear up many heretofore uncertain conditions of water rights which are the result of a large number of dams and other water impoundment structures which have been constructed for livestock watering use, including domestic and recreational use which is incidental to livestock use; that these structures have been constructed, many at the urging of local, state and federal government, as a matter of practical necessity by the owners or users of the land on which they exist; that these structures have been built without clearly defined water rights as a result of the uncertainty of the state law and the lack of information by the owners as to proper procedures by which to obtain a water right; and that it is in the interest of the state to clarify the right to the water impounded by these structures. *(Added by Stats.1974, c. 140, p. 281, § 2.)*

§ 1226.1. Validity of water rights; priorities

The owner of any dam or other water impoundment structure constructed prior to January 1, 1969, the capacity of which is not in excess of 10 acre-feet on January 1, 1975, and concerning which water rights litigation between private parties was not a matter of record prior to January 1, 1974, is declared to have a valid water right * * * for the use of the water for purposes as specified in Section 1226, if that person files a claim of water right with the board not later than December 31, 1997. All permits or licenses issued by the board prior to the effective date of this article shall have priority over any water right