



**AB 647 – Groundwater Recharge: Beneficial Use**

**SUMMARY**

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This bill specifies that water diverted to underground storage shall be considered a beneficial use if the water is used for the purpose of addressing an identified threat of saline water intrusion or other contamination, or for preventing or remediating significant and unreasonable land subsidence. Also prevents forfeiture of a water right from keeping the water underground longer than five years.

**BACKGROUND**

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Groundwater is a part of a diversified water supply in California. Groundwater storage is an alternative or augmentation to surface storage and serves as a buffer that agriculture and urban users can tap into for use of water during prolonged dry periods. The current drought, as well as decades of chronic overuse of groundwater, is depleting these levels across the state.

Groundwater recharge refers to rainfall and water flowing over the earth that infiltrates below the land surface into aquifers. An aquifer can be recharged naturally or artificially, and is critical to managing groundwater sustainably and preventing groundwater aquifers from being permanently damaged by overdrafting. Overdrafting reduces water supply, increases pumping costs, and may lead to high costs of replacing or deepening a well, which disproportionately affects rural landowners and small-scale farmers. A permanent consequence is land subsidence, which is mostly irreversible. If the clay layers are drained, the land’s elevation falls and will not rise even when groundwater levels are restored, leading to reduced capacity to hold water in addition to other negative impacts.

Recharging aquifers helps prevent damage from overdraft and can also protect water

quality, such as serving as a barrier to saline water intrusion and other contaminants. Some of the beneficial uses defined in current regulations include recreational use, domestic use, irrigation, power generation, and municipal and industrial use, but prevention of salinity intrusion and subsidence are not included.

A person has a right to the amount of water they can apply to beneficial use, not the amount of water they can divert from streams and other flowing water. This measure of a water right is important in preventing a party from diverting more water than they can actually use. Storage is a method of diversion, allowing a person to divert now for use later, but it is not considered a beneficial use. In current law, if a person does not extract the stored water within five years, he loses the right to that water.

**THIS BILL**

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This bill recognizes the need to recharge aquifers for reasons other than the plan to withdraw it later. It clarifies that a beneficial use of water can occur while underground if it is used to prevent saline water intrusion or land subsidence. Therefore, this bill also protects a party from forfeiting a right to water for keeping it in an aquifer longer than five years.

**SUPPORT**

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Stockton East Water District  
San Joaquin County  
Northern California Water Association  
Contra Costa County

**STAFF CONTACT**

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