

1982

## Water Resources.

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## Official Title and Summary Prepared by the Attorney General

**WATER RESOURCES. INITIATIVE STATUTE.** Adds numerous sections to Water Code. Principal provisions: (1) Interbasin water transfers—requires development and implementation of specified water conservation programs for annual appropriations of more than 20,000 acre-feet. (2) Instream appropriations—allows for fishery, wildlife, recreational, aesthetic, scientific, scenic, water quality, and other uses. (3) Stanislaus River and New Melones Dam—specifies conditions concerning water storage and uses. (4) Groundwater—declares 11 named basins critical overdraft areas and establishes management authorities in these with specified duties and powers, including authority to limit, control, or prohibit groundwater extractions. Also contains policy statements, enforcement, and other provisions. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: Overall fiscal effect on state and local governments cannot be determined. Could result in \$1.48 million annually (1982 prices) in increased costs for 6 years to State Water Resources Control Board to perform new responsibilities; unknown planning, administrative and implementation costs particularly in targeted areas; unknown litigation costs; unknown loss of power revenues; and unknown long-term savings in reduced costs to add new water supplies and pumping. Analyst's estimate discusses various factors involved.

## Analysis by the Legislative Analyst

**Background:**

California is dependent on both surface water and groundwater to meet its water needs. Approximately 60 percent of the water used in California comes from surface sources such as rivers, lakes, and streams. The remaining 40 percent is pumped from wells in groundwater basins.

The natural distribution of surface water and groundwater varies greatly within the state. Approximately 70 percent of the state's average annual precipitation occurs in the northern third of the state. While groundwater occurs throughout the state, the major supplies are located in the Central Valley and in southern California.

The location of major population centers and the location of areas of agricultural production do not generally coincide with the location of surface and groundwater supplies. Therefore, state, federal, and local water agencies have constructed facilities to transport water from areas where it is available to areas where there is an unmet need for water. Even so, some areas lack sufficient natural or imported water supplies to meet current demand and are pumping so much water from wells that some wells eventually may fail.

**Proposal:**

This measure contains several statements on water policy and four separate sections which propose to increase both the efficiency with which water is used and public control over water. These sections cover water conservation, protection of instream water uses, restrictions on storage of water at the New Melones Reservoir, and groundwater management.

• **Water Conservation.** This section requires certain entities to develop water conservation programs. Entities subject to this requirement are those that (a) supply or will supply directly, or through contracts with the state or federal government, more than 20,000 acre-feet

of water per year and (b) are involved in the transfer of water from one basin to another. The required water conservation programs must be submitted to the State Water Resources Control Board by January 1, 1985. An entity affected by this section of the measure may not undertake a new or increased transfer of water between basins until the board determines that the entity's water conservation program is being implemented adequately.

The water conservation program must identify all reasonable alternatives to conserve water, such as waste water reclamation, interbasin and intrabasin transfers of developed water supplies, and changes in water pricing. The program also must include a comparison of costs and a plan for implementation of alternatives to new or increased interbasin transfers. Under the measure any alternative that would cost less than importation of additional water would cost must be implemented before any additional water may be imported.

Each agency involved in water conservation is granted the authority to use any of its existing financing powers to implement the water conservation program.

• **Protection of Instream Uses.** Under existing law the State Water Resources Control Board is responsible for approving applications to appropriate water from streams and lakes. These appropriations normally involve a diversion or other form of physical control of the water. When determining the amount of water that may be appropriated by the applicant, the board must consider the public interest in retaining sufficient flows to support recreation and fish and wildlife.

This section would authorize the board to approve an appropriation of water from a stream or lake solely for "reasonable and beneficial instream uses," such as aesthetic, scientific, scenic, and water quality uses, without diverting or physically controlling the streamflow. In

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## Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure proposes to add new provisions to the law. Therefore, the new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

SECTION 1. Division 8 (commencing with Section 15000) is added to the Water Code, to read:

#### DIVISION 8. WATER RESOURCES CONSERVATION AND EFFICIENCY ACT

##### PART 1. GENERAL DECLARATIONS AND POLICY

15000. This division shall be known and may be cited as the "Water Resources Conservation and Efficiency Act."

15001. The people of the State of California find and declare as follows:

(a) The waters of the state are a limited resource subject to ever increasing demands.

(b) Conservation and the efficient management of water resources are necessary to meet the competing needs of urban communities, industry, agriculture, and recreation.

15002. In order to promote balanced development and preservation of water resources for the benefit of present and future generations of Californians, the people of the State of California further find and declare as follows:

(a) Cost-effective methods of water conservation shall be promoted.

(b) Water development and use shall conserve water in rivers, streams and lakes, for fishing, recreation, wildlife support, water quality control, and related purposes.

(c) The Stanislaus River Canyon is an historical, geological, and natural treasure. At the present time, filling the New Melones Reservoir to a moderate level is an effective compromise that will provide for irrigation, flood control, power generation, and water quality enhancement, while preserving the natural and recreational qualities of the canyon.

(d) Underground water is a shared resource. Successful groundwater management programs, such as those of Los Angeles, Orange, Riverside, San Bernardino, and Santa Clara Counties, and other areas of the state, should be adapted to those parts of California known to have critically overdrafted groundwater basins.

##### PART 2. WATER EFFICIENCY AND CONSERVATION

15100. It is the policy of the State of California that:

(a) Conservation and the efficient use of water shall be vigorously pursued to protect both the people of the state and their water resources.

(b) Economic efficiency in water allocation and use requires that those who receive water from a water project pay their full proportionate share of the costs of developing and delivering that water; that subsidies shall be discouraged; that the use of property taxes to pay for any cost of water development or delivery shall be minimized; and that property taxes shall be phased out for payment of such costs associated with developed water supplies.

(c) Efficiency also requires that additional water importation be considered only where economically competitive water conservation programs are developed and implemented in the importing area.

15101. As used in this part:

(a) "Basin" means a hydrologic study area described in Department of Water Resources Bulletin 160-74; except that, for the purposes of this part, the Sacramento Basin and the Delta-Central Sierra Basin shall be deemed a single hydrologic basin.

(b) "Interbasin transfer" means the transfer of water for use in a basin other than the basin in which the source of the water is located.

(c) "Public agency" means (1) any state or federal agency; and (2) any city, city and county, county, or district organized, existing, and acting pursuant to the laws of this state.

15102. Every water supplier of, or contractor with the state or federal government for, more than 20,000 acre-feet of water per year, engaged in or contracting for the interbasin transfer of water on the effective date of this division, regardless of the basis of water right, shall on or before January 1, 1985, prepare and submit to the board a water conservation program as provided in Section 15104. After the effective date of this division, no such supplier or contractor shall make a new or increased interbasin transfer of water, regardless of the basis of water right, unless and until an adequate water conservation program has been prepared and is being adequately implemented, as determined by the board.

15103. An application to appropriate more than 20,000 acre-feet of water involving an interbasin transfer of water shall include a water conservation program as provided in Section 15104. Any permit or license issued by the board for an appropriation of water to which this section applies shall contain a condition requiring the continued satisfactory implementation of the water conservation program.

15104. The water conservation program shall be consistent with the policies

in this division, and shall identify all reasonable water supply alternatives, including, but not limited to (1) water conservation and other practices to achieve greater efficiency in water use, (2) waste water reclamation, (3) improved water management practices, including groundwater management and conjunctive use of ground and surface waters consistent with any groundwater management program adopted pursuant to Part 4 of this division (commencing with Section 15300), (4) any pricing and rate structure change which would result in water conservation, (5) banking of water supplies for use in water deficient years, (6) interbasin and intrabasin transfers of developed water supplies, and (7) inbasin conventional water supply development. Any measure which would substantially impair significant wetlands shall not be deemed a reasonable water supply alternative. The water conservation program shall include, but not be limited to, a comparison of costs and a plan for implementation of alternatives. Where implementation of a water conservation program, or a portion thereof, will cost less on a marginal-cost basis than importation of additional supplies, the program, or portion thereof, shall be implemented prior to commencing additional importation projects. Implementation of alternatives shall include adoption of all necessary ordinances or regulations.

15105. Any public agency, water supplier or water contractor shall have the power to use any existing financing authority to implement a water conservation program as described in Section 15104.

15106. (a) No provision of this part shall be construed to endorse, require, or prohibit the construction, maintenance, or use of the facility authorized by subdivision (a) of Section 11255 (as added by Chapter 632, Statutes of 1980 (S.B. 200)), if Chapter 632 is effective.

(b) Nothing in this section shall affect any obligation of any person or entity under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

##### PART 3. INSTREAM PROTECTION

###### CHAPTER 1. GENERAL PROVISIONS

15200. (a) It is the purpose and intent of this part to conserve a reasonable amount of water in the streams, rivers, lakes, bays, estuaries, and wetlands of the state for the benefit of present and future generations of Californians.

(b) It is hereby declared to be the policy of the state that instream uses of water be given due consideration in the state's water rights permit and license system.

15201. Water may be appropriated for reasonable and beneficial instream uses, including, but not limited to, fishery and water-related wildlife uses and recreational, aesthetic, scientific, scenic, and water quality uses in the same manner as water is appropriated for other uses pursuant to Part 2 (commencing with Section 1200) of Division 2.

15202. The appropriation of water pursuant to this part does not require the diversion or any other form of physical control of the water appropriated. No change in place of use by an appropriator under Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 shall be allowed for any appropriation of water for instream use, nor shall the right to appropriate water for instream uses create in the appropriator any right to exclude others from any beneficial, reasonable instream use of that water which is consistent with and does not impair the use for which the water is appropriated.

15203. Whenever an applicant for a permit to appropriate water pursuant to Division 2 (commencing with Section 1200) proposes a project or proposes the appropriation of water which may have an adverse impact on instream uses, the board shall allow the appropriation only upon the condition that the permittee implement measures to offset those impacts. The board shall reserve jurisdiction with respect to the provisions of any condition included in a permit or a license subject to this section.

15204. The board may establish instream flow protection standards to implement this part, provided that no such standards shall impair vested water rights.

###### CHAPTER 2. STANISLAUS RIVER

15225. In order to prevent the waste, unreasonable use, or unreasonable method of diversion of water, as provided in Section 2 of Article X of the California Constitution, the impoundment of water behind New Melones Dam on the Stanislaus River, except as required for (1) satisfaction of vested rights, (2) releases to preserve and enhance fish and wildlife, (3) releases for water quality control purposes, (4) flood control purposes, and (5) generation of hydroelectric power only to the extent that the water is stored and released for one or more of the four purposes listed above, shall be prohibited until the project operator has entered into long-term water service contracts for specific municipal, industrial, or agricultural uses representing at least 75 percent of the firm yield of the New Melones Project, as determined by the board.

15226. No person, state agency, subdivision of the state, state-regulated agency, or entity organized under the laws of the State of California shall enter into any contract for the purchase and delivery of water from the New Melones Project unless the contract provides for the payment by the purchaser of the purchaser's proportionate share of both of the following:

(a) All operation, maintenance, and delivery costs for the New Melones Project and related conveyance facilities during the term of the contract; and

(b) The construction costs of the New Melones Project without subsidy from other facilities or other water users.

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## Argument in Favor of Proposition 13

**CALIFORNIA HAS A WATER PROBLEM.** It is a statewide problem and it requires a statewide solution.

Proposition 13 is a balanced and reasonable measure that will

- Help meet the critical water needs of southern California during the next 15 years, while
- Addressing the serious environmental concerns about the management of northern California water supplies.

**PROPOSITION 13 ESTABLISHES A STATEWIDE GOAL—TO END WASTEFUL AND INEFFICIENT USES OF WATER IN CALIFORNIA.** It requires communities and water districts throughout the state to draft and implement *their own local plans* to meet this goal.

- It provides *economic incentives for farmers and water agencies* to manage their water more efficiently.
- It creates *fair water pricing* by phasing out the use of property taxes as price subsidies for big water users.
- It provides *essential protection for California's under-*

*ground water supplies* which are being overpumped to a critical point in some parts of the state.

- It establishes a new and modern policy to *protect our remaining public rivers and streams* against being totally dammed and diverted for private use.

A "YES" vote on Proposition 13 will give us a new and balanced policy for the management of our water. **ITS PASSAGE IS ESSENTIAL TO PROTECT CALIFORNIANS FROM A SERIOUS WATER CRISIS.**

We urge a "YES" vote on Proposition 13.

**SCOTT E. FRANKLIN**

*Chairman, California Water Commission*

**JEANNE G. HARVEY**

*State Water Director,*

*League of Women Voters of California*

**A. ALAN POST**

*Former Legislative Analyst, State of California*

## Rebuttal to Argument in Favor of Proposition 13

Supporters of Proposition 13 are absolutely right about one thing: **CALIFORNIA DOES HAVE A WATER PROBLEM.**

**BUT their radical solution will surely make our problem WORSE!**

In fact, their proposal has *repeatedly* been rejected as "naive, unsound, and extremist" by the State Legislature, water experts, economists, and consumer groups.

More convincing reasons to VOTE NO on PROPOSITION 13 are found in the facts the *supporters don't tell you.*

**FACT—**A huge, *complex* STATE BUREAUCRACY will be created to *dictate* all water policy decisions.

**FACT—**Proposition 13 opens the door for *any* individual or extremist group to tie up the courts for *decades* on issues concerning needed water and energy projects.

**FACT—**The "protections and incentives" outlined by supporters are for the benefit of FISH *first*, people and food *last.*

**FACT—**Some local decisionmaking on water policy would be restricted—replaced by UNELECTED STATE BUREAUCRATS who want to *control your rights to use water.*

**FACT—**Proposition 13 *actually* PENALIZES URBAN WA-

TER USERS for conserving precious water resources.

Proposition 13 *is not* a balanced and reasonable measure, as supporters claim. Rather *it is* a RADICAL REVISION of water policy that virtually guarantees **IMMEDIATE WATER SHORTAGES, HIGHER WATER RATES, and BUREAUCRATIC CONTROL and DELAY** of water decisionmaking.

Certainly, refinements can be made to any law or policy. But each must be addressed on its own merits after considered, detailed study.

Lumping several radical proposals into one yes or no vote, however, is not a reasonable, rational, thoughtful way to cause change.

VOTE NO on PROPOSITION 13.

**JOHN THURMAN**

*Member of the Assembly, 27th District*

*Chairman, Assembly Committee on Agriculture*

**SHIRLEY CHILTON**

*President, California Chamber of Commerce*

**HENRY VOSS**

*President, California Farm Bureau Federation*

## Argument Against Proposition 13

Proposition 13 is the most ILL-CONCEIVED, COMPLEX, WASTEFUL, and ECONOMICALLY DEVASTATING measure ever proposed to California voters.

We know that's a pretty strong statement. But it's true.

It is a *radical revision* of our water laws. It places unprecedented control of *your* rights to use water in the hands of *appointed bureaucrats*. It is so COMPLEX that it virtually assures us taxpayers of lengthy and costly court battles. It RESTRICTS the full utilization of a 360-million-dollar dam that is already completed—ready to provide needed water and energy to Californians. And the HIDDEN COSTS to taxpayers and consumers are *enormous* because WATER RATES AND FOOD COSTS WILL SKYROCKET.

Farmers, businesspeople, taxpayer and consumer groups all agree, Proposition 13 is too COMPLEX, too WASTEFUL and establishes too much BUREAUCRATIC CONTROL over our water future.

Please consider these FACTS before you vote.

VERY SIMPLY, Proposition 13:

- WILL increase water rates *substantially*.
- WILL threaten the availability of water supplies to residential, industrial, and agricultural water users.
- WILL restrict the full use of the New Melones Dam.
- WILL dramatically worsen unemployment throughout *all segments* of California's economy.
- WILL give unprecedented authority and control to unelected bureaucrats to determine water policy.
- WILL restrict the ability of responsible *local agencies* to meet the water needs of the people they serve.
- WILL establish a water policy that puts a priority on fish and wildlife *ahead* of people and food.
- WILL encourage *costly* and *lengthy* court battles over water supplies.
- WILL *threaten* "lifeline" water rates for poor and elderly Californians.

At a time when all Californians are facing critical water

problems, we need to recognize the need for more water development. But, if Proposition 13 passes, California's available water resources will be *more scarce than ever before*. In FACT, this initiative *demand*s that the delivery of water be limited and curtailed until certain RESTRICTIVE, BUREAUCRATIC, and UNREALISTIC guidelines are met. AND THE WATER WE ARE ALLOWED TO GET will be *substantially more expensive*.

IMAGINE how food prices will skyrocket if water prices to farmers are increased 3 to 5 times! Economists and consumer experts agree that this is a certain result if Proposition 13 passes.

DOES IT MAKE SENSE TO YOU that supporters of this measure are asking us to greatly restrict the full power-generating potential of a *fully completed*, \$360 million dam when the need for more inexpensive sources of energy is so acute?

In summary, this radical water reform proposal would have a disastrous impact on all Californians. HIGHER WATER BILLS. MORE BUREAUCRACY. HIGHER FOOD PRICES. LESS WATER. LESS ENERGY. LESS ECONOMIC PROSPERITY. These are the *certain* results if Proposition 13 were to pass.

State water policy is at a critical crossroads since the defeat of Proposition 9 in the June primary. For our future we need to continue on a steady course of more careful study and expert evaluation.

That's why we must reject this radical and naive measure. We *strongly urge* you to VOTE NO on PROPOSITION 13.

JOHN THURMAN

*Member of the Assembly, 27th District  
Chairman, Assembly Committee on Agriculture*

SHIRLEY CHILTON

*President, California Chamber of Commerce*

HENRY VOSS

*President, California Farm Bureau Federation*

## Rebuttal to Argument Against Proposition 13

YOU ARE PAYING MORE PROPERTY TAXES so that big water users can continue to get more than \$60 million in water price subsidies every year. YOU ARE PAYING MORE FOR WATER IN YOUR HOME because lobbyists for the *Farm Bureau* and the *Chamber of Commerce* helped kill 24 proposed new laws that would have slashed water price subsidies and ended wasteful water practices.

YOU ARE PAYING MORE FOR FOOD because the cost to farmers for pumping underground water to irrigate their crops has been driven up more than 700 percent by reckless overpumping. In addition, poor water management has wiped out entire streams, damaged water quality in other streams, and reduced the number of salmon and other fish available for market by more than 60 percent.

**YOU CANNOT AFFORD TO DO NOTHING!**

PROPOSITION 13 WILL BEGIN TO PHASE OUT THE USE OF PROPERTY TAXES FOR WATER PRICE SUBSIDIES.

PROPOSITION 13 WILL FIGHT FOOD PRICE INCREASES by giving farmers the economic tools they need to

pump and use their water more efficiently.

PROPOSITION 13 WILL PROTECT OUR REMAINING STREAMS AND RIVERS so that our commercial and sports-fishing industries can be restored to good health.

PROPOSITION 13 WILL CREATE AND PROTECT JOBS by insuring that there is enough water to support our housing, construction, food processing, recreation, and tourist industries. It will encourage the construction of local water conservation and reclamation projects.

**YOU CANNOT AFFORD TO WAIT UNTIL THE NEXT WATER CRISIS!**

VOTE YES on PROPOSITION 13.

SCOTT E. FRANKLIN

*Chairman, California Water Commission*

JEANNE G. HARVEY

*State Water Director,  
League of Women Voters of California*

A. ALAN POST

*Former Legislative Analyst, State of California*

(c) All money deposited in the fund which has been derived from premium and accrued interest on bonds sold shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

66959. If the value of any land to be purchased by the agency has been substantially reduced by any statute, ordinance, rule, regulation, or other order adopted after January 1, 1980, by state or local government for the purpose of protecting water quality or other resources in the region, the agency may purchase the land for a price it determines would assure fairness to the landowner. In determining the price to be paid for the land, the agency may consider the price which the owner originally paid for the land, any special assessments paid by the landowner, and any other factors the agency determines should be considered to ensure that the landowner receives a fair and reasonable price for the land.

66960. All money deposited in the fund pursuant to any provision of law requiring repayments to the state for assistance financed by the proceeds of the bonds authorized by this title shall be available for transfer to the General Fund. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest on the bonds which has been paid from the General Fund.

66961. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this title, such an amount as will equal the following:

(a) That sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this title, as principal and interest become due and payable.

(b) That sum as is necessary to carry out the provisions of Section 66961, which sum is appropriated without regard to fiscal years.

66962. For the purpose of carrying out the provisions of this title, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the

purpose of carrying out this title. Any amounts withdrawn shall be deposited in the fund and shall be disbursed by the committee in accordance with this title. Any moneys made available to the committee pursuant to this section shall be returned by the committee to the General Fund, together with interest at the rate then payable on funds deposited in the Pooled Money Investment Fund, from moneys received from the sale of bonds pursuant to the provisions of this title.

66963. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the Treasurer.

66964. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, shall be available for the purpose provided in Section 66957 but shall not be available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as herein provided.

66965. All proposed appropriations for the programs specified in this title shall be included in a section in the Budget Bill for the 1983-84 and each succeeding fiscal year, for consideration by the Legislature. All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditures of state funds, unless expressly exempted from such laws by a statute enacted by the Legislature. No funds derived from the bonds authorized by this title may be expended pursuant to an appropriation not contained in such section of the Budget Act.

66966. The agency designated by the Tahoe Area Land Acquisition Commission, or if none is so designated, the California Tahoe Conservancy Agency, shall be deemed the "board" for purposes of Section 10722.

SEC. 2. Section 1 of this act shall become operative January 1, 1983, if the people at the General Election of 1982, or any special statewide election conducted prior to that election, adopt the Lake Tahoe Acquisitions Bond Act as set forth in Section 1 of this act.

### Proposition 11 Text: Continued from page 43

beverage containers as provided in this division; and no city or county, or other public agency, may adopt or enforce any ordinance, resolution, regulation, or rule relating to the refund value of beverage containers unless expressly authorized by this division.

#### CHAPTER 2. REFUND VALUE

14510. (a) Except as provided in subdivision (b), every beverage container sold or offered for sale, on and after March 1, 1984, in this state shall have a refund value established by the distributor of not less than five cents (\$0.05).

(b) The provisions of this section providing for a refund value shall not apply to any container which is sold and delivered to a railroad, sleeping car, or steamship company, or common carrier operating vessels, as defined in Section 238 of the Public Utilities Code, under a certificate of public convenience and necessity, or an air common carrier, for use and consumption on trains, vessels, or airplanes.

14511. On and after March 1, 1984, every beverage container sold or offered for sale in this state shall clearly indicate the refund value of the container established pursuant to Section 14510 by embossing or by a clear and prominent stamp, label, or other device securely affixed to the beverage container.

14512. Except as provided in Section 14513:

(a) A dealer shall not refuse to accept at the place of business of the dealer from any consumer an empty beverage container which is of the same kind, size, and brand sold by the dealer. The dealer shall not refuse to pay to such consumer the refund value which is embossed on, or on the device affixed to, such beverage container pursuant to Section 14511.

(b) A distributor shall not refuse to accept from any dealer any empty beverage container which is of the same kind, size, and brand sold by the distributor. The distributor shall not refuse to pay to such dealer a sum equal to the refund value which is embossed on, or on the device affixed to, such beverage container pursuant to Section 14511, plus a handling fee equal to 20 percent of such refund value.

(c) Any person may establish a redemption center, subject to appropriate state laws and local ordinances, at which location must be clearly posted the kinds, sizes and brands of containers accepted for refund.

(d) A distributor shall not refuse to accept from any redemption center,

other than a dealer, at the location of such center, a quantity in excess of 599 containers of the kinds, sizes, and brands sold by the distributor. The distributor shall not refuse to pay such redemption center, within ten working days, a sum equal to the refund values which are embossed on, or on the devices affixed to, such beverage containers pursuant to Section 14511, plus a handling fee equal to 20 percent of such refund values.

(e) A distributor shall not be required to pay a manufacturer a deposit on a non-refillable beverage container.

14513. (a) A dealer or redemption center may refuse to accept from any consumer, or a distributor may refuse to accept from a dealer or redemption center, any empty beverage container which does not state thereon a refund value of the beverage container as required by Sections 14510 and 14511 or which, if glass or plastic, is broken.

(b) A dealer may establish reasonable hours when a quantity of containers in excess of 48 will be accepted from any one consumer, and may then refuse to accept such quantities during other hours.

#### CHAPTER 3. VIOLATIONS

14525. Every person convicted of a violation of this division is guilty of an infraction punishable upon a first conviction by a fine not exceeding \$100 and for a second or subsequent conviction by a fine not exceeding \$250.

#### CHAPTER 4. OPERATIVE DATE

14535. This division shall apply to beverage containers sold or offered for sale in this state on or after March 1, 1984.

#### CHAPTER 5. AMENDMENT

14540. If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this division, and to this end, the provisions of this division are severable and independent.

14541. Amendments to this division may be made only by a two-thirds affirmative vote of each house of the Legislature, and may be made only to achieve the objectives of this division.

### Proposition 13 Analysis: Continued from page 30

In addition, this section would require that, as a condition of approving any municipal, agricultural, or power project which would result in an adverse impact on instream uses, the board must require the appropriator to offset those adverse impacts. Finally, the measure permits the board to establish standards for instream flow protection to implement its provisions.

• **New Melones Reservoir.** This section would restrict the amount of water that may be stored behind the Federal New Melones Dam on the Stanislaus River. With four specified exceptions, this section provides

that no water may be stored at New Melones until the Federal Bureau of Reclamation has entered into long-term contracts to sell at least 75 percent of the water supply made available by the project.

The measure also seeks to revise the congressionally authorized pricing of water from the New Melones Project. The current practice of the Federal Bureau of Reclamation is to pool the costs and revenues of the water and power from New Melones with the costs and revenues from all other facilities of the Federal Central Valley Project (CVP). This section would prohibit those entities subject to state law from entering into a

contract for purchase of water from New Melones unless the purchasers agree to pay their full share of (1) the construction costs of the New Melones Project, without benefit of subsidy from other CVP facilities or other water users, and (2) all operation, maintenance, and delivery costs involved in the New Melones Project and related conveyance facilities.

The measure would also require the State Water Resources Control Board, to the extent possible, to restrict storage of water in the New Melones Reservoir to the area downstream of Parrott's Ferry Bridge.

• **Groundwater Management.** This section would impose groundwater management on 11 groundwater basins where overpumping of water is critical: (a) Santa Cruz-Pajaro, (b) Cuyama Valley, (c) Ventura County, (d) Eastern San Joaquin, (e) Chowchilla, (f) Madera, (g) Kings, (h) Kaweah, (i) Tulare Lake, (j) Tule, and (k) Kern County. These areas are located primarily in the eastern and southern portions of the San Joaquin Valley.

Local entities in the specified areas would be required to establish local groundwater management authorities within one year of the passage of this measure. If any local entity subject to this requirement fails to establish a groundwater management authority within one year, the State Water Resources Control Board would be authorized to designate a public local entity or provide for the creation and designation of a joint powers groundwater management authority.

No later than two years after the board has designated a groundwater management authority, the authority would be required to adopt a groundwater management program which contains a detailed statement of objectives and a plan for achieving these objectives. When conditions such as long-term overdraft or poor water quality exist, the authority would be empowered to limit, control, or prohibit pumping of groundwater.

A groundwater management program could not be effective until it was approved by the State Water Resources Control Board after public notice and an opportunity for public hearing had been given. In addition, this section would prohibit the board from approving any application to appropriate water for an interbasin transfer to any of the specified basins until the board had approved a groundwater management program covering the basin. Furthermore, commencing one year after the effective date of this measure and until the approval of a groundwater management program for a given basin, only land within the basin that has been irrigated during at least one of the preceding three years could be irrigated.

• **Miscellaneous Provisions.** Under the measure ev-

ery public entity in California would be required to implement the measure's policies and provisions to the fullest extent possible. In addition, the measure would provide that any person may challenge a final State Water Resources Control Board action, but must do so within 60 days after the action. The measure also would allow the board, any private individual, or the Attorney General to enforce various portions of its provisions by court actions.

The authority of the Legislature to amend the measure would be limited.

#### **Fiscal Effect:**

The State Water Resources Control Board estimates that it would incur a cost of \$1.48 million annually (1982 prices) for six years to carry out its new responsibilities related to water conservation, instream protection, the New Melones Reservoir and groundwater management. Both the Departments of Fish and Game and Water Resources maintain that they would not incur any significant increased costs, because they are now operating in a manner that is relatively consistent with the measure.

Under this measure both the state and local governments would incur short-term planning and administrative costs and long-term implementation costs. These costs would be most significant in those areas of the state specifically targeted by the measure. The extent of these costs would depend on the specific decisions made by government entities, prospective diverters of water, and individual water users.

Certain provisions of this measure, particularly those affecting groundwater rights and modification of federal operations at New Melones, raise legal questions that are likely to result in lawsuits testing the legality of the measure and its implementation. The Attorney General's office would incur unknown costs, depending on the extent of litigation, to validate and enforce provisions of the measure. Because the outcome of such litigation could have a considerable effect on the fiscal impact of this measure, the measure's overall fiscal effect on the state and local governments cannot be determined.

If the measure defers the filling of the New Melones Reservoir, it is likely to result in an unknown loss of power revenues to the Central Valley Project and its local water and power service contractors.

The water conservation and improved groundwater management features of the measure could result in long-term savings to the state and affected local agencies by reducing the costs incurred to add new water supplies and pump water.

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#### **Proposition 13 Text: Continued from page 51**

*15227. For the purposes of Section 15226, "cost" means the cost as allocated to water supply elements of the New Melones Project when the Water and Power Resources Service (now the Bureau of Reclamation) of the United States Department of Interior assumed responsibility for the project from the United States Army Corps of Engineers on November 20, 1979.*

*15228. Any person, state agency, subdivision of the state, state-regulated agency, or entity organized under the laws of the State of California entering into an agreement for the purchase and delivery of water from the New Melones Dam Project shall condition its agreement to provide that the agreement shall not be in full force and effect until long-term water service contracts are signed representing 75 percent of the firm yield of the New Melones Project.*

*15229. In complying with the terms of this chapter, the board shall, to the extent possible, restrict storage of water in the New Melones Reservoir to the area downstream of Parrott's Ferry Bridge, 808 feet above mean sea level.*

#### **PART 4. GROUNDWATER RESOURCES CONSERVATION**

##### **CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY**

*15300. The people of the State of California find and declare all of the following:*

*(a) Conditions of critical groundwater overdraft currently exist in several*

areas of the state, adversely affecting water resources throughout the entire state.

(b) Local groundwater resources shall be managed to avoid conditions of long-term overdraft, land subsidence, water quality degradation, and other significant environmental harm.

(c) Local economies shall be built and sustained on reliable, long-term water supplies and not upon long-term overdraft as a source of water supply.

15301. The people, however, recognize that, in certain areas, long-term overdraft cannot immediately be eliminated without causing severe economic loss and hardship. In those areas, the groundwater management programs provided for in this part shall include all reasonable measures, consistent with the policies and provisions of this division, to prevent a further increase in the amount of long-term overdraft and to accomplish continuing reduction in long-term overdraft.

## CHAPTER 2. DEFINITIONS

15310. As used in this part:

(a) "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water. Groundwater does not include water subject to the existing permit and license system administered by the board.

(b) "Local entity" means any city, city and county, or county. Local entity also means any public utility, mutual water company, or general or special district or agency, provided it is authorized to acquire, develop, replenish, or otherwise manage or regulate water supplies. Any member entity of a district, agency, or authority, including a joint powers authority, shall also be considered a local entity for the purposes of this part.

(c) "Long-term overdraft" means the condition of a groundwater basin in which the average annual amount of water extracted for a period of five years or more exceeds the average annual supply of water for that period to the basin, plus any temporary surplus.

## CHAPTER 3. CRITICAL GROUNDWATER OVERDRAFT AREAS

15320. The following groundwater basins identified in Department of Water Resources Bulletin 118-80 are hereby declared to be critical groundwater overdraft areas and shall establish groundwater management authorities and otherwise comply with the provisions of this part: (a) Santa Cruz-Pajaro Basin; (b) Cuyama Valley Basin; (c) Ventura County Basin; (d) Eastern San Joaquin County Basin; (e) Chowchilla Basin; (f) Madera Basin; (g) Kings Basin; (h) Kaweah Basin; (i) Tulare Lake Basin; (j) Tule Basin; and (k) Kern County Basin.

## CHAPTER 4. GROUNDWATER MANAGEMENT AUTHORITIES

15330. Within one year after the effective date of this division, the local entities within a critical groundwater overdraft area designated in Section 15320 shall identify a responsible authority to carry out the groundwater management requirements of this part and shall transmit their nomination to the board. The board shall designate the authority nominated by the local entities as the groundwater management authority for the area unless an objection is filed with the board by a local entity in the area within 60 days after the transmittal of the nomination to the board.

15331. In making their nomination pursuant to Section 15330, the local entities in a critical groundwater overdraft area shall nominate one of the following from their area, as the responsible groundwater management authority for their area: (a) a local entity which is a public agency; (b) a joint powers authority organized under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code; or (c) a groundwater management district organized pursuant to law, if and when such a law is enacted.

15332. If, one year after the effective date of this division, the local entities within a designated critical groundwater overdraft area have not nominated a responsible authority as provided for in Section 15330 and 15331, or an objection to the nomination has been properly filed with the board, the board shall, after notice and opportunity for hearing, expeditiously determine whether any existing public local entity can effectively serve as the groundwater management authority for the area. Where the determination is made in the affirmative, the board shall designate a public local entity as the groundwater management authority for the area.

15333. If, pursuant to Section 15332, the board determines that no existing public local entity can effectively serve as the groundwater management authority, the board shall provide notice of the determination to all local entities within the area. Upon receipt of the notice, the local entities within the area shall, within 180 days, create a joint powers authority for the purposes of meeting the groundwater management requirements of this part, which authority shall be designated by the board.

15334. Any groundwater management authority designated by the board pursuant to this part may exercise, as appropriate, any of the powers set forth in (a) the Orange County Water District Act (Chapter 924, Statutes of 1933 as amended on or before the effective date of this division), (b) the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980), or (c) future legislation authorizing additional powers for groundwater management authorities. In addition, any such authority shall have the power to limit, control, or prohibit extraction of groundwater within the groundwater management area to respond to conditions of long-term overdraft, subsidence, water quality degrada-

tion, significant environmental harm, well interference, or the threat of any of those conditions.

## CHAPTER 5. LOCAL GROUNDWATER MANAGEMENT PROGRAMS

15340. Not later than two years after a groundwater management authority is designated, the authority shall adopt a groundwater management program for the area.

15341. (a) Each groundwater management program shall include a detailed statement of groundwater management objectives. These objectives shall include, but shall not be limited to, all of the following:

(1) Reduction of water demand by means of water conservation, waste water reclamation, and other means;

(2) Preservation and improvement of water quality by means of soil and drainage management;

(3) Effective use of the storage capacity of the groundwater basins; and

(4) Maintenance of groundwater supplies to provide water for wetlands.

(b) Groundwater management objectives shall be consistent with the policies and provisions set forth in this division.

15342. Each groundwater management program shall include a plan of implementation for achieving the groundwater management objectives stated. The plan of implementation shall describe the actions necessary to achieve the groundwater management objectives stated and set a time schedule for each action to be taken.

15343. Groundwater management programs shall be reviewed periodically and may be revised. Any revision of a groundwater management program shall be subject to all the requirements for the adoption of an initial groundwater management program.

15344. A groundwater management program or a revision of a program shall not become effective unless and until, after notice and opportunity for hearing, it is approved by the board.

15345. The board shall act upon any groundwater management program or revision within one year after its submission to the board.

15346. The board shall approve a groundwater management program or revision where it finds that the groundwater management objectives and implementation plans stated in the program are consistent with the policies and provisions of this division, and that the implementation plan will be adequate to achieve the groundwater management objectives stated in the program.

## CHAPTER 6. PROGRAM IMPLEMENTATION

15350. One year after the effective date of this division no land within any critical groundwater overdraft area shall be irrigated unless the land has been irrigated for at least one growing season in the immediately preceding three calendar years.

15351. The restriction in Section 15350 shall remain in force in any critical groundwater overdraft area until the board has approved the program pursuant to Section 15345. Upon application, the board may grant individual exemptions to the requirements of Section 15350 where the board finds that the development would not result in the net increase of water use within the critical groundwater overdraft area and would otherwise be consistent with Section 2 of Article X of the California Constitution.

15352. The board shall not approve any application to appropriate water for an interbasin transfer to any critical groundwater overdraft basin until the board has approved the management and implementation programs for the area pursuant to the requirements and provisions of Section 15346.

## CHAPTER 7. EFFECT ON LOCAL ENTITIES

15360. Nothing in this part shall be construed to preempt or otherwise interfere with any existing authority of local public entities to manage, regulate, or otherwise provide for groundwater or the extraction of groundwater in areas which are not designated as critical groundwater overdraft areas by Section 15320.

## CHAPTER 8. EXEMPTION FOR SMALL GROUNDWATER FACILITIES

15370. Any well which produces less than 75 gallons of water per minute shall be exempt from any requirement imposed by this part or as a result of the requirements of this part.

## PART 5. MISCELLANEOUS PROVISIONS

15400. Notwithstanding any provisions of law to the contrary, every affected public entity in California shall, to the fullest extent possible, implement the policies and the provisions of this division.

15401. The board shall adopt regulations and take all appropriate actions before executive, legislative, or judicial agencies to enforce the policies and provisions of this division. Any person may petition the board to enforce the provisions of this division, pursuant to procedures adopted by the board.

15402. (a) Any person may, within 60 days after final action by the board, file a petition for writ of mandate in the Superior Court in and for the County of Sacramento regarding the validity of any administrative action of the board in carrying out the provisions and policies of the division. Failure to file the