

**SOQUEL/APTOS GROUNDWATER MANAGEMENT PLAN  
BASIN IMPLEMENTATION GROUP (BIG)**



**SPECIAL MEETING**

**Thursday, August 14, 2014, 6:00 p.m.**

**Soquel Creek Water District Board Room  
5180 Soquel Dr., Soquel, CA**



**SOQUEL CREEK  
WATER DISTRICT**

**AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
  - Bruce Jaffe, Soquel Creek Water District
  - Don Hoernschemeyer, Soquel Creek Water District
  - Carol Monkerud, Central Water District
  - Bob Postle, Central Water District
  - Bill Wigginton, Seascape Greens HOA Well
- 3. APPROVAL OF MINUTES**
  - 3.1 Minutes of 6/24/14 Meeting
  - 3.2 Minutes of 11/12/13 Meeting (held over from 6/24/14)
- 4. ORAL COMMUNICATIONS**
- 5. ADMINISTRATIVE BUSINESS**
  - 5.1 Consider Scope of Work from HydroMetrics WRI to Prepare a Basin Groundwater Model
- 6. INFORMATION ITEMS**
  - Staff Reports - Oral
- 7. ADJOURNMENT**

**DRAFT**  
**SOQUEL/APTOS GROUNDWATER MANAGEMENT PLAN**  
**BASIN IMPLEMENTATION GROUP (BIG)**  
**MEETING MINUTES**  
**June 24, 2014**

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**1. CALL TO ORDER**

Bruce Jaffe, Soquel Creek Water District called the meeting to order at 7:00 p.m.

**2. ROLL CALL**

**Committee Members Present:**

Bruce Jaffe, Soquel Creek Water District  
Don Hoernschemeyer, Soquel Creek Water District  
John Benich, Central Water District  
Bob Postle, Central Water District  
Bill Wigginton, Seascape Greens Homeowners Association

**Committee Members Absent:**

Carol Monkerud, Central Water District Board

**Others Present:**

Kim Adamson, General Manager, Soquel Creek Water District  
Ralph Bracamonte, General Manager, Central Water District  
John Ricker, Santa Cruz County Water Resources Division Director  
Martin Mills, PureSource Water (Private Well Representative)  
Melanie Schumacher, Special Projects Engineer, Soquel Creek Water District  
Cameron Tana, HydroMetrics, WRI  
Karen Reese, Executive Assistant/Board Clerk, Soquel Creek Water District

2 members of the public

**3. APPROVAL OF MINUTES**

**3.1.1 November 12, 2013 Regular Meeting**

Minor corrections were made. Minutes could not be approved for this meeting as those present at the 11/12/13 meeting were not present tonight to vote. The minutes will be brought back to a subsequent meeting.

**3.1.2 February 10, 2014 Special Meeting**

Two minor corrections were made.

MOTION: Don Hoernschemeyer; Second; Bill Wigginton: To approve the minutes of February 10, 2014 with corrections. Motion passed.
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**4. ORAL COMMUNICATIONS**

None

**5. ADMINISTRATIVE BUSINESS**

**5.1** Accept the Soquel-Aptos Area Groundwater Management Annual Review and Report for Water Year 2013

## DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
June 24, 2014  
Page 2 of 4

Cameron Tana, HydroMetrics, WRI presented the Annual Review and Report for Water Year 2013. (**Attached to these minutes as Exhibit A**) and answered questions from the group and the public

MOTION: Bob Postle; Second; Don Hoernschemeyer: To accept the Annual Review and Report for Water Year 2013. Motion passed.

### 5.2 Review and Approve Partnership with RCD for Private Well User Water Conservation Pilot Program

Ms. Schumacher reviewed the purpose of the Resource Conservation District's water conservation pilot program as outlined in the staff memo. Eight private wells would be studied. If the BIG chooses to participate, payments to the RCD for services shall be as prescribed in the First Amendment to the Joint Powers Agreement. The estimated cost for SqCWD is \$1,058 and \$62 for CWD.

MOTION: Bob Postle; Second; Bruce Jaffe: To approve that BIG co-sponsor and partner with the Resource Conservation District in the Private Well User Water Conservation Pilot Program and fund the requested BIG contributions. Motion passed.

### 5.3 Direction to Staff Regarding 2014 Grand Jury report, *Desalination and Alternatives – Water for a Thirsty County*

Ms. Adamson distributed a draft response to the Grand Jury and took direction from the committee for changes. The final response is **attached to these minutes as Exhibit B**.

MOTION: Bill Wigginton; Second; Don Hoernschemeyer: To direct Ms. Adamson to finalize the response and send to the Grand Jury. Motion passed.

### 5.4 Consider Changing the Name of the Basin Implementation Group

Ms. Schumacher reviewed the staff memo with regard to consideration of changing the name of the BIG. With the increase in public awareness of mid-county water issues and more visible partnership efforts being conducted under the BIG (such as Groundwater Stakeholder Advisory Committee), staff proposes the BIG committee discuss changing the name of the Basin Implementation Group. If other agencies that have been invited vote to join (City of Santa Cruz, County of Santa Cruz, Pajaro) the name could be changed as part of the third amendment to the JPA.

## **DRAFT**

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
June 24, 2014  
Page 3 of 4

Several options for a new name were presented. Having “Mid County” in the name was agreeable and staff will come back with more information to the next meeting.

- 5.5 Direction to Staff Regarding the Joint Exercise of Powers Agreement (JPA) Between Central Water District (CWD) and Soquel Creek Water District (SqCWD) Regarding the Addition of Pajaro Valley Water Management Agency

Ms. Adamson reviewed the staff memo with regard to inviting Pajaro Valley Water Management Agency to participate in the BIG as there is some overlap in the basin. Their use is similar to Central Water District and the City of Santa Cruz. Whether they participate as a financial member or not was discussed.

MOTION: Bruce Jaffe; Second; Don Hoernschemeyer: To invite Pajaro Valley Water Management Agency to become a member of the BIG. Motion passed.

- 5.6 Tentatively Set the Schedule and Agenda for the Next Basin Implementation Group Meeting

Discussion was held with regard to meeting more frequently. It was agreed to meet on a quarterly basis with the next meeting set for September 23, 2014.

- 5.7 Election of Chair and Vice Chair

MOTION: Don Hoernschemeyer; Second; Bill Wigginton: To elect Bruce Jaffe as Chair and Bob Postal as Vice Chair. Motion passed.

## **6. INFORMATION ITEMS**

- 6.1 Declaration of Groundwater Emergency and Stage 3 Water Shortage Emergency by Soquel Creek Water District

Ms. Schumacher reviewed the two resolutions passed by Soquel Creek Water District in response to the 3<sup>rd</sup> year of drought.

- 6.2 Oral staff reports

### Soquel Creek Water District

Ms. Adamson reported the City of Santa Cruz and the County of Santa Cruz will be presenting the invitation to join the BIG to their respective

## **DRAFT**

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
June 24, 2014  
Page 4 of 4

Boards/Council. She reviewed two bills (SB1168 and AB1739) that pertain to groundwater management. They would require that private wells be registered and metered and that pumping volumes be reported. If a local groundwater management agency (such as the BIG) doesn't meet the requirements, the State would have the authority to step in. California water rights and how that would affect the bills are being reviewed.

### Central Water District

Mr. Bracamonte reported on the ACWA conference he attended earlier this year and the large turnout for the session on groundwater. He reported that the stakeholder meeting that was held in May was very well attended with around 80 members of the public. Additional meetings are scheduled. The public comments were positive and they were appreciative of the opportunity to voice their concerns.

## **7. ADJOURNMENT**

Being no further business, the meeting was adjourned at 9:26 p.m.

Submitted by,

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Kim Adamson, General Manager  
Soquel Creek Water District

**DRAFT**  
**SOQUEL/APTOS GROUNDWATER MANAGEMENT PLAN**  
**BASIN IMPLEMENTATION GROUP (BIG)**  
**MEETING MINUTES**  
**November 12, 2013**

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1. **CALL TO ORDER**

Tom LaHue, Soquel Creek Water District called the meeting to order at 7:00 p.m.

2. **ROLL CALL**

**Committee Members Present:**

Tom LaHue, Soquel Creek Water District Board President  
Don Hoernschemeyer, Soquel Creek Water District Board Member  
Carol Monkerud, Central Water District Board Member  
Bill Wigginton, Seascape Greens Homeowners Association

**Committee Members Absent:**

Bruce Jaffe, Soquel Creek Water District  
Christy Leach Marani, Central Water District

**Others Present:**

Kim Adamson, General Manager, Soquel Creek Water District  
Taj Dufour, Engineering Manager/Chief Engineer, Soquel Creek Water District  
John Benich, Central Water District Board Member  
Ralph Bracamonte, General Manager, Central Water District  
Cameron Tana, HydroMetrics, WRI  
John Ricker, Santa Cruz County Water Resources Division Director  
Martin Mills, PureSource Water (Private Well Representative)  
Melanie Schumacher, Special Projects Engineer, Soquel Creek Water District  
Karen Reese, Executive Assistant/Board Clerk, Soquel Creek Water District

3 members of the public

3. **APPROVAL OF MINUTES**

3.1 Approve minutes of May 14, 2013

Bill Wigginton made a correction on Page 3 of 5, second paragraph. It should read *“Committee member Bill Wigginton reported the production from the Seascape Greens irrigation well has recently decreased and he agreed to look into getting this data.”*

MOTION: Don Hoernschemeyer; Second: Bill Wigginton: To approve the minutes of May 14, 2013 with the correction noted above. The motion was unanimously approved.
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4. **ORAL COMMUNICATIONS – None**

5. **ADMINISTRATIVE BUSINESS**

# DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 2 of 9

- 5.1 Review Updates to Groundwater Management Plan from HydroMetrics, WRI Cameron Tana, HydroMetrics, WRI was present and reviewed the changes to the Groundwater Management Plan which was last updated in 2007 from the 1996 plan. The recommendation in the plan is to review it every 5 years and update it as necessary every 5 years. Changes were recommended related to the groundwater condition section and the basin management objectives section.

Summary of changes discussed:

- Title page: Remove year in name of the document. Updates will be indicated in the date approved or date updated area of the document.
- The Board of Director names were updated for Soquel Creek Water District and Central Water District. The Board Clerk's name was updated for Soquel Creek Water District.
- The committee membership for the Basin Implementation Group was updated.
- Service Area and Topography
  - Population and service connections were updated
- Climate and Rainfall
  - The water year is October 1 – September 30 (winter water)
  - Estimated recharge for the whole area has been translated related to rainfall at specific stations to make it easier for the districts to evaluate.
  - New graphics have replaced old graphics to be consistent with time spans covered.
- Clarification was made that Greenbelt Water should be PureSource Water
- Soquel-Aptos Area Groundwater Basin Management Area Boundaries were updated
  - Mr. Tana explained that the hatched areas west of SC-1 in Figure 3-7b represents an area of the Purisima area where recharge from this area is not included in the water balance calculations.
- Local Recharge Areas added to meet AB 359 requirements
  - Mr. Ricker noted that Rodeo Gulch was not shown in Figure 3-12b.
- Discussion related to pumping by water agencies and how they relate to new estimates for sustainable yield focusing on the fact that groundwater levels are below protective elevations and for the basin to recover to protective elevations pumping needs to be decreased. Once recovery occurs the Groundwater Management Plan should be updated again.

# DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 3 of 9

- On Page 6, 3<sup>rd</sup> paragraph change the pumping season for City of Santa Cruz to read April through November.
- Groundwater quality was updated to include new standards. The MCL for chromium 6 will possibly be coming out in January and at this time there is no adjustment time for districts.
- Seawater intrusion was addressed with a new figure comparing current to previous protective levels.
- Update on anthropogenic contamination in the basin is included

Basin management goals and objectives were reviewed

- Goal 1 - Ensure Water Supply Reliability
  - Pumping Within the Sustainable Yield
  - Developing Alternative Water Supplies
    - Page 81, last sentence should be ***“groundwater pumping”*** not groundwater supplies
    - In discussion of additional supplemental supply options, add ***“include but are not limited to”*** before the bulleted list on page 83
  - Manage Groundwater Storage For Future Beneficial Uses And Drought Reserve
    - Page 84, 2<sup>nd</sup> paragraph needs to be clarified as to SqCWD not raising groundwater levels above protective elevations. It should indicate they don't want the seawater intrusion to get worse, but they are not trying to get enough water to push it further offshore.
    - Ms. Adamson talked with the group about a Stanford University project measuring the seawater/freshwater interface with electrical resistivity. The measurements have been done and the data should be available in early 2014. Ms. Adamson talked about the possibility of having this done a couple of years in a row to get a rate of change which would be valuable.
- Goal 2 – Maintain Adequate Water Quality
  - Meet Existing Water Quality Standards Such As Drinking Water Standards
  - Maintain Groundwater Levels to Prevent Seawater Intrusion
    - Add some narrative to discuss protective elevations will be managed adaptively depending on what happens in the future.
  - Prevent and Monitor Contaminant Pathways
- Goal 3 – Prevent Environmental Impacts

## DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 4 of 9

- Maintaining or Enhance the Quality of Groundwater Recharge by Participating in Land Use Planning Processes.
  - Updated with current County policy
  - Continuation of discussion of the recharge map and clarification of about how additional evaluation would be needed before recharge projects are sited.
  - Discussion of Page 91, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> bulleted item regarding vegetation. Just because an area is open space does not mean it's a good recharge area. Add the primary groundwater recharge map that has been adopted by the County Board of Supervisors (Page 25 of the 2007 adopted GMP) in the Objectives Section since this map is used for land use planning. Change the title of the map to ***Primary Groundwater Recharge Area***.
- Avoiding Alteration of Stream Flows That Would Adversely Impact the Survival of Populations of Aquatic and Riparian Organisms
  - So far there have been no impacts seen from District pumping on Soquel Creek; however nearby shallow wells continue to show groundwater levels below the stream bottom.
- Protect The Structure and Hydraulic Characteristics of the Basin by Avoiding Withdrawals That Cause Subsidence
  - There were no updates to this section

In conclusion, Mr. Tana noted these are the updates proposed for the Groundwater Management Plan.

**Recommendation:** Forward the final draft of the Groundwater Management Plan to the individual boards for approval with the recommended changes

**Public Comments:**

Jerry Paul asked about moving water between Santa Cruz and Soquel in a drought situation. President LaHue noted this is not related to the Groundwater Management Plan and not appropriate for discussion at this time.

Adele Gardner asked about seawater intrusion and if a timeline of when the water would be ruined has been determined that can be shared with the public.

# DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 5 of 9

President LaHue noted that the studies being done by Stanford may help to determine where the interface is between fresh water and seawater. Mr. Tana noted it is known that the water levels in the Purisima have been too low for a long time and that would bring in the seawater over time. It is not known how fast it is coming in. Seawater intrusion has been identified in 2 of the Beltz monitoring wells. Mr. Tana noted it's been estimated to be a number of years once the seawater is found in the monitoring wells to reach the production wells.

Mr. Paul asked if water were provided from Santa Cruz to Soquel, exactly 1 year later how much would be left in the Purisima. For example, if you have 100 gallons, how much could you expect to have available to return in 1 year.

Mr. Tana replied that groundwater is very slow, so after 1 year he thinks it would basically all still be there. They haven't looked at this specific question; the tools aren't there to measure this. Generally with the slow rate of flow it should be all there. Even if it's not all there it's doing something to raise protective levels against seawater intrusion. Even if it flows offshore, it's still beneficial to the basin as its pushing back seawater.

## 5.2 Soquel-Aptos Area Groundwater Management Annual Review and Report Water Year 2013– Approve Scope of Work and Budget

Ms. Adamson reviewed that the cost of the work is split between Soquel Creek Water District (89%) and Central Water District (11%) for a total of \$55,000.00.

Mr. Tana noted they would be revising previous years' contour maps because the districts wells have been re-surveyed in the last year. Maps from 2012 to present would be updated.

MOTION: Tom LaHue; Second: Don Hoernschemeyer: To approve the Scope of Work and Budget for the 2013 Annual Review and Report to be prepared by Hydrometrics, WRI. Motion was unanimously approved.
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## 5.3 Proposed Draft Second Amendment to the Joint Exercise of Powers Agreement (JPA) Between Central Water District and Soquel Creek Water District Regarding the Term for the 5<sup>th</sup> Committee Member Serving on the Basin Implementation Group

Mr. Dufour noted this item has been reviewed in the past and is now being brought forward with the final wording that the 5<sup>th</sup> committee member would

# DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 6 of 9

serve a 2 year term and a change in the resolution for the board clerk of Central Water District.

MOTION: Carol Monkerud; Second: Tom LaHue: To approve Proposed Draft Second Amendment to the JPA with regard to the 5<sup>th</sup> Committee Member Serving on the BIG and take the resolution to the individual boards. Motion was unanimously approved.

## 5.4 Continued Discussion Re: Forming a Groundwater Replenishment District

Ms. Adamson spoke about forming a groundwater replenishment district through a Joint Powers Authority. A groundwater replenishment district has powers to be able to do a lot of different things to try and recharge the basin and also allows the replenishment district to spread the cost of doing that to everybody who is pumping out of the basin. There has been discussion of boundaries, who should be included, who shouldn't be included. There have been some private citizens who have been talking about forming a replenishment district by petition. This would be a stand-alone entity, not tied to any district. It would have its own independently elected board within the boundaries of that replenishment district. The comments that SqCWD have been hearing from their customers is that the costs are not being shared fairly within the basin. There are customers who say they have enough voters within their district that they can start a petition to form their own replenishment district and everyone else will be forced into it.

Ms. Adamson, Mr. Bracamonte and Mr. Ricker have been talking about forming a private well owners stakeholder's group to bring people together to try to work on establishing a shared problem, and look at multiple options one of them would be establishing a replenishment district. This could be done through a JPA, still have some say over how it's set up, it would still be under the control of the County and the two districts. It's important to have the customers be part of a cooperative effort. This could be a 12-18 month process to get through the stakeholder group; there is a fairly large group of private well owners (20-25).

Mr. LaHue pointed out that educating the customers is an important factor.

Ms. Adamson noted it's important that the group is aware that there is a strong push right now from private citizens to see the districts to do something or they will do it themselves.

Mr. Bracamonte noted it's important that there is complete transparency and have customers be part of the solution. Central Water District in the past

## DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 7 of 9

has not been in favor of a replenishment district but losing complete control is not an option. He is in favor of the formation of a stakeholder's group and thanked Mr. Ricker for being willing to help out with this group.

Mr. Ricker asked what areas this would encompass. In the original discussion it was within the district's service areas. If you are going to be levying service charges there needs to be an engineering report on how the pumpers would benefit from the district or how they impact the problem. It would be more management to use the service area. If you go anywhere outside the service area, the County has to be a part of it per the water code. This would involve the County Flood Control District. 85% of the pumping in the urban portions of the Purisima is by the District and the City of Santa Cruz. The whole Purisima is 38% non-municipal pumping. The City of Santa Cruz would need to be brought in to pick up the Beltz wells areas. There are some gaps on the coast where agriculture pumping occurs. The County could also go up Cherryvale Area.

Mr. Wigginton said this process sounds very complicated. He noted he's the manager of a geologic hazard abatement district which is a state agency. He explained it needs a forming body such as the County that could prevent, control and mitigate a geologic hazard such as seawater intrusion. It requires that a map be prepared, and then the forming body has to get a petition that is based on assessed values of land. Once it's formed there is a levy of an assessment and goes on the tax rolls. There is no EIR or LAFCO needed. He offered this idea as a possible option. This would not be a local district but a state agency.

Ms. Adamson said she would check into how this would function and the legalities of this process and had questions of if this was tied to water use. Ms. Adamson thinks it's important from the district's point of view that the private well owners be part of an inclusive stakeholders group in a cooperative way rather than being forced into a tax or fee for their pumping. It's important not to set up the process for failure. Ms. Adamson asked if legislation would be required for this type of agency.

Mr. Wigginton stated it does not.

Ms. Adamson spoke to what might be a part of the stakeholder's group which would include some of the larger pumpers and there was also a conversation about trying to bring in the farm bureau and winegrower's associations. Not that they may even be part of any future replenishment district, but they are a large group and having them have a place at the table could be very important because they could be included in the future.

# DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 8 of 9

Mr. Ricker noted the next step would be for him to present the concept to the Board of Supervisors in January. The process of being open, transparent and incremental has everything going for it.

Ms. Adamson thanked Mr. Ricker for assisting in this effort.

## 5.5 Tentatively Set the Schedule and Agenda for the Next Basin Implementation Group Meeting (no staff report)

The next Basin Implementation Group meeting was set for Tuesday, May 13, 2014 at 7:00 p.m.

## 6. INFORMATION ITEMS

### 6.1 Oral Reports from the Soquel Creek and Central Water District General Managers on Items of Interest to the BIG

Mr. Bracamonte reported that Hydrometrics is finishing up their technical report. Central Water District is looking at moving their production from Aromas to the Purisima due to iron and manganese issues so they are looking at building a treatment plant. Due to the chromium 6 level in wells 4 and 10 it's critical that they have a secondary source of water.

Ms. Adamson reported that SqCWD is in a process of evaluating back up plans should the supplemental supply project with Santa Cruz not go forward or take too long. Water transfer, recycled water, district only desal, replenishment districts, and mandatory rationing/moratorium are being explored. Chromium 6 treatment options are being looked at. A proposal for using a skid treatment plant was reviewed. The District is in the process of selecting consultants to do a peer review of the Hydrometrics reports, and will be followed by a technical advisory group looking at both the peer review and the original reports.

Mr. Dufour reported the District is out to bid on the 2<sup>nd</sup> of 5 well master plan wells (O'Neill Ranch Well and Treatment Center) and hopes to begin construction early 2014.

## 7. ADJOURNMENT

Being no further business, the meeting was adjourned at 8:50 p.m.

# DRAFT

Soquel/Aptos Groundwater Management Plan  
Basin Implementation Group (BIG)  
November 12, 2013  
Page 9 of 9

Submitted by,

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Kim Adamson, General Manager  
Soquel Creek Water District

August 14, 2014

## MEMO TO THE BASIN IMPLEMENTATION GROUP

Subject: Agenda Item No. 5.1

Consider Scope of Work from  
Hydrometrics WRI to Prepare a Basin  
Groundwater Model

- Attachments:
1. Proposal from Hydrometrics WRI for Preparation of Soquel Aptos Basin Groundwater Model
  2. Assembly Bill 1739
  3. Senate Bill 1168

### *Background*

At the Soquel Creek Water District (SqCWD) Board meeting on January 21, 2014, Randall (Randy) Hanson, with the U.S. Geological Survey (USGS) (<http://ca.water.usgs.gov/personnel.html?id=74>) and Brian Lockwood, P.G. with the Pajaro Valley Water Management Authority (PVWMA) (<http://www.pvwma.dst.ca.us/hydrology/hydrologic-modeling.php>) were in attendance to address questions related to basin wide groundwater models. PVWMA had contracted with USGS to build a new groundwater model that is nearing completion.

Over the past few years, decisions related to the duration for achieving and maintaining basin recovery and the best pumping distribution for achieving and maintaining recovery have been made without a groundwater model. Decisions have been advised by HydroMetrics, WRI (HMWRI), by identifying protective water levels at coastal monitoring wells that are sufficiently high to prevent seawater from encroaching into onshore areas. This was done with a two-dimensional cross-sectional model that simulates the saltwater-freshwater interface location using SEAWAT software. The program has been used for a wide variety of groundwater studies including those focused on brine migration in continental aquifers as well as those focused on saltwater intrusion in coastal aquifers. SEAWAT is a public domain computer program with source code and software distributed free of charge by the U.S. Geological Survey (USGS).

After protective elevations were established, HydroMetrics estimated fresh groundwater outflow needed to achieve protective water levels at the coastal monitoring wells. This was also done using the SEAWAT cross-sectional models, substituting flow boundaries for head boundaries.

The final step involved estimating groundwater yield available to the District by incorporating the required groundwater outflow estimate into the basin water balance previously estimated by Johnson et al. (2004).

HydroMetrics addressed recovery duration in their letter report titled, "*Revised Protective Groundwater Elevations and Outflows for Aromas Area and Updated Water Balance for Soquel-Aptos Groundwater Basin,*" presented to the SqCWD Board on April 3, 2012. The report stated the District should limit annual groundwater pumping to no more than 2,900 acre-feet per year (afy) for at least 20 continuous years of pumping to achieve a 70% chance of restoring the basin. HydroMetrics also noted that measurable basin recovery is defined by groundwater levels rising to protective elevations; the time needed to eliminate the accumulated deficit does not predict how long it will take for water levels to observe this recovery. Additional tools and information are required to provide a more refined estimate of recovery time. These tools must accurately show the influence of pumping from wells on coastal groundwater elevations. The cross-sectional models developed for estimating protective elevations currently do not include the influence of any pumping. A basin wide groundwater model would be needed for this.

Simple analysis of historical groundwater elevation data may be inadequate for estimating recovery times. Challenges include the fact that coastal monitoring wells were installed in the mid-1980s, some years after pumping began to exceed the estimate of the post-recovery pumping yield. In addition, groundwater levels at most of the coastal monitoring wells have been below protective elevations since installation, therefore there is no historical estimate of the conditions under which coastal groundwater elevations were protective of seawater intrusion.

### ***Peer Review***

On January 21, 2014 the SqCWD Board initiated a peer review of Hydrometrics work. The peer review was completed by Todd Groundwater, who found:

- A yield estimate 100 AFY greater than the HMWRI yield estimates for both the Purisima and Aromas areas. This puts total yield at 4,200 AFY vs. 4,000 AFY.
- The calculated yields result in an estimate of historical accumulated deficit slightly greater than 5,100 AF.
- A 98% septic return flow assumption was applied to the historical deficit calculations, to be consistent with the estimates of sustainable yield. This increased the accumulated deficit to 5,700 AF.

The report also makes recommendations to investigate the impacts of septic recharge. The report states that an adaptive management approach is an appropriate way to prevent seawater intrusion, but it also points out some shortcomings and suggests that a groundwater flow model that takes into account base flow depletion would provide a better picture. The report also suggests that a groundwater model that incorporates density effects would provide more accurate estimations of the rate of intrusion and the location of the seawater-freshwater interface. Additionally, impacts of septic recharge and that could be better determined with a groundwater model. It is also important to locate the position of the seawater-freshwater interface, which will help make this modeling very valuable. This aspect of the modeling is not included in the attached scope since the location is currently not identified. An additional project with USGS to locate the seawater interface will be presented at the September 23, 2014 BIG meeting.

In addition to providing a more refined estimate of recovery time, a basin-wide groundwater model would provide information on potential for recharge using either recycled water or captured storm water. It would also advise on how much water could be transferred to the City of Santa Cruz in a conjunctive use scenario. This modeling would be helpful as we move forward with options for supplemental supply for basin recovery.

### ***Groundwater Model Proposal***

Hydrometrics WRI was asked to prepare a proposal to develop a groundwater model for the basin. They are proposing to start with scoping activities that will be beneficial to the ultimate success of the groundwater modeling effort by ensuring that our needs are fully addressed by the model. They plan to use MODFLOW and related groundwater model codes developed by the US Geological Survey (USGS). Hydrometrics WRI has invited the USGS to participate in this project as well. The USGS would submit its own proposal for a separate contract with SqCWD as is required. The scope of work and cost estimate included in the attached proposal (Attachment 1) does not include the USGS effort. That will also be presented at the September 23, 2014 BIG meeting.

Cameron Tana will be available via telephone for questions about the proposed project.

### ***Funding Mechanism***

The 2013-2014 Santa Cruz Grand Jury report Desalination and Alternatives recommended that the Basin Implementation Group (BIG) undertake a groundwater model of the basin. In addition, two very relevant groundwater state legislation bills have both made it through their respective policy committees in the

second house. They have only two more steps before going to the Governor for signature.

SB 1168 by Sen. Fran Pavley (D-Agoura Hills) moved out of the Assembly Water, Parks and Wildlife Committee on a 9-4 vote. The bill in its current form would establish a statutory framework to achieve sustainable management of groundwater basins throughout the state. A similar measure, AB 1739, by Assembly Member Roger Dickinson, (D-Sacramento), cleared the Senate Natural Resources and Water Committee on a 7-1 vote. The legislators already have joined as co-authors on each other's bills. The Governor's office is in support of both bills and there is an unusual level of cooperation among stakeholders, even those who now oppose the bill. The bills continue to be refined and there is at least one more set of amendments expected before a vote takes place.

If this legislation is passed it will task a local agency with basin management and a requirement to prepare a sustainability plan by 2020 which will bring the basin into a sustainable state within 20 years. The legislation also provides broad powers to manage pumping by all basin pumpers, municipal and private alike. If a local agency or group of agencies doesn't move to enact those powers to bring the basin into sustainability, the State Water Resources Control Board will take over and do so. In light of this, it makes sense to that basin recovery activity be undertaken by the BIG rather than continue with it as a District project. This will also allow the cost to be shared by other pumpers. Initially it would be shared by Central Water District (CWD) and the City of Santa Cruz as a non-member partner. The City, the County and PVWMA are being invited to become members of the BIG. The City has already indicated that they would be willing to help fund the model as a non-member partner, and if/when they accept a membership funding would continue on a partner basis.

In addition, the BIG has been reaching out to private pumpers in an effort to facilitate collaboration for the possible implementation of AB 3030 powers. The zone of benefit for enacting such powers can be determined through a groundwater model determination of which wells influence seawater intrusion. This would help provide the basis for any pump fees implemented under either the current AB 3030 powers or new powers available through the proposed groundwater legislation. The water model that would identify the zone of benefit would be the first step in this process.

Central Water District (CWD) has recently funded and completed a model of their portion of the basin. This project cost CWD \$106,700. The proposed model would build on their existing model and take in the rest of the basin. In order to undertake a proper cost share if the project is done by the BIG, the cost of both modeling projects should be combined then the respective shares billed to each BIG

member. This would make the combined cost of the work \$494,172. Based on 2013 flows the cost share would be as follows:

SqCWD (79.7%, 4,219 AF of 5,292 total)- \$393,974  
CWD (10.5%, 558 AF of 5,292 AF total) - \$52,106  
City (9.7%, 515 AF of 5,292 AF total) - \$48,091

Because CWD has already paid \$106,700 for the completed portion of the model, their portion is actually already covered and they still have a credit of \$54,812 towards future joint basin work.

In addition, if private well owners are eventually assessed pump fees per the new groundwater legislation or through AB3030 powers assessed providing the County joins the BIG, some of the cost of the modeling can be recouped by including the asset depreciation of the model in the basis for the pump fees. This means the cost for modeling the basin could possibly be shared by all basin users.

It would also be advisable to recommend the BIG convene a Technical Advisory Committee to review the groundwater model development and suggest possible members for this committee if the Board chooses to fund the work through the BIG.

**POSSIBLE BOARD ACTION**

1. By MOTION, approve the proposal from Hydrometrics WRI to develop a Soquel Aptos Basin Groundwater Model with costs share based on 2014-2015 member cost share.
2. Take no action and provide staff further direction.

By   
\_\_\_\_\_  
Kim Adamson  
General Manager

By   
\_\_\_\_\_  
Ralph Brachamonte  
General Manager



1814 Franklin Street, Suite 501  
Oakland, CA 94612

Ms. Kim Adamson  
General Manager  
Soquel Creek Water District  
PO Box 1550  
Capitola, CA 95010-1550

July 10, 2014

Subject: Proposal for developing groundwater model

Dear Ms. Adamson:

Thank you for the opportunity to present this proposal to develop a numerical groundwater model for the Mid-Santa Cruz County groundwater basin. Soquel Creek Water District (SqCWD) is evaluating long-term alternatives for raising groundwater elevations in the basin and eliminating overdraft. Many of the questions that arise as part of these evaluations require a groundwater model. We also understand that the groundwater modeling effort may be run through the Basin Implementation Group (BIG) and funding members of the BIG may have additional groundwater management questions that can be addressed by a groundwater model.

We propose initially undertaking scoping activities that will be beneficial to the ultimate success of the groundwater modeling effort by ensuring that SqCWD and funding partners' needs are fully addressed by the model. During the scoping process, we will collaboratively identify the uses of the groundwater model and revise the scope to develop a model that meets those uses.

This proposal includes a preliminary scope with tasks that we currently envision for the modeling process based on our understanding of SqCWD's needs. A cost

estimate and schedule for the preliminary scope is provided. These tasks may be modified pending the outcome of the initial scoping task.

We plan to use MODFLOW and related groundwater model codes developed by the US Geological Survey (USGS). We have invited the USGS to participate in this project and highlight the areas where we think their participation will provide best value. Pending the outcome of this proposal, the USGS would submit its own proposal for a separate contract with SqCWD as is required. The scope of work and cost estimate included in this proposal does not include the USGS effort.

### **TASK 1: SCOPING EFFORT**

We propose that the scoping effort include the following subtasks:

#### **TASK 1A: SCOPING MEETING(S)**

HydroMetrics WRI will meet with staff members of SqCWD and funding partners to clarify the funding partners' expectations and requirements for the groundwater model. This will include financial expectations, schedule requirements, and technical expectations of the groundwater model. During these meetings, we will clarify the expected uses of the groundwater model, and highlight areas where we think modeling efficiencies can be achieved by incorporating basic assumptions. The prioritization of the expected uses will also be discussed in case adding uses exceed budget limitations.

We will discuss incorporating uncertainty analysis in the model during these meetings. We will explain the benefits of using uncertainty analysis, and also the public perception problems of an uncertain model

We anticipate that the USGS will be instrumental in these scoping meetings. Some model expectations may require code development by the USGS. Additionally, the USGS may have access to certain modeling tools that could streamline the modeling process.

#### **TASK 1B: DRAFT MEMORANDUM ON POTENTIAL MODEL USES**

Based on the results of the scoping meetings, we will draft a memorandum detailing our understanding of SqCWD's needed uses of a groundwater model. The list of planned uses may include:

1. Evaluating SqCWD's Integrated Resources Plan recovery and post-recovery assumptions.
2. Estimating the time needed to raise groundwater levels to protective elevations under various pumping and recharge/injection scenarios.
3. Assessing the impact of various pumping and recharge/injection scenarios on the ongoing seawater intrusion in the Aromas Formation.
4. Evaluating the impact of various pumping and recharge/injection scenarios on stream flows.
5. Coordinating pumping between water agencies.

The final priority list of potential model uses will be developed in coordination with SqCWD and partners' staff.

The model uses will translate into necessary model functions. For example, to evaluate the impact of various recharge and pumping scenarios on streamflows, the model must include a streamflow package that responds to changes in groundwater elevations. We will make every effort to include model functions that will help SqCWD and/or the BIG manage their groundwater basin into the future, without adding complications that may burden and slow down the groundwater modeling process. We plan to have the USGS review the model functions for feasibility of their implementation and appropriateness to meet model uses. The USGS will also help identify if additional code development is needed to meet model uses.

A draft memorandum will be provided to SqCWD and funding partners to review the details of the expected model purposes and necessary model functions. Based on comments on the draft memorandum, we will undertake Task 1C to revise the scope, cost, and schedule. All staff comments will be incorporated into the draft final memorandum. The draft final memorandum will be provided along with the revised scope, cost, and schedule from Task 1C to SqCWD's Board or the Basin Implementation Group for approval.

#### **TASK 1C: DEVELOP WORK PLAN AND REVISE COST AND SCHEDULE**

Based on our understanding of the model's purposes and needs, we will develop a work plan for obtaining necessary data, constructing a groundwater model, calibrating the groundwater model, and using the groundwater model as planned in Task 1B. The cost estimate and schedule will be revised along with the work plan. If the revised cost estimate results in project totals that are greater

than proposed here, tasks intended to prepare the model for lower priority uses will be listed as optional tasks for SqCWD and the funding partners to consider.

## **TASK 2: MODEL CONSTRUCTION**

We propose the following tasks for constructing the model, subject to work plan revisions developed by the scoping effort in Task 1.

### **TASK 2A: DEVELOP HYDROGEOLOGIC STRUCTURE FOR MODEL**

We recently updated Central Water District's (CWD) groundwater model (HydroMetrics WRI and Kennedy/Jenks, 2014). The model covers most of the Aromas area and has layers representing the Aromas Red Sands, Purisima F Unit, and Purisima DEF Unit. We propose expanding the CWD model to cover the entire Mid-County groundwater basin area. This will involve the following steps:

- Identify model boundaries. We plan to use model boundaries based on the domain of the PRMS watershed model (HydroMetrics WRI, 2011) developed to estimate recharge for SqCWD to facilitate integration of surface water and groundwater models (see Task 2B).
- Merge layers used in CWD model. The CWD model has ten layers. These layers will be consolidated into three to four layers: one to two layers to represent the Aromas Red Sands, and one layer each representing the F and DEF units of the Purisima Formation.
- Extend layers to western outcrop boundaries and add layers for deeper Purisima units. One layer each will be added for Purisima aquifer units and the Tu aquifer unit. Layer elevations will be based on hydrostratigraphy from Johnson et al. (2004), and adjusted as necessary for information from more recent boreholes. Aquitard units such as the Purisima D and B units and the Tm unit may be modeled as layers or quasi-layers that provide resistance to vertical flow.
- Possibly revise conceptual model for the Aromas coastal area. The CWD model is not well calibrated at SqCWD's coastal monitoring wells. A possible change to the conceptual model in this area is to include faults that may exist in the area (Cloud, 2013).

**TASK 2B: INTEGRATE WATERSHED MODEL WITH GROUNDWATER MODEL USING GSFLOW**

SqCWD, CWD, and the City of Santa Cruz previously funded development a watershed model of the basin using the USGS Precipitation-Runoff Modeling System (PRMS). This model can be integrated with the MODFLOW groundwater model using the USGS code GSFLOW. It is also possible to use output from the PRMS model as input to the MODFLOW model as was done for the CWD model. The reason to integrate the model is so that the model can be better used to evaluate stream-aquifer interactions in the Purisima area such as at Soquel Creek and Aptos Creek. If the scoping effort determines this is not a high priority use of the model, then just using output from PRMS will result in a more efficient model. Integrating PRMS and MODFLOW in GSFLOW will involve the following steps:

- Setting up MODFLOW streams to match the PRMS model.
- Possibly setting up a system where calibrated recharge can be used as input for model uses that are not related to stream-aquifer interaction.

We see an important role for the USGS on this task as they can provide guidance with their experience using GSFLOW. There may also be a need for code development for enhancements to the simulation of urban hydrology, for example.

**TASK 2C: INCORPORATE DENSITY DEPENDENCE FOR SEAWATER INTRUSION**

One likely use for the model is to evaluate advancement of the seawater intrusion interface observed in the Aromas area. We propose using MODFLOW's SWI2 package for this evaluation. The software package simulates a sharp interface which is appropriate in this case where restoration of water quality is not the management goal for Aromas seawater intrusion.

Code development from the USGS is required to be able to use the SWI2 package with GSFLOW. However, as mentioned in Task 2B, we may be able to calibrate the GSFLOW model without the SWI2 package then remove the surface water-groundwater integration in simulations using the SWI2 package. We do not expect the location of the seawater intrusion interface in the Aromas to affect model calibration for most of the basin. Whether in code development or

providing strategic and technical guidance for using the SWI2 package, this is a task where we anticipate USGS involvement.

We do not anticipate simulating the seawater interface in the Purisima area. If the planned geophysics study by the USGS develops information about the location of the interface in the future, the model can be updated to incorporate that information.

### **TASK 3: MODEL WATER BALANCE**

We propose the following tasks for simulating the water balance for the basin.

#### **TASK 3A: PERFORM LAND USE ANALYSIS FOR WATER USE AND RETURN FLOW**

An important part of the water balance is water use by non-agency pumpers and return flow to recharge from all users. Previous estimates for the entire basin were included for the Purisima and Aromas areas in Johnson et al. (2004). We performed a land use analysis for the CWD model using the assumptions in Johnson et al. (2004). We propose to expand the land use analysis from the CWD model to the entire basin, and also update the assumptions in Johnson et al. (2004). If the model is going to be used for management that affects non-agency pumpers, members of the newly formed Stakeholder Advisory Group have made it clear more current and local information about water use must be incorporated. This analysis will involve the following steps.

- Revise water use factors and return flow assumptions for more current and local information.
- Extend GIS analysis of land use from CWD model to entire basin. We plan to assume current land use and non-agency water use for the entire model period.
- Evaluate water use and return flow by land use zone.
- Calculate system losses based on zones served by water supply and sewer systems

#### **TASK 3B: DEVELOP TIME SERIES OF HYDROLOGIC INPUTS**

We plan to simulate Water Years 1984-2014 with the model. Complete SqCWD pumping, groundwater level, and groundwater quality data sets begin in 1984. We want to include the last three years of low rainfall. This task will involve

compiling time series data such as pumping from water agencies for hydrologic inputs to the model. It will also include expanding the PRMS simulation period to include Water Years 2010-2014, which requires rainfall and other climate data for the period.

#### **TASK 4: MODEL CALIBRATION**

We will calibrate the model to historical groundwater level data and streamflow data for the Water Years 1984-2014 period. As in the CWD model, the inverse modeling software PEST (Watermark, 2005) will be used to calibrate aquifer parameter values that vary smoothly over the basin area and are informed by our hydrogeologic understanding of the basin, including parameter values estimated from pumping tests. Calibration will be assessed on both visual inspection of groundwater hydrographs and chemographs (for the Aromas area seawater intrusion interface); as well as statistical analysis of model results.

#### **TASK 5: MODEL SIMULATIONS**

The calibrated model will be used to evaluate groundwater management alternatives or scenarios. Depending on the simulation, the alternatives will be evaluated for effects on coastal groundwater levels in relation to protective elevations, groundwater levels at pumping wells, streamflow, and the seawater intrusion interface in the Aromas area.

#### **TASK 5A: EVALUATE GROUNDWATER MANAGEMENT ALTERNATIVES AND SCENARIOS WITH MODEL**

The alternatives and scenarios will be developed based on the model uses prioritized in the scoping efforts and the final and alternatives to simulate will be presented to SqCWD and its funding partners prior to running the model.

Possible alternatives and scenarios include:

- Continuation of current pumping
- Implementation of Integrated Resources Plan pumping goals.
- Injection of recycled water.
- Water transfer from City of Santa Cruz.
- Shifting pumping to Central Water District
- Effect of climate change.

We have included budget for developing and simulating five alternatives or scenarios.

**TASK 5B: EVALUATE PREDICTIVE UNCERTAINTY FOR PREFERRED GROUNDWATER MANAGEMENT ALTERNATIVE**

The uncertainty of model results can be evaluated using the groundwater model. The PEST software (Watermark, 2005) that we plan to use in Task 4 for model calibration includes methods that estimate the uncertainty of model results. Based on an approach developed in the scoping effort of Task 1, we will implement one of these methods to evaluate the uncertainty of the preferred groundwater management alternative identified in Task 5A.

**TASK 6: MODEL REPORTING**

A model report will detail the methodology and results from all of the activities included in Tasks 2 through 5. The report serves as both a record of the models' development, and as reference documents for future model users. At a minimum, the model documentation should include the information outlined by authors such as Anderson and Woessner (1992).

We propose providing draft sections of the report for SqCWD and partner agency review at the completion of each of the subtasks in Tasks 2-5. This will allow us to address any issues before proceeding with subsequent tasks that rely on the results of completed tasks. We will also provide presentations to SqCWD and partner agencies at the completion of each Task 2-5 to solicit additional feedback. Comments on the draft sections will be incorporated into the complete draft model report. Comments on the complete draft model report will be incorporated into the final report produced in Task 1.6.

**PERSONNEL ROLES AND RESPONSIBILITIES**

Derrick Williams will be the technical lead on the modeling project. He will review all work product. He has consulted to SqCWD since 2003, and is currently technical lead on groundwater modeling projects in the Seaside Basin, the Kings River Basin, and the Olympic Valley.

Cameron Tana will serve as project manager on the model in addition to being the client manager for all of HydroMetrics WRI's projects with SqCWD. In

addition to being project manager for the update of the CWD model, he is currently project manager for the upgrade of the Zone 7 groundwater model.

As she did for the CWD model, Georgina King will lead the land use analysis for water use and return flow. She is also currently leading a project estimating water demands for Ventura County. She will also provide expertise on the PRMS watershed model, a study she led.

**SCHEDULE AND COST ESTIMATE**

The proposed schedule for the tasks in the preliminary scope is below. More detail will be provided in the work plan developed for Task 1C.

Task 1: Scoping Effort	September 2014-November 2014
Task 2A: Hydrogeologic Structure	December 2014-March 2015
Task 2B: GSFLOW	April 2014-August 2015
Task 2C: Seawater Intrusion Interface	July 2015-September 2015
Task 3: Water Balance	December 2014-June 2015
Task 4: Model Calibration	August 2015-November 2015
Task 5: Model Simulations	December 2015-February 2016
Task 6: Model Reporting	Final Report by April 30, 2016

The cost estimate for HydroMetrics WRI’s preliminary scope of work is attached with a breakdown between the next two fiscal years. The estimated cost for the scoping effort Task 1 is \$26,600. The total cost for Fiscal Year 2014-2015 is \$196,115. The total cost for Fiscal Year 2015-2016 is \$191,345.

Please let us know if you have any questions. We look forward to presenting to the Board on Tuesday, July 15.

Sincerely,



Cameron Tana, Vice President



Derrik Williams, President  
HydroMetrics Water Resources Inc.

Attachment: Cost Estimate for Preliminary Scope of Work

**REFERENCES**

Anderson, M.P., and W.W. Woessner. 1992. *Applied groundwater modeling, simulation of flow and advective transport*, Academic Press, Inc., San Diego, California, 381 p.

Cloud, Mike, 2013, personal communication.

HydroMetrics WRI, 2011, *Estimation of Deep Groundwater Recharge Using a Precipitation-Runoff Watershed Model, Soquel-Aptos, California*, prepared for Soquel Creek Water District, Central Water District, and City of Santa Cruz, August.

HydroMetrics WRI and Kennedy/Jenks, 2014, *Aromas and Purisima Basin Management Technical Study, Santa Cruz Integrated Regional Water Management Planning Grant Task 4*, prepared for Central Water District, March.

Johnson et al., 2004, *Groundwater assessment of alternative conjunctive use scenarios – technical memorandum #2: hydrogeological conceptual model*, prepared for Soquel Creek Water District, September.

Watermark Numerical Computing, 2005, *PEST: Model-Independent Parameter Estimation User Manual*, 5<sup>th</sup> Edition

**Cost Estimate for Preliminary Scope of Professional Services to Mid County Basin Groundwater Model**

Tasks	HydroMetrics WRI Hours						Cost	ODC	FY 2014-2015 TOTAL	FY 2015-2016 TOTAL
	Derrick Williams	Cameron Tana	Georgina King	Staff	Staff	Admin				
	Technical Lead	Project Manager	Land Use Analysis Lead	Groundwater Modeler	Hydrologist/ GIS	Office Support				
<b>Rates per hour</b>	\$195	\$175	\$165	\$125	\$100	\$60	(\$)	(\$)	(\$)	(\$)
<b>Task 1 Scoping Effort</b>										
1A Scoping Meetings (assume 2)	16	40	4	4	0	2	\$ 11,400	\$ 500	\$ 11,900	\$ -
1B Draft Memorandum on Potential Model Uses	4	32	4	4	4	1	\$ 8,000	\$ -	\$ 8,000	\$ -
1C Develop Work Plan and Revise Cost and Schedule	4	12	8	20	0	0	\$ 6,700	\$ -	\$ 6,700	\$ -
<b>1.1 Subtotal</b>	<b>24</b>	<b>84</b>	<b>16</b>	<b>28</b>	<b>4</b>	<b>3</b>	<b>\$ 26,100</b>	<b>\$ 500</b>	<b>\$ 26,600</b>	<b>\$ -</b>
<b>Task 2 Model Construction</b>										
2A Develop Hydrogeologic Structure	24	40	8	200	0	0	\$ 38,000	\$ -	\$ 38,000	\$ -
2B Integrate Watershed Model with Groundwater Model Using GSFLOW	32	60	60	300	0	0	\$ 64,140	\$ -	\$ 38,484	\$ 25,656
2C Incorporate Density Dependence for Seawater Intrusion	24	60	0	120	0	0	\$ 30,180	\$ -	\$ -	\$ 30,180
<b>1.2 Subtotal</b>	<b>80</b>	<b>160</b>	<b>68</b>	<b>620</b>	<b>0</b>	<b>0</b>	<b>\$ 132,320</b>	<b>\$ -</b>	<b>\$ 76,484</b>	<b>\$ 55,836</b>
<b>Task 3 Model Water Balance</b>										
3A Land Use Analysis for Water Use and Return Flow	16	40	60	40	200	0	\$ 45,020	\$ -	\$ 45,020	\$ -
3B Develop Time Series of Hydrologic Inputs	16	24	40	8	120	0	\$ 26,920	\$ -	\$ 26,920	\$ -
<b>1.3 Subtotal</b>	<b>32</b>	<b>64</b>	<b>100</b>	<b>48</b>	<b>320</b>	<b>0</b>	<b>\$ 71,940</b>	<b>\$ -</b>	<b>\$ 71,940</b>	<b>\$ -</b>
<b>Task 4 Model Calibration</b>										
	20	80	0	240	40	0	\$ 51,900	\$ -	\$ -	\$ 51,900
<b>1.4 Subtotal</b>	<b>20</b>	<b>80</b>	<b>0</b>	<b>240</b>	<b>40</b>	<b>0</b>	<b>\$ 51,900</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 51,900</b>
<b>Task 5 Model Simulations</b>										
5A Evaluate Groundwater Management Alternatives and Scenarios	24	80	0	120	0	0	\$ 33,680	\$ -	\$ -	\$ 33,680
5B Evaluate Predictive Uncertainty for Preferred Alternative	8	24	0	40	0	0	\$ 10,760	\$ -	\$ -	\$ 10,760
<b>1.5 Subtotal</b>	<b>32</b>	<b>104</b>	<b>0</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>\$ 44,440</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 44,440</b>
<b>Task 6 Model Reporting</b>										
	60	80	40	120	100	16	\$ 58,260	\$ 2,000	\$ 21,091	\$ 39,169
<b>1.6 Subtotal</b>	<b>60</b>	<b>80</b>	<b>40</b>	<b>120</b>	<b>100</b>	<b>16</b>	<b>\$ 58,260</b>	<b>\$ 2,000</b>	<b>\$ 21,091</b>	<b>\$ 39,169</b>
<b>TOTAL</b>	<b>248</b>	<b>572</b>	<b>224</b>	<b>1216</b>	<b>464</b>	<b>19</b>	<b>\$ 384,960</b>	<b>\$ 2,500</b>	<b>\$ 196,115</b>	<b>\$ 191,345</b>

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1739**

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**Introduced by Assembly Member Dickinson**  
(Principal coauthor: Senator Pavley)  
**(Coauthor: Assembly Member Rendon)**

February 14, 2014

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An act to amend Sections 65352 and 65352.5 of, and to add Section ~~65302.12~~ 65350.5 to, the Government Code, ~~and to add Section 1242.1~~ and to amend Sections 1120, 1831, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, ~~and~~ to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Dickinson. Groundwater management.

*(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.*

*This bill would state the policy of the state that groundwater resources be managed sustainably for long-term water supply reliability and multiple economic, social, or environmental benefits for current and*

*future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.*

*(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.*

*This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.*

*(3) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.*

*This bill would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed, except for a low- or very low priority basin.*

*This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans of a groundwater*

*sustainability agency, with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter. This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.*

*This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater pumping, and to impose certain fees.*

*This bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.*

*This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon completion. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives*

*of these provisions as a functional equivalent. This bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would require the department to adopt a schedule of fees to recover costs incurred.*

*This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.*

*This bill would authorize the board to designate a basin as a probationary basin, if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.*

*Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for the administration of the board's water rights program.*

*This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund for the purpose of administering the above-described provisions.*

*Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.*

*This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of the above-described provisions.*

*(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.*

*This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order of the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.*

*Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.*

*This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.*

*By imposing new duties on a city or county, this bill would impose a state-mandated local program.*

*(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.*

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

*(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

~~(1) Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.~~

~~This bill would require all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, with specified exceptions. This bill would require a groundwater sustainability agency to certify that its plan complies with the requirements of this bill no later than January 31, 2020, and every 5 years thereafter. This bill would encourage basins designated as low-priority basins by the department to be managed under groundwater sustainability plans as soon as possible. This bill,~~

to the extent practicable, would require a groundwater sustainability plan to be coterminous and augment a groundwater management plan.

~~This bill would provide specific authority to a groundwater sustainability agency including, but not limited to, the ability to require the registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater pumping, and to impose certain charges. This bill, after January 31, 2020, would prohibit a person from increasing groundwater extractions on a property within the basin, as specified, until a groundwater sustainability agency or the State Water Resources Control Board complies with the above-described requirements, unless the person submits to the county a specified report. This bill would authorize a groundwater sustainability agency to conduct inspections and would require the inspection to be made with any necessary consent or with an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.~~

~~This bill would authorize the department to provide technical assistance to a groundwater sustainability agency upon the request of the agency and would require, by January 1, 2017, the department to submit to the Legislature and publish on its Internet Web site best management practices for the sustainable management of groundwater.~~

~~This bill would state the intent of the Legislature to amend this measure to provide that one or more state agencies act to ensure that all basins in California are on track to achieve the sustainability goal if local agencies are unable to adopt or implement groundwater sustainability plans that achieve that goal. This bill would state the intent of the Legislature to amend this measure to provide for expedited adjudications of rights to extract and store water from and in basins by enacting and directing the Judicial Council to develop innovative judicial procedures to manage those adjudications as quickly as reasonably feasible. This bill would state the intent of the Legislature to amend this measure to provide that the State Water Resources Control Board and the regional water quality control boards must weigh the value of surface water for groundwater replenishment and recharge to promote the state's interest in groundwater sustainability.~~

~~(2) The California Constitution requires the reasonable and beneficial use of water.~~

This bill would state the policy of the state to encourage conjunctive use of surface and groundwater.

~~(3) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.~~

~~This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review, and if necessary revise the land use, conservation, open space, or any other element of the general plan to address a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order of the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any local agency or joint powers authority that has adopted a groundwater sustainability plan or that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted a groundwater sustainability plan that includes territory within the planning area.~~

~~Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.~~

~~This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.~~

~~By imposing new duties on a city or county, this bill would impose a state-mandated local program.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs~~

so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~(5) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. (a) *The Legislature finds and declares as follows:*

2     (1) *The people of the state have a primary interest in the*  
3 *protection, management, and reasonable beneficial use of the*  
4 *water resources of the state, both surface and underground, and*  
5 *that the integrated management of the state's water resources is*  
6 *essential to meeting its water management goals.*

7     (2) *Groundwater provides a significant portion of California's*  
8 *water supply. Groundwater accounts for more than one-third of*  
9 *the water used by Californians in an average year and more than*  
10 *one-half of the water used by Californians in a drought year when*  
11 *other sources are unavailable.*

12     (3) *Excessive groundwater pumping can cause overdraft, failed*  
13 *wells, deteriorated water quality, environmental damage, and*  
14 *irreversible land subsidence that damages infrastructure and*  
15 *diminishes the capacity of aquifers to store water for the future.*

16     (4) *When properly managed, groundwater resources will help*  
17 *protect communities, farms, and the environment against prolonged*  
18 *dry periods and climate change, preserving water supplies for*  
19 *existing and potential beneficial use.*

20     (5) *Failure to manage groundwater to prevent long-term*  
21 *overdraft infringes on groundwater rights.*

22     (6) *Groundwater resources are most effectively managed at the*  
23 *local or regional level.*

24     (7) *Groundwater management will not be effective unless local*  
25 *actions to sustainably manage groundwater basins and subbasins*  
26 *are taken.*

1 (8) Local and regional agencies need to have the necessary  
2 support and authority to manage groundwater sustainably.

3 (9) In those circumstances where a local groundwater  
4 management agency is not managing its groundwater sustainably,  
5 the state needs to protect the resource until it is determined that  
6 a local groundwater management agency can sustainably manage  
7 the groundwater basin or subbasin.

8 (10) Information on the amount of groundwater extraction,  
9 natural and artificial recharge, and groundwater evaluations are  
10 critical for effective management of groundwater.

11 (11) Sustainable groundwater management in California  
12 depends upon creating more opportunities for robust conjunctive  
13 management of surface water resources. Climate change will  
14 intensify the need to recalibrate and reconcile surface and  
15 groundwater management strategies.

16 (b) It is therefore the intent of the Legislature to do all of the  
17 following:

18 (1) To provide local and regional agencies the authority to  
19 sustainably manage groundwater.

20 (2) To provide that if no local groundwater agency or agencies  
21 provide sustainable groundwater management for a groundwater  
22 basin or subbasin, the state has the authority to develop and  
23 implement a groundwater sustainability plan until the time the  
24 local groundwater management agency or agencies can assume  
25 management of the basin or subbasin.

26 (3) To require the development and reporting of those data  
27 necessary to support sustainable groundwater management,  
28 including those data that help describe the basin's geology, the  
29 short- and long-term trends of the basin's water balance, and other  
30 measures of sustainability, and those data necessary to resolve  
31 disputes regarding sustainable yield, beneficial uses, and water  
32 rights.

33 (4) To respect overlying and other proprietary rights to  
34 groundwater.

35 SEC. 2. Section 65350.5 is added to the Government Code, to  
36 read:

37 65350.5. Before the adoption or any substantial amendment  
38 of a city's or county's general plan, the planning agency shall  
39 review and consider all of the following:

1 (a) An adoption of, or update to, a groundwater sustainability  
 2 plan or groundwater management plan pursuant to Part 2.74  
 3 (commencing with Section 10720) or Part 2.75 (commencing with  
 4 Section 10750) of Division 6 of the Water Code or groundwater  
 5 management court order, judgment, or decree.

6 (b) An adjudication of water rights.

7 (c) An order by the State Water Resources Control Board  
 8 pursuant to Chapter 11 (commencing with Section 10735) of Part  
 9 2.74 of Division 6 of the Water Code.

10 SEC. 3. Section 65352 of the Government Code is amended to  
 11 read:

12 65352. (a) ~~Prior to action by~~ Before a legislative body takes  
 13 action to adopt or substantially amend a general plan, the planning  
 14 agency shall refer the proposed action to all of the following  
 15 entities:

16 (1) A city or county, within or abutting the area covered by the  
 17 proposal, and any special district that may be significantly affected  
 18 by the proposed action, as determined by the planning agency.

19 (2) An elementary, high school, or unified school district within  
 20 the area covered by the proposed action.

21 (3) The local agency formation commission.

22 (4) An areawide planning agency whose operations may be  
 23 significantly affected by the proposed action, as determined by the  
 24 planning agency.

25 (5) A federal-agency agency, if its operations or lands within  
 26 its jurisdiction may be significantly affected by the proposed action,  
 27 as determined by the planning agency.

28 (6) (A) The branches of the United States Armed Forces that  
 29 have provided the Office of Planning and Research with a  
 30 California mailing address pursuant to subdivision (d) of Section  
 31 ~~65944 when 65944~~, if the proposed action is within 1,000 feet of  
 32 a military installation, or lies within special use airspace, or beneath  
 33 a low-level flight path, as defined in Section 21098 of the Public  
 34 Resources Code, ~~provided that~~ and if the United States Department  
 35 of Defense provides electronic maps of low-level flight paths,  
 36 special use airspace, and military installations at a scale and in an  
 37 electronic format that is acceptable to the Office of Planning and  
 38 Research.

39 (B) Within 30 days of a determination by the Office of Planning  
 40 and Research that the information provided by the Department of

1 Defense is sufficient and in an acceptable scale and format, the  
 2 office shall notify cities, counties, and cities and counties of the  
 3 availability of the information on the Internet. Cities, counties, and  
 4 cities and counties shall comply with subparagraph (A) within 30  
 5 days of receiving this notice from the office.

6 (7) A public water system, as defined in Section 116275 of the  
 7 Health and Safety Code, with 3,000 or more service connections,  
 8 that serves water to customers within the area covered by the  
 9 proposal. The public water system shall have at least 45 days to  
 10 comment on the proposed plan, in accordance with subdivision  
 11 (b), and to provide the planning agency with the information set  
 12 forth in Section 65352.5.

13 (8) *Any groundwater sustainability agency that has adopted a*  
 14 *groundwater sustainability plan pursuant to Part 2.74*  
 15 *(commencing with Section 10720) of Division 6 of the Water Code*  
 16 *or local agency that otherwise manages groundwater pursuant to*  
 17 *other provisions of law or a court order, judgment, or decree within*  
 18 *the planning area of the proposed general plan.*

19 (9) *The State Water Resources Control Board, if it has adopted*  
 20 *an interim plan pursuant to Part 2.74 (commencing with Section*  
 21 *10720) of Division 6 of the Water Code that includes territory*  
 22 *within the planning area of the proposed general plan.*

23 ~~(8)~~  
 24 (10) The Bay Area Air Quality Management District for a  
 25 proposed action within the boundaries of the district.

26 ~~(9) On and after March 1, 2005, a~~

27 (11) A California Native American tribe, that is on the contact  
 28 list maintained by the Native American Heritage Commission,  
 29 with Commission and that has traditional lands located within the  
 30 city city's or county's jurisdiction.

31 ~~(10)~~

32 (12) The Central Valley Flood Protection Board Board, for a  
 33 proposed action within the boundaries of the Sacramento and San  
 34 Joaquin Drainage District, as set forth in Section 8501 of the Water  
 35 Code.

36 (b) ~~Each~~ *An* entity receiving a proposed general plan or  
 37 amendment of a general plan pursuant to this section shall have  
 38 45 days from the date the referring agency mails it or delivers it  
 39 ~~in which~~ to comment unless a longer period is specified by the  
 40 planning agency.

1 (c) (1) This section is directory, not mandatory, and the failure  
 2 to refer a proposed action to the ~~other~~ entities specified in this  
 3 section does not affect the validity of the action, if adopted.

4 (2) To the extent that the requirements of this section conflict  
 5 with the requirements of Chapter 4.4 (commencing with Section  
 6 65919), the requirements of Chapter 4.4 shall prevail.

7 *SEC. 4. Section 65352.5 of the Government Code is amended*  
 8 *to read:*

9 65352.5. (a) The Legislature finds and declares that it is vital  
 10 that there be close coordination and consultation between  
 11 California's water supply *or management* agencies and California's  
 12 land use approval agencies to ensure that proper water supply *and*  
 13 *management* planning occurs ~~in order~~ to accommodate projects  
 14 that will result in increased demands on water supplies *or impact*  
 15 *water resource management*.

16 (b) It is, therefore, the intent of the Legislature to provide a  
 17 standardized process for determining the adequacy of existing and  
 18 planned future water supplies to meet existing and planned future  
 19 demands on these water supplies *and the impact of land use*  
 20 *decisions on the management of California's water supply*  
 21 *resources*.

22 (c) Upon receiving, pursuant to Section 65352, notification of  
 23 a city's or a county's proposed action to adopt or substantially  
 24 amend a general plan, a public water system, as defined in Section  
 25 116275 of the Health and Safety Code, with 3,000 or more service  
 26 connections, shall provide the planning agency with the following  
 27 information, as is appropriate and relevant:

28 (1) The current version of its urban water management plan,  
 29 adopted pursuant to Part 2.6 (commencing with Section 10610)  
 30 of Division 6 of the Water Code.

31 (2) The current version of its capital improvement program or  
 32 plan, as reported pursuant to Section 31144.73 of the Water Code.

33 (3) A description of the source or sources of the total water  
 34 supply currently available to the water supplier by water right or  
 35 contract, taking into account historical data concerning wet, normal,  
 36 and dry runoff years.

37 (4) A description of the quantity of surface water that was  
 38 purveyed by the water supplier in each of the previous five years.

39 (5) A description of the quantity of groundwater that was  
 40 purveyed by the water supplier in each of the previous five years.

1 (6) A description of all proposed additional sources of water  
 2 supplies for the water supplier, including the estimated dates by  
 3 which these additional sources should be available and the  
 4 quantities of additional water supplies that are being proposed.

5 (7) A description of the total number of customers currently  
 6 served by the water supplier, as identified by the following  
 7 categories and by the amount of water served to each category:

8 (A) Agricultural users.

9 (B) Commercial users.

10 (C) Industrial users.

11 (D) Residential users.

12 (8) Quantification of the expected reduction in total water  
 13 demand, identified by each customer category set forth in paragraph  
 14 (7), associated with future implementation of water use reduction  
 15 measures identified in the water supplier's urban water  
 16 management plan.

17 (9) Any additional information that is relevant to determining  
 18 the adequacy of existing and planned future water supplies to meet  
 19 existing and planned future demands on these water supplies.

20 *(10) A report on the anticipated effect of proposed action to*  
 21 *adopt or substantially amend a general plan on implementation*  
 22 *of a groundwater sustainability plan pursuant to Part 2.74*  
 23 *(commencing with Section 10720) of Division 6 of the Water Code.*

24 *(d) Upon receiving, pursuant to Section 65352, notification of*  
 25 *a city's or a county's proposed action to adopt or substantially*  
 26 *amend a general plan, a groundwater sustainability agency, as*  
 27 *defined in Section 10720.5 of the Water Code, shall provide the*  
 28 *planning agency with the following information, as is appropriate*  
 29 *and relevant:*

30 *(1) The current version of its groundwater sustainability plan*  
 31 *adopted pursuant to Part 2.74 (commencing with Section 10720)*  
 32 *of Division 6 of the Water Code.*

33 *(2) If the groundwater sustainability agency manages*  
 34 *groundwater pursuant to a court order, judgment, decree, or*  
 35 *agreement among affected water rights holders, or if the State*  
 36 *Water Resources Control Board has adopted a groundwater*  
 37 *sustainability plan pursuant to Part 2.74 (commencing with Section*  
 38 *10720) of Division 6 of the Water Code, the groundwater*  
 39 *sustainability agency shall provide the planning agency with maps*  
 40 *of recharge basins and percolation ponds, extraction limitations,*

1 *and other relevant information, or the court order, judgment, or*  
 2 *decree.*

3 *SEC. 5. Section 113 is added to the Water Code, to read:*

4 *113. It is the policy of the state that groundwater resources be*  
 5 *managed sustainably for long-term water supply reliability and*  
 6 *multiple economic, social, or environmental benefits for current*  
 7 *and future beneficial uses. Sustainable groundwater management*  
 8 *is best achieved locally through the development, implementation,*  
 9 *and updating of plans and programs based on the best available*  
 10 *science.*

11 *SEC. 6. Section 1120 of the Water Code is amended to read:*

12 *1120. This chapter applies to any decision or order issued under*  
 13 *this part or Section 275, Part 2 (commencing with Section 1200),*  
 14 *Part 2 (commencing with Section 10500) of Division 6, Chapter*  
 15 *11 (commencing with Section 10735) of Part 2.74 of Division 6,*  
 16 *Article 7 (commencing with Section 13550) of Chapter 7 of*  
 17 *Division 7, or the public trust doctrine.*

18 *SEC. 7. Section 1529.5 is added to the Water Code, to read:*

19 *1529.5. (a) The board shall adopt a schedule of fees pursuant*  
 20 *to Section 1530 to recover costs incurred in administering Chapter*  
 21 *11 (commencing with Section 10735) of Part 2.74 of Division 6.*  
 22 *Recoverable costs include, but are not limited to, costs incurred*  
 23 *in connection with investigations, facilitation, monitoring, hearings,*  
 24 *enforcement, and administrative costs in carrying out these actions.*

25 *(b) The fee schedule adopted under this section may include,*  
 26 *but is not limited to, the following:*

27 *(1) A fee for participation as a petitioner or party to an*  
 28 *adjudicative proceeding.*

29 *(2) A fee for the filing of a report pursuant to Part 5.2*  
 30 *(commencing with Section 5200) of Division 2 for extractions from*  
 31 *a source within the boundaries of a probationary basin under*  
 32 *Section 10735.2.*

33 *(c) Consistent with Section 3 of Article XIII A of the California*  
 34 *Constitution, the board shall set the fees under this section in an*  
 35 *amount sufficient to cover all costs incurred and expended from*  
 36 *the Water Rights Fund for the purpose of Chapter 11 (commencing*  
 37 *with Section 10735) of Part 2.74 of Division 6. In setting these*  
 38 *fees, the board is not required to fully recover these costs in the*  
 39 *year or the year immediately after the costs are incurred, but the*

1 board may provide for recovery of these costs over a period of  
2 years.

3 *SEC. 8. Section 1831 of the Water Code is amended to read:*

4 1831. (a) When the board determines that any person is  
5 violating, or threatening to violate, any requirement described in  
6 subdivision (d), the board may issue an order to that person to  
7 cease and desist from that violation.

8 (b) The cease and desist order shall require that person to comply  
9 forthwith or in accordance with a time schedule set by the board.

10 (c) The board may issue a cease and desist order only after  
11 notice and an opportunity for hearing pursuant to Section 1834.

12 (d) The board may issue a cease and desist order in response to  
13 a violation or threatened violation of any of the following:

14 (1) The prohibition set forth in Section 1052 against the  
15 unauthorized diversion or use of water subject to this division.

16 (2) Any term or condition of a permit, license, certification, or  
17 registration issued under this division.

18 (3) Any decision or order of the board issued under this part,  
19 Section 275, Chapter 11 (commencing with Section 10735) of Part  
20 2.74 of Division 6, or Article 7 (commencing with Section 13550)  
21 of Chapter 7 of Division 7, in which decision or order the person  
22 to whom the cease and desist order will be issued, or a predecessor  
23 in interest to that person, was named as a party directly affected  
24 by the decision or order.

25 (4) A regulation adopted under Section 1058.5.

26 (5) Any pumping restriction, limitation, order, or regulation  
27 adopted or issued under Chapter 11 (commencing with Section  
28 10735) of Part 2.74 of Division 6.

29 (e) This article ~~shall~~ does not authorize the board to regulate in  
30 any manner, the diversion or use of water not otherwise subject to  
31 regulation of the board under this ~~part~~ division or Section 275.

32 *SEC. 9. Part 5.2 (commencing with Section 5200) is added to*  
33 *Division 2 of the Water Code, to read:*

34

35 **PART 5.2. GROUNDWATER EXTRACTION REPORTING FOR**  
36 **PROBATIONARY BASINS AND BASINS WITHOUT A**  
37 **GROUNDWATER SUSTAINABILITY AGENCY**

38

39 5200. *It is the intent of the Legislature to subsequently amend*  
40 *this measure to adopt extraction reporting requirements for basins*

1 *identified as probationary basins pursuant to Section 10735.2, or*  
 2 *as authorized by subdivision (b) of Section 10724, for basins*  
 3 *without a groundwater sustainability agency.*

4 *SEC. 10. Part 2.74 (commencing with Section 10720) is added*  
 5 *to Division 6 of the Water Code, to read:*

6  
 7 *PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT*

8  
 9 *CHAPTER 1. GENERAL PROVISIONS*

10  
 11 *10720. This part shall be known, and may be cited, as the*  
 12 *“Sustainable Groundwater Management Act.”*

13 *10720.1. In enacting this part, it is the intent of the Legislature*  
 14 *to do all of the following:*

15 *(a) To provide for the sustainable management of groundwater*  
 16 *basins.*

17 *(b) To enhance local management of groundwater consistent*  
 18 *with rights to use or store groundwater and Section 2 of Article X*  
 19 *of the California Constitution. It is the intent of the Legislature to*  
 20 *preserve the security of water rights in the state to the greatest*  
 21 *extent possible consistent with the sustainable management of*  
 22 *groundwater.*

23 *(c) To establish minimum standards for sustainable groundwater*  
 24 *management.*

25 *(d) To provide local groundwater agencies with the authority*  
 26 *and the technical and financial assistance necessary to sustainably*  
 27 *manage groundwater.*

28 *(e) To avoid or minimize subsidence.*

29 *(d) To improve data collection and understanding about*  
 30 *groundwater.*

31 *(e) To increase groundwater storage and remove impediments*  
 32 *to recharge.*

33 *(g) To manage groundwater basins through the actions of local*  
 34 *governmental agencies to the greatest extent feasible, while*  
 35 *minimizing state intervention to only when necessary to ensure*  
 36 *that local agencies manage groundwater in a sustainable manner.*

37 *10720.3. (a) This part applies to all groundwater basins in*  
 38 *the state.*

1 (b) To the extent authorized under federal or tribal law, this  
 2 part applies to an Indian tribe and to the federal government,  
 3 including, but not limited to, the Department of Defense.

4 10720.5. Groundwater management pursuant to this part shall  
 5 be consistent with Section 2 of Article X of the California  
 6 Constitution. Nothing in this part modifies rights or priorities to  
 7 use or store groundwater consistent with Section 2 of Article X of  
 8 the California Constitution, except that in basins designated  
 9 medium- or high-priority basins by the department, no extraction  
 10 of groundwater between January 1, 2015, and the date of adoption  
 11 of a groundwater sustainability plan pursuant to this part,  
 12 whichever is sooner, may be used as evidence of, or to establish  
 13 or defend against, any claim of prescription.

14 10720.7. Subject to Chapter 6 (commencing with Section  
 15 10725), by January 31, 2020, all basins designated as high- or  
 16 medium-priority basins by the department shall be managed under  
 17 a groundwater sustainability plan or coordinated groundwater  
 18 sustainability plans pursuant to this part. The Legislature  
 19 encourages and authorizes basins designated as low-and very low  
 20 priority basins by the department to be managed under  
 21 groundwater sustainability plans pursuant to this part.

22 10720.9. (a) Except as provided in Section 10733.6, this part  
 23 does not apply to a local agency that conforms to the requirements  
 24 of an adjudication of water rights in a groundwater basin or to  
 25 that adjudicated basin. For purposes of this section, an  
 26 adjudication includes an adjudication under Section 2101, an  
 27 administrative adjudication, and an adjudication in state or federal  
 28 court, including, but not limited to, the following adjudicated  
 29 groundwater basins:

- 30 (1) Beaumont Basin.
- 31 (2) Brite Basin.
- 32 (3) Central Basin.
- 33 (4) Chino Basin.
- 34 (5) Cucamonga Basin.
- 35 (6) Cummings Basin.
- 36 (7) Goleta Basin.
- 37 (8) Main San Gabriel Basin: Puente Narrows.
- 38 (9) Mojave Basin Area.
- 39 (10) Puente Basin.
- 40 (11) Raymond Basin.

- 1 (12) *San Jacinto Basin.*  
 2 (13) *Santa Margarita River Watershed.*  
 3 (14) *Santa Maria Valley Basin.*  
 4 (15) *Santa Paula Basin.*  
 5 (16) *Scott River Stream System.*  
 6 (17) *Seaside Basin.*  
 7 (18) *Six Basins.*  
 8 (19) *Tehachapi Basin.*  
 9 (20) *Upper Los Angeles River Area.*  
 10 (21) *Warren Valley Basin.*  
 11 (22) *West Coast Basin.*  
 12 (23) *Western San Bernardino.*

13 (b) *The Antelope Valley basin at issue in the Antelope Valley*  
 14 *Groundwater Cases (Judicial Council Coordination Proceeding*  
 15 *Number 4408) shall be treated as an adjudicated basin pursuant*  
 16 *to this section if the superior court issues a final judgment, order,*  
 17 *or decree.*

18  
 19 *CHAPTER 2. DEFINITIONS*  
 20

21 *10721. Unless the context otherwise requires, the following*  
 22 *definitions govern the construction of this part:*

23 (a) *“Adjudication action” means an action filed in the superior*  
 24 *court to determine the rights to extract groundwater from a basin*  
 25 *or store water within a basin, including, but not limited to, actions*  
 26 *to quiet title respecting rights to extract or store groundwater or*  
 27 *an action brought to impose a physical solution on a basin.*

28 (b) *“Basin” means a groundwater basin or subbasin identified*  
 29 *and defined in Bulletin 118 or as modified pursuant to Chapter 3*  
 30 *(commencing with Section 10722).*

31 (c) *“Bulletin 118” means the department’s report entitled*  
 32 *“California’s Groundwater: Bulletin 118” updated in 2003, as it*  
 33 *may be subsequently updated or revised in accordance with Section*  
 34 *12924.*

35 (d) *“Coordination agreement” means a legal agreement adopted*  
 36 *between two or more groundwater sustainability agencies that*  
 37 *provides the basis for coordinating multiple agencies or*  
 38 *groundwater sustainability plans within a basin pursuant to this*  
 39 *part.*

- 1 (e) “*De minimus extractor*” means a person who extracts, for  
2 domestic purposes, two acre-feet or less per year.
- 3 (f) “*Governing body*” means the legislative body of a  
4 groundwater sustainability agency.
- 5 (g) “*Groundwater*” means water beneath the surface of the  
6 earth within the zone below the water table in which the soil is  
7 completely saturated with water, but does not include water that  
8 flows in known and definite channels.
- 9 (h) “*Groundwater extraction facility*” means a device or method  
10 for extracting groundwater from within a basin.
- 11 (i) “*Groundwater recharge*” means the augmentation of  
12 groundwater, by natural or artificial means.
- 13 (j) “*Groundwater sustainability agency*” means one or more  
14 local agencies that implement the provisions of this part. For  
15 purposes of imposing fees pursuant to Chapter 8 (commencing  
16 with Section 10730) or taking action to enforce a groundwater  
17 sustainability plan, “*groundwater sustainability agency*” also  
18 means each local agency comprising the groundwater  
19 sustainability agency if the plan authorizes separate agency action.
- 20 (k) “*Groundwater sustainability plan*” or “*plan*” means a plan  
21 of a groundwater sustainability agency proposed or adopted  
22 pursuant to this part.
- 23 (l) “*Groundwater sustainability program*” means a coordinated  
24 and ongoing activity undertaken to benefit a basin, pursuant to a  
25 groundwater sustainability plan.
- 26 (m) “*Local agency*” means a local public agency that has water  
27 supply, water management, or land use responsibilities within a  
28 groundwater basin.
- 29 (n) “*Operator*” means a person operating a groundwater  
30 extraction facility. The owner of a groundwater extraction facility  
31 shall be conclusively presumed to be the operator unless a  
32 satisfactory showing is made to the governing body of the  
33 groundwater sustainability agency that the groundwater extraction  
34 facility actually is operated by some other person.
- 35 (o) “*Owner*” means a person owning a groundwater extraction  
36 facility or an interest in a groundwater extraction facility other  
37 than a lien to secure the payment of a debt or other obligation.
- 38 (p) “*Planning and implementation horizon*” means a 50-year  
39 time period over which a groundwater sustainability agency

1 *determines that plans and measures will be implemented in a basin*  
 2 *to ensure that the basin is operated within its sustainable yield.*

3 (q) *“Public water system” has the same meaning as defined in*  
 4 *Section 116275 of the Health and Safety Code.*

5 (r) *“Recharge area” means the area that supplies water to an*  
 6 *aquifer in a groundwater basin.*

7 (s) *“Sustainability goal” means the existence and*  
 8 *implementation of one or more groundwater sustainability plans*  
 9 *that achieve sustainable groundwater management by identifying*  
 10 *and causing the implementation of measures targeted to ensure*  
 11 *that the applicable basin is operated within its sustainable yield.*

12 (t) *“Sustainable groundwater management” means the*  
 13 *management and use of groundwater in a manner that can be*  
 14 *maintained during the planning and implementation horizon*  
 15 *without causing undesirable results.*

16 (u) *“Sustainable yield” means the maximum quantity of water,*  
 17 *calculated over a base period representative of long-term*  
 18 *conditions in the basin and including any temporary surplus, that*  
 19 *can be withdrawn annually from a groundwater supply without*  
 20 *causing an undesirable result.*

21 (v) *“Undesirable result” means one or more of the following*  
 22 *effects occurring after January 1, 2015, and caused by*  
 23 *groundwater conditions occurring throughout the basin:*

24 (1) *Chronic lowering of groundwater levels indicating a*  
 25 *significant and unreasonable depletion of supply if continued over*  
 26 *the planning and implementation horizon, excluding lowering*  
 27 *groundwater levels caused by a drought.*

28 (2) *Significant and unreasonable reduction of groundwater*  
 29 *storage.*

30 (3) *Significant seawater intrusion.*

31 (4) *Significant and unreasonable degraded water quality,*  
 32 *including the migration of contaminant plumes that impair water*  
 33 *supplies.*

34 (5) *Significant land subsidence that substantially interferes with*  
 35 *surface land uses.*

36 (6) *Surface water depletions that have significant adverse*  
 37 *impacts on beneficial uses.*

38 (w) *“Water budget” means an accounting of the total*  
 39 *groundwater and surface water entering and leaving a basin*  
 40 *including the changes in the amount of water stored.*

1 (x) “Watermaster” means a watermaster appointed by a court  
2 or pursuant to other law.

3 (y) “Water year” means the period from October 1 through the  
4 following September 30, inclusive.

5 (z) “Wellhead protection area” means the surface and  
6 subsurface area surrounding a water well or well field that supplies  
7 a public water system through which contaminants are reasonably  
8 likely to migrate toward the water well or well field.

9

10 *CHAPTER 3. BASIN BOUNDARIES*

11

12 10722. Unless other basin boundaries are established pursuant  
13 to this chapter, a basin’s boundaries shall be as identified in  
14 Bulletin 118.

15 10722.2. (a) A local agency may request that the department  
16 revise the boundaries of a basin, including the establishment of  
17 new subbasins. A local agency’s request shall be supported by the  
18 following information:

19 (1) Information demonstrating that the proposed adjusted basin  
20 can be the subject of sustainable groundwater management.

21 (2) Technical information regarding the boundaries of, and  
22 conditions in, the proposed adjusted basin.

23 (3) Information demonstrating that the entity proposing the  
24 basin boundary adjustment consulted with interested local agencies  
25 and public water systems in the affected basins before filing the  
26 proposal with the department.

27 (4) Other information the department deems necessary to justify  
28 revision of the basin’s boundary.

29 (b) By January 1, 2016, the department shall develop and  
30 publish guidelines regarding the information required to comply  
31 with subdivision (a). The guidelines required pursuant to this  
32 subdivision are exempt from Chapter 3.5 (commencing with Section  
33 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

34 (c) The department shall provide a copy of its draft revision of  
35 a basin’s boundaries to the California Water Commission. The  
36 California Water Commission shall hear and comment on the draft  
37 revision within 60 days after the department provides the draft  
38 revision to the commission.

1 10722.4. (a) Pursuant to Section 10933, for the purposes of  
 2 this part the department shall categorize each basin as one of the  
 3 following priorities:

- 4 (1) High priority.
- 5 (2) Medium priority.
- 6 (3) Low priority.
- 7 (4) Very low priority.

8 (b) The initial priority for each basin shall be established by  
 9 the department pursuant to Section 10933 no later than January  
 10 1, 2017.

11  
 12 *CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY*  
 13 *AGENCIES*  
 14

15 10723. (a) Any local agency or combination of local agencies  
 16 may elect to be a groundwater sustainability agency.

17 (b) Before electing to be a groundwater sustainability agency,  
 18 and after publication of notice pursuant to Section 6066 of the  
 19 Government Code, the local agency or agencies shall hold a public  
 20 hearing in the county or counties overlying the basin.

21 10723.2. The groundwater sustainability agency shall consider  
 22 the interests of all beneficial uses and users of groundwater, as  
 23 well as those responsible for implementing groundwater  
 24 sustainability plans. These interests include, but are not limited  
 25 to, all of the following:

26 (a) Holders of overlying groundwater rights, including:

- 27 (1) Agricultural users.
- 28 (2) Domestic well owners.

29 (b) Municipal well operators.

30 (c) Public water systems.

31 (d) Local land use planning agencies.

32 (e) Environmental users of groundwater.

33 (f) Surface water users, if there is a hydrologic connection  
 34 between surface and groundwater bodies.

35 (g) The federal government, including, but not limited to, the  
 36 military and managers of federal lands.

37 (h) Indian tribes.

38 10723.4. The groundwater sustainability agency shall establish  
 39 and maintain a list of persons interested in receiving notices  
 40 regarding plan preparation, meeting announcements, and

1 availability of draft plans, maps, and other relevant documents.  
 2 Any person may request, in writing, to be placed on the list of  
 3 interested persons.

4 10723.6. A combination of local agencies may form a  
 5 groundwater sustainability agency by using any of the following  
 6 methods:

7 (a) A joint powers agreement.

8 (b) A memorandum of agreement or other legal agreement.

9 10723.8. Within 30 days of electing to be or forming a  
 10 groundwater sustainability agency, the groundwater sustainability  
 11 agency shall inform the department of its election or formation  
 12 and its intent to undertake sustainable groundwater management.  
 13 The notification shall include the following information, as  
 14 applicable:

15 (a) The service area boundaries, the basin the agency is  
 16 managing, and the other groundwater sustainability agencies  
 17 operating within the basin.

18 (b) A copy of the resolution forming the new agency.

19 (c) A copy of the bylaws, ordinances, and new authorities.

20 10724. (a) In the event that there is an area within a basin  
 21 that is not within the management area of a groundwater  
 22 sustainability agency, the county within which that unmanaged  
 23 area lies will be presumed to be the groundwater sustainability  
 24 agency for that area.

25 (b) A county described in subdivision (a) shall provide  
 26 notification to the department pursuant to Section 10723.8 unless  
 27 the county notifies the department that it will not be the  
 28 groundwater sustainability agency for the area. Extractions of  
 29 groundwater made after 2016 in that area shall be subject to  
 30 reporting in accordance with Part 5.2 (commencing with Section  
 31 5200) of Division 2 if the county does either of the following:

32 (1) Notifies the department that it will not be the groundwater  
 33 sustainability agency for an area.

34 (2) Fails to provide notification to the department pursuant to  
 35 Section 10723.8 for an area on or before January 1, 2017.

36

37 *CHAPTER 5. POWERS AND AUTHORITIES*

38

39 10725. (a) A groundwater sustainability agency may exercise  
 40 any of the powers described in this chapter in implementing this

1 part, in addition to, and not as a limitation on, any existing  
 2 authority, if the groundwater sustainability agency adopts and  
 3 submits to the department a groundwater sustainability plan or  
 4 prescribed alternative documentation in accordance with Section  
 5 10733.6.

6 (b) A groundwater sustainability agency has and may use the  
 7 powers in this chapter to provide the maximum degree of local  
 8 control and flexibility consistent with the sustainability goals of  
 9 this part.

10 10725.2. (a) A groundwater sustainability agency may perform  
 11 any act necessary or proper to carry out the purposes of this part.

12 (b) A groundwater sustainability agency may adopt rules,  
 13 regulations, ordinances, and resolutions for the purpose of this  
 14 part, in compliance with any procedural requirements applicable  
 15 to the adoption of a rule, regulation, ordinance, or resolution by  
 16 the groundwater sustainability agency.

17 (c) In addition to any other applicable procedural requirements,  
 18 the groundwater sustainability agency shall provide notice of the  
 19 proposed adoption of the groundwater sustainability plan on its  
 20 Internet Web site and provide for electronic notice to any person  
 21 who requests electronic notification.

22 10725.4. (a) A groundwater sustainability agency may conduct  
 23 an investigation for the purposes of this part, including, but not  
 24 limited to, investigations for the following:

25 (1) To determine the need for groundwater management.

26 (2) To prepare and adopt a groundwater sustainability plan  
 27 and implementing rules and regulations.

28 (3) To propose and update fees.

29 (4) To monitor compliance and enforcement.

30 (b) An investigation may include surface waters and surface  
 31 water rights as well as groundwater and groundwater rights.

32 (c) In connection with an investigation, a groundwater  
 33 sustainability agency may inspect the property or facilities of a  
 34 person or entity to ascertain whether the purposes of this part are  
 35 being met and compliance with this part. The local agency may  
 36 conduct an inspection pursuant to this section upon obtaining any  
 37 necessary consent or obtaining an inspection warrant pursuant  
 38 to the procedure set forth in Title 13 (commencing with Section  
 39 1822.50) of Part 3 of the Code of Civil Procedure.

1 10725.6. A groundwater sustainability agency may require  
 2 registration of a groundwater extraction facility within the  
 3 management area of the groundwater sustainability agency.

4 10725.8. (a) A groundwater sustainability agency may require  
 5 through its groundwater sustainability plan that the use of every  
 6 groundwater extraction facility within the management area of  
 7 the groundwater sustainability agency be measured by a  
 8 water-measuring device satisfactory to the groundwater  
 9 sustainability agency.

10 (b) All costs associated with the purchase and installation of  
 11 the water-measuring device shall be borne by the owner or  
 12 operator of each groundwater extraction facility. The water  
 13 measuring devices shall be installed by the groundwater  
 14 sustainability agency or, at the groundwater sustainability agency's  
 15 option, by the owner or operator of the groundwater extraction  
 16 facility. Water-measuring devices shall be calibrated on a  
 17 reasonable schedule as may be determined by the groundwater  
 18 sustainability agency.

19 (c) A groundwater sustainability agency may require, through  
 20 its groundwater sustainability plan, that the owner or operator of  
 21 a groundwater extraction facility within the groundwater  
 22 sustainability agency file an annual statement with the groundwater  
 23 sustainability agency setting forth the total extraction in acre-feet  
 24 of groundwater from the facility during the previous water year.

25 (d) In addition to the measurement of groundwater extractions  
 26 pursuant to subdivision (a), a groundwater sustainability agency  
 27 may use any other reasonable method to determine groundwater  
 28 extraction.

29 (e) This section does not apply to de minimus extractors.

30 10726. An entity within the area of a groundwater sustainability  
 31 plan shall only divert surface water to underground storage  
 32 consistent with the plan and shall report the diversion to  
 33 underground storage to the groundwater sustainability agency for  
 34 the relevant portion of the basin.

35 10726.2. A groundwater sustainability agency may do the  
 36 following:

37 (a) Acquire by grant, purchase, lease, gift, devise, contract,  
 38 construction, or otherwise, and hold, use, enjoy, sell, let, and  
 39 dispose of, real and personal property of every kind, including  
 40 lands, water rights, structures, buildings, rights-of-way, easements,

1 *and privileges, and construct, maintain, alter, and operate any*  
2 *and all works or improvements, within or outside the agency,*  
3 *necessary or proper to carry out any of the purposes of this part.*

4 *(b) Appropriate and acquire surface water or groundwater and*  
5 *surface water or groundwater rights, import surface water or*  
6 *groundwater into the agency, and conserve and store within or*  
7 *outside the agency that water for any purpose necessary or proper*  
8 *to carry out the provisions of this part, including, but not limited*  
9 *to, the spreading, storing, retaining, or percolating into the soil*  
10 *of the waters for subsequent use or in a manner consistent with*  
11 *the provisions of Section 10727.2. As part of this authority, the*  
12 *agency may validate an existing groundwater conjunctive use or*  
13 *storage program upon a finding that the program would aid or*  
14 *assist the agency in developing or implementing a groundwater*  
15 *sustainability plan.*

16 *(c) Provide for a program of voluntary fallowing of agricultural*  
17 *lands or validate an existing program.*

18 *(d) Perform any acts necessary or proper to enable the agency*  
19 *to purchase, transfer, deliver, or exchange water or water rights*  
20 *of any type with any person that may be necessary or proper to*  
21 *carry out any of the purposes of this part, including, but not limited*  
22 *to, providing surface water in exchange for a groundwater*  
23 *extractor's agreement to reduce or cease groundwater extractions.*  
24 *The agency shall not deliver retail water supplies within the service*  
25 *area of a public water system without either the consent of that*  
26 *system or authority under the agency's existing authorities.*

27 *(e) Transport, reclaim, purify, desalinate, treat, or otherwise*  
28 *manage and control polluted water, wastewater, or other waters*  
29 *for subsequent use in a manner that is necessary or proper to carry*  
30 *out the purposes of this part.*

31 *(f) Commence, maintain, intervene in, defend, compromise, and*  
32 *assume the cost and expenses of any and all actions and*  
33 *proceedings.*

34 *10726.4. (a) A groundwater sustainability agency shall have*  
35 *the following additional authority and may regulate groundwater*  
36 *pumping using that authority:*

37 *(1) To impose spacing requirements on new groundwater well*  
38 *construction to minimize well interference and impose reasonable*  
39 *operating regulations on existing groundwater wells to minimize*

1 well interference, including requiring pumpers to operate on a  
2 rotation basis.

3 (2) To control groundwater extractions by regulating, limiting,  
4 or suspending extractions from individual groundwater wells or  
5 extractions from groundwater wells in the aggregate, the  
6 construction of new groundwater wells, the enlarging of existing  
7 groundwater wells, the reactivation of abandoned groundwater  
8 wells, or otherwise establishing groundwater extraction  
9 allocations. A limitation on extractions by a groundwater  
10 sustainability agency shall not be construed to be a final  
11 determination of rights to extract groundwater from the basin or  
12 any portion of the basin.

13 (3) To authorize temporary and permanent transfers of  
14 groundwater extraction allocations within the agency's boundaries,  
15 if the total quantity of groundwater extracted in any water year is  
16 consistent with the provisions of the groundwater sustainability  
17 plan.

18 (4) To establish accounting rules to allow unused groundwater  
19 extraction allocations issued by the agency to be carried over from  
20 one year to another and voluntarily transferred, if the total quantity  
21 of groundwater extracted in any five-year period is consistent with  
22 the provisions of the groundwater sustainability plan.

23 (b) Nothing in this section shall be construed to grant a  
24 groundwater sustainability agency the authority to issue permits  
25 for the construction, modification, or abandonment of groundwater  
26 wells. A county may authorize a groundwater sustainability agency  
27 to issue permits for the construction, modification, or abandonment  
28 of groundwater wells.

29 10726.6. (a) A groundwater sustainability agency that adopts  
30 a groundwater sustainability plan may file an action to determine  
31 the validity of the plan pursuant to Chapter 9 (commencing with  
32 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

33 (b) Subject to Sections 394 and 397 of the Code of Civil  
34 Procedure, the venue for an action pursuant to this section shall  
35 be the county in which the principal office of the groundwater  
36 management agency is located.

37 (c) Any judicial action or proceeding to attack, review, set aside,  
38 void, or annul the ordinance or resolution imposing a new, or  
39 increasing an existing, fee imposed pursuant to Section 10730,

1 10730.2, or 10730.4 shall be brought pursuant to Section 66022  
2 of the Government Code.

3 (d) Any person may pay a fee imposed pursuant to Section  
4 10730, 10730.2, or 10730.4 under protest and bring an action  
5 against the governing body in the superior court to recover any  
6 money that the governing body refuses to refund. Payments made  
7 and actions brought under this section shall be made and brought  
8 in the manner provided for the payment of taxes under protest and  
9 actions for refund of that payment in Article 2 (commencing with  
10 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue  
11 and Taxation Code, as applicable.

12 (e) Except as otherwise provided in this section, actions by a  
13 groundwater sustainability agency are subject to judicial review  
14 pursuant to Section 1085 of the Code of Civil Procedure.

15 10726.8. (a) This part is in addition to, and not a limitation  
16 on, the authority granted to a local agency under any other law.  
17 The local agency may use the local agency's authority under any  
18 other law to apply and enforce any requirements of this part,  
19 including, but not limited to, the collection of fees.

20 (b) Nothing in this part is a limitation on the authority of the  
21 board, the department, or the State Department of Public Health.

22 (c) This part does not authorize a local agency to impose any  
23 requirement or impose any penalty or fee on the state or any  
24 agency, department, or officer of the state. State agencies and  
25 departments shall work cooperatively with a local agency on a  
26 voluntary basis.

27

28 *CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS*

29

30 10727. (a) A groundwater sustainability plan shall be  
31 developed and implemented for each medium- or high-priority  
32 basin by a groundwater sustainability agency to meet the  
33 sustainability goal established pursuant to this part. The  
34 groundwater sustainability plan may incorporate, extend, or be  
35 based on a plan adopted pursuant to Part 2.75 (commencing with  
36 Section 10750).

37 (b) A groundwater sustainability plan may be any of the  
38 following:

39 (1) A single plan covering the entire basin developed and  
40 implemented by one groundwater sustainability agency.

1 (2) A single plan covering the entire basin developed and  
2 implemented by multiple groundwater sustainability agencies.

3 (3) Subject to Section 10727.6, multiple plans implemented by  
4 multiple groundwater sustainability agencies and coordinated  
5 pursuant to a single coordination agreement that covers the entire  
6 basin.

7 10727.2. A groundwater sustainability plan shall include all  
8 of the following:

9 (a) A description of the physical setting and characteristics of  
10 the aquifer system underlying the basin that includes the following:

11 (1) Historical data, to the extent available.

12 (2) Groundwater levels, groundwater quality, subsidence, and  
13 groundwater-surface water interaction.

14 (3) A general discussion of historical and projected water  
15 demands and supplies.

16 (4) A map that details the area of the basin and the boundaries  
17 of the groundwater sustainability agencies that overlie the basin  
18 that have or are developing groundwater sustainability plans.

19 (5) A map identifying existing and potential recharge areas for  
20 the basin. The map or maps shall identify the existing recharge  
21 areas that substantially contribute to the replenishment of the  
22 groundwater basin. The map or maps shall be provided to the  
23 appropriate local planning agencies after adoption of the  
24 groundwater sustainability plan.

25 (b) (1) Measurable objectives, as well as interim milestones in  
26 increments of five years, to achieve the sustainability goal in the  
27 basin within 20 years of the implementation of the plan.

28 (2) A description of how the plan helps meet each objective and  
29 how each objective is intended to achieve the sustainability goal  
30 for the basin for long-term beneficial uses of groundwater.

31 (3) Notwithstanding paragraph (1), at the request of the  
32 groundwater sustainability agency, the department may grant an  
33 extension of up to 10 years beyond the 20-year sustainability  
34 timeframe upon a showing of good cause.

35 (c) A planning and implementation horizon of 50 years.

36 (d) Components relating to the following, as applicable to the  
37 basin:

38 (1) The monitoring and management of groundwater levels  
39 within the basin.

1 (2) *The monitoring and management of groundwater quality,*  
 2 *groundwater quality degradation, inelastic land surface*  
 3 *subsidence, and changes in surface flow and surface water quality*  
 4 *that directly affect groundwater levels or quality or are caused by*  
 5 *groundwater pumping in the basin.*

6 (3) *Mitigation of overdraft.*

7 (4) *How recharge areas identified in the plan substantially*  
 8 *contribute to the replenishment of the basin.*

9 (e) *A summary of the type of monitoring sites, type of*  
 10 *measurements, and the frequency of monitoring for each location*  
 11 *monitoring groundwater levels, groundwater quality, subsidence,*  
 12 *streamflow, precipitation, evaporation, and tidal influence. The*  
 13 *plan shall include a summary of monitoring information such as*  
 14 *well depth, screened intervals, and aquifer zones monitored, and*  
 15 *a summary of the type of well relied on for the information,*  
 16 *including public, irrigation, domestic, industrial, and monitoring*  
 17 *wells.*

18 (f) *Monitoring protocols that are designed to detect changes in*  
 19 *groundwater levels, groundwater quality, inelastic surface*  
 20 *subsidence for basins for which subsidence has been identified as*  
 21 *a potential problem, and flow and quality of surface water that*  
 22 *directly affect groundwater levels or quality or are caused by*  
 23 *groundwater pumping in the basin. The monitoring protocols shall*  
 24 *be designed to generate information that promotes efficient and*  
 25 *effective groundwater management.*

26 10727.4. *In addition to the requirements of Section 10727.2,*  
 27 *a groundwater sustainability plan shall include, where appropriate*  
 28 *and in collaboration with the appropriate local agencies, all of*  
 29 *the following:*

30 (a) *Control of saline water intrusion.*

31 (b) *Wellhead protection areas and recharge areas.*

32 (c) *Migration of contaminated groundwater.*

33 (d) *A well abandonment and well destruction program.*

34 (e) *Replenishment of groundwater extractions.*

35 (f) *Activities implementing, opportunities for, and impediments*  
 36 *to, conjunctive use.*

37 (g) *Well construction policies.*

38 (h) *Measures addressing groundwater contamination cleanup,*  
 39 *recharge, diversions to storage, conservation, water recycling,*  
 40 *conveyance, and extraction projects.*

1 (i) *Efficient water management practices, as defined in Section*  
 2 *10902, for the delivery of water and water conservation methods*  
 3 *to improve the efficiency of water use.*

4 (j) *Efforts to develop relationships with state and federal*  
 5 *regulatory agencies.*

6 (k) *Processes to review land use plans and efforts to coordinate*  
 7 *with land use planning agencies to assess activities that potentially*  
 8 *create risks to groundwater quality or quantity.*

9 *10727.6. Groundwater sustainability agencies intending to*  
 10 *develop and implement multiple groundwater sustainability plans*  
 11 *pursuant to paragraph (3) of subdivision (b) of Section 10727 shall*  
 12 *coordinate with other agencies preparing a groundwater*  
 13 *sustainability plan within the basin to ensure that the plans utilize*  
 14 *the same data for the following assumptions in developing the*  
 15 *plan:*

16 (a) *Groundwater elevation data.*

17 (b) *Groundwater extraction data.*

18 (c) *Surface water supply.*

19 (d) *Total water use.*

20 (e) *Change in groundwater storage.*

21 (f) *Water budget.*

22 (g) *Sustainable yield.*

23 *10727.8. Prior to initiating the development of a groundwater*  
 24 *sustainability plan, the groundwater sustainability agency shall*  
 25 *make available to the public and the department a written statement*  
 26 *describing the manner in which interested parties may participate*  
 27 *in the development and implementation of the groundwater*  
 28 *sustainability plan. The groundwater sustainability agency may*  
 29 *appoint and consult with an advisory committee consisting of*  
 30 *interested parties for the purposes of developing and implementing*  
 31 *a groundwater sustainability plan. The groundwater sustainability*  
 32 *agency shall encourage the active involvement of diverse social,*  
 33 *cultural, and economic elements of the population within the*  
 34 *groundwater basin prior to and during the development and*  
 35 *implementation of the groundwater sustainability plan.*

36 *10728. (a) Except as provided in subdivision (b), a*  
 37 *groundwater sustainability agency shall certify that its plan*  
 38 *complies with this part no later than January 31, 2020, and every*  
 39 *five years thereafter. A groundwater sustainability agency shall*

1 *submit this certification to the department within 30 days of the*  
2 *certification.*

3 *(b) (1) The department may review the submissions made*  
4 *pursuant to this section and Section 10733.6 and may request the*  
5 *supporting information on which the certification pursuant to*  
6 *subdivision (a) relied upon or the other documentation relied upon*  
7 *pursuant to subdivision (b) of Section 10733.6. The department*  
8 *may issue findings concerning the validity of the certification or*  
9 *other submission.*

10 *(2) Before issuing findings pursuant to paragraph (1), the*  
11 *department shall transmit a draft of its findings to the submitting*  
12 *agency and shall consult with that agency. The submitting agency*  
13 *may submit a response to the department within 60 days of*  
14 *receiving the department's draft findings.*

15 *(3) If the department's findings issued pursuant to paragraph*  
16 *(1) concern the compliance of a plan with requirements for*  
17 *sustainable groundwater management or the operation of a basin*  
18 *consistent with the basin's sustainable yield, the submitting agency,*  
19 *within 90 days of receipt, shall consider amendments to its plan*  
20 *or technical analysis to address the department's findings.*

21 *10728.2. A groundwater sustainability agency shall periodically*  
22 *evaluate its groundwater sustainability plan, assess changing*  
23 *conditions in the basin that may warrant modification of the plan*  
24 *or management objectives, and may adjust components in the plan.*  
25 *An evaluation of the plan shall focus on determining whether the*  
26 *actions under the plan are meeting the plan's management*  
27 *objectives and whether those objectives are meeting the*  
28 *sustainability goal in the basin.*

29 *10728.4. A groundwater sustainability agency may adopt or*  
30 *amend a groundwater sustainability plan if the groundwater*  
31 *sustainability agency holds a public hearing and more than 90*  
32 *days have passed since the groundwater sustainability agency*  
33 *provided notice to a city or county within the area of the proposed*  
34 *plan or amendment. The groundwater sustainability agency shall*  
35 *obtain comments from any city or county that receives notice*  
36 *pursuant to this section and shall consult with a city or county that*  
37 *requests consultation within 30 days of receipt of the notice.*  
38 *Nothing in this section is intended to preclude an agency and a*  
39 *city or county from otherwise consulting or commenting regarding*  
40 *the adoption or amendment of a plan.*

## CHAPTER 7. TECHNICAL ASSISTANCE

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10729. (a) The department or a groundwater sustainability agency may provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources.

(b) The department may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development and implementation of a groundwater sustainability plan. The department shall use its best efforts to provide the requested assistance.

(c) (1) By January 1, 2017, the department shall publish on its Internet Web site best management practices for the sustainable management of groundwater.

(2) The department shall develop the best management practices through a public process involving one public meeting conducted at a location in northern California, one public meeting conducted at a location in the San Joaquin Valley, one public meeting conducted at a location in southern California, and one public meeting of the California Water Commission.

## CHAPTER 8. FINANCIAL AUTHORITY

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10730. (a) A groundwater sustainability agency may impose fees, including, but not limited to, permit fees and fees on groundwater extraction or other regulated activity, to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and program administration, investigations, inspections, compliance assistance, and enforcement. A groundwater sustainability agency shall not impose a fee pursuant to this subdivision on a de minimus extractor unless the agency has regulated the users pursuant to this part.

(b) (1) Prior to imposing or increasing a fee, a groundwater sustainability agency shall hold at least one open and public meeting, at which oral or written presentations may be made as part of the meeting.

(2) Notice of the time and place of the meeting shall include a general explanation of the matter to be considered and a statement that the data required by this section is available. The notice shall

1 *be mailed at least 14 days prior to the meeting to each record*  
 2 *owner of property within the basin and to any interested party who*  
 3 *files a written request with the agency for mailed notice of the*  
 4 *meeting on new or increased fees. A written request for mailed*  
 5 *notices shall be valid for one year from the date that the request*  
 6 *is made and may be renewed by making a written request on or*  
 7 *before April 1 of each year.*

8 *(3) At least 10 days prior to the meeting, the groundwater*  
 9 *sustainability agency shall make available to the public data upon*  
 10 *which the proposed fee is based.*

11 *(c) Any action by a groundwater sustainability agency to impose*  
 12 *or increase a fee shall be taken only by ordinance or resolution.*

13 *(d) (1) As an alternative method for the collection of fees*  
 14 *imposed pursuant to this section, a groundwater management*  
 15 *agency may adopt a resolution requesting collection of the fees in*  
 16 *the same manner as ordinary municipal ad valorem taxes.*

17 *(2) A resolution described in paragraph (1) shall be adopted*  
 18 *and furnished to the county auditor-controller and board of*  
 19 *supervisors on or before August 1 of each year that the alternative*  
 20 *collection of the fees is being requested. The resolution shall*  
 21 *include a list of parcels and the amount to be collect for each*  
 22 *parcel.*

23 *(e) The power granted by this section is in addition to any*  
 24 *powers a groundwater sustainability agency has under any other*  
 25 *law.*

26 *10730.2. (a) A groundwater sustainability agency that adopts*  
 27 *a groundwater sustainability plan pursuant to this part may impose*  
 28 *fees on the extraction of groundwater from the basin to fund costs*  
 29 *of groundwater management, including, but not limited to, the*  
 30 *costs of the following:*

31 *(1) Administration, operation, maintenance, and acquisition of*  
 32 *lands or other property, facilities, and services.*

33 *(2) Supply, production, treatment, or distribution of water.*

34 *(3) Other activities necessary or convenient to implement the*  
 35 *plan.*

36 *(b) Fees may be implemented pursuant to Part 2.75*  
 37 *(commencing with Section 10750) in accordance with the*  
 38 *procedures provided in this section.*

1 (c) Fees imposed pursuant to this section shall be adopted in  
 2 accordance with subdivisions (a) and (b) of Section 6 of Article  
 3 XIII D of the California Constitution.

4 (d) Fees imposed pursuant to this section may include fixed fees  
 5 and fees charged on a volumetric basis, including, but not limited  
 6 to, fees that increase based on the quantity of groundwater  
 7 produced annually, the year in which the production of  
 8 groundwater commenced from a groundwater extraction facility,  
 9 and impacts to the basin.

10 (e) The power granted by this section is in addition to any  
 11 powers a groundwater sustainability agency has under any other  
 12 law.

13 10730.4. A groundwater sustainability agency may fund  
 14 activities pursuant to Part 2.75 (commencing with Section 10750)  
 15 and may impose fees pursuant to Section 10732.5 to fund activities  
 16 undertaken by the agency pursuant to Part 2.75 (commencing with  
 17 Section 10750).

18 10730.6. (a) A groundwater fee levied pursuant to this chapter  
 19 shall be due and payable to the groundwater sustainability agency  
 20 by each owner or operator on a day established by the groundwater  
 21 sustainability agency.

22 (b) If an owner or operator knowingly fails to pay a groundwater  
 23 fee within 30 days of it becoming due, the owner or operator shall  
 24 be liable to the groundwater sustainability agency for interest at  
 25 the rate of 1 percent per month on the delinquent amount of the  
 26 groundwater fee and a 10 percent penalty.

27 (c) The groundwater sustainability agency may bring a suit in  
 28 the court having jurisdiction against any owner or operator of a  
 29 groundwater extraction facility within the area covered by the  
 30 plan for the collection of any delinquent groundwater fees, interest,  
 31 or penalties imposed under this chapter. If the groundwater  
 32 sustainability agency seeks an attachment against the property of  
 33 any named defendant in the suit, the groundwater sustainability  
 34 agency shall not be required to furnish a bond or other undertaking  
 35 as provided in Title 6.5 (commencing with Section 481.010) of  
 36 Part 2 of the Code of Civil Procedure.

37 (d) In the alternative to bringing a suit pursuant to subdivision  
 38 (c), a groundwater sustainability agency may collect any delinquent  
 39 groundwater charge and any civil penalties and interest on the  
 40 delinquent groundwater charge pursuant to the laws applicable

1 to the local agency or, if a joint powers authority, to the entity  
2 designated pursuant to Section 6509 of the Government Code. The  
3 collection shall be in the same manner as it would be applicable  
4 to the collection of delinquent assessments, water charges, or tolls.

5 (e) As an additional remedy, a groundwater sustainability  
6 agency, after a public hearing, may order an owner or operator  
7 to cease extraction of groundwater until all delinquent fees are  
8 paid. The groundwater sustainability agency shall give notice to  
9 the owner or operator by certified mail not less than 15 days in  
10 advance of the public hearing.

11 (f) The remedies specified in this section for collecting and  
12 enforcing fees are cumulative and may be pursued alternatively  
13 or may be used consecutively as determined by the governing body.

14 10730.8. (a) Nothing in this chapter shall affect or interfere  
15 with the authority of a groundwater sustainability agency to levy  
16 and collect taxes, assessments, charges, and tolls as otherwise  
17 provided by law.

18 (b) For the purposes of Section 6254.16 of the Government  
19 Code, persons subject to payment of fees pursuant to this chapter  
20 are utility customers of a groundwater sustainability agency.

21 10731. (a) If there is reasonable cause to believe that the  
22 production of groundwater from any groundwater extraction  
23 facility is in excess of that disclosed by the statements covering  
24 the facility or if no statement is filed covering the facility, the  
25 governing body may cause an investigation and report to be made  
26 concerning the production of groundwater from that groundwater  
27 extraction facility that includes, but is not limited to, the accuracy  
28 of the water-measuring device. The governing body may make a  
29 determination fixing the amount of groundwater production from  
30 the groundwater extraction facility at an amount not to exceed the  
31 maximum production capacity of the facility for purposes of levying  
32 a groundwater charge. If a water-measuring device is permanently  
33 attached to the groundwater extraction facility, the record of  
34 production as disclosed by the water-measuring device shall be  
35 presumed to be accurate unless the contrary is established by the  
36 groundwater management agency after investigation.

37 (b) After the governing body makes a determination fixing the  
38 amount of groundwater production pursuant to subdivision (a), a  
39 written notice of the determination shall be mailed to the owner  
40 or operator of the groundwater extraction facility at the address

1 as shown by the groundwater management agency's records. A  
 2 determination made by the governing body shall be conclusive on  
 3 the owner or operator and the groundwater charges, based on the  
 4 determination together with any interest and penalties, shall be  
 5 payable immediately unless within 10 days after the mailing of the  
 6 notice the owner or operator files with the governing body a written  
 7 protest setting forth the ground for protesting the amount of  
 8 production or the groundwater charges, interest, and penalties. If  
 9 a protest is filed pursuant to this subdivision, the governing body  
 10 shall hold a hearing to determine the total amount of the  
 11 groundwater production and the groundwater charges, interest,  
 12 and penalties. The determination by the governing body at the  
 13 hearing shall be conclusive if based upon substantial evidence.  
 14 Notice of the hearing shall be mailed to each protestant at least  
 15 10 days before the date fixed for the hearing. Notice of the  
 16 determination of the governing body hearing shall be mailed to  
 17 each protestant. The owner or operator shall have 20 days from  
 18 the date of mailing of the determination to pay the groundwater  
 19 charges, interest, and penalties determined by the governing body.

20  
 21 *CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY*  
 22 *ENFORCEMENT POWERS*

23  
 24 10732. (a) (1) A person who extracts groundwater in excess  
 25 of the amount that person is authorized to extract under a rule,  
 26 regulation, ordinance, or resolution adopted pursuant to Section  
 27 10725.2, shall be subject to a civil penalty not to exceed five  
 28 hundred dollars (\$500) per acre-foot extracted in excess of the  
 29 amount that person is authorized to extract. Liability under this  
 30 subdivision is in addition to any liability imposed under paragraph  
 31 (2) and any fee imposed for the extraction.

32 (2) A person who violates any rule, regulation, ordinance, or  
 33 resolution adopted pursuant to Section 10724.2 shall be liable for  
 34 a civil penalty not to exceed one thousand dollars (\$1,000) plus  
 35 one hundred dollars (\$100) for each additional day on which the  
 36 violation continues if the person fails to comply within 30 days  
 37 after the local agency has notified the person of the violation.

38 (b) (1) A groundwater sustainability agency may bring an action  
 39 in the superior court to determine whether a violation occurred  
 40 and to impose a civil penalty described in subdivision (a).

1 (2) A groundwater sustainability agency may administratively  
2 impose a civil penalty described in subdivision (a) after providing  
3 notice and an opportunity for a hearing.

4 (3) In determining the amount of the penalty, the superior court  
5 or the groundwater sustainability agency shall take into  
6 consideration all relevant circumstances, including, but not limited  
7 to, the nature and persistence of the violation, the extent of the  
8 harm caused by the violation, the length of time over which the  
9 violation occurs, and any corrective action taken by the violator.

10 (c) A penalty imposed pursuant to this section shall be paid to  
11 the groundwater sustainability agency and shall be expended solely  
12 for purposes of this part.

13 (d) Penalties imposed pursuant to this section are in addition  
14 to any civil penalty or criminal fine under any other law.

15  
16 *CHAPTER 10. STATE EVALUATION AND ASSESSMENT*

17  
18 10733. (a) The department shall periodically review the  
19 groundwater sustainability plans developed by groundwater  
20 sustainability agencies pursuant to this part to evaluate whether  
21 a plan conforms with Sections 10727.2 and 10727.4 and is likely  
22 to achieve the sustainability goal for the basin covered by the  
23 groundwater sustainability plan.

24 (b) If a groundwater sustainability agency develops multiple  
25 groundwater sustainability plans for a basin, the department shall  
26 evaluate whether the plans conform with Sections 10727.2,  
27 10727.4, and 10727.6 and are together likely to achieve the  
28 sustainability goal for the basin covered by the groundwater  
29 sustainability plans.

30 10733.2. (a) By June 1, 2016, the department, in consultation  
31 with the board, shall develop guidelines for evaluating  
32 groundwater sustainability plans and groundwater sustainability  
33 programs pursuant to this chapter.

34 (b) The guidelines shall identify the necessary plan components  
35 specified in Sections 10727.2 and 10727.4 and other information  
36 that will assist local agencies in developing and implementing  
37 groundwater sustainability plans and groundwater sustainability  
38 programs.

1 (c) The department may update the guidelines, including to  
 2 incorporate the best management practices identified pursuant to  
 3 Section 10729.

4 (d) The guidelines required pursuant to this section are exempt  
 5 from Chapter 3.5 (commencing with Section 11340) of Part 1 of  
 6 Division 3 of Title 2 of the Government Code. The establishment  
 7 of guidelines pursuant to this section shall instead be accomplished  
 8 by means of a public process reasonably calculated to give  
 9 interested persons an opportunity to be heard.

10 10733.4. (a) Upon completion of a groundwater sustainability  
 11 plan, a groundwater sustainability agency shall submit the  
 12 groundwater sustainability plan to the department for review  
 13 pursuant to this chapter.

14 (b) If groundwater sustainability agencies develop multiple  
 15 groundwater sustainability plans for a basin, the submission  
 16 required by subdivision (a) shall not occur until the entire basin  
 17 is covered by groundwater sustainability plans. When the entire  
 18 basin is covered by groundwater sustainability plans, the  
 19 groundwater sustainability agencies shall jointly submit to the  
 20 department all of the following:

21 (1) The groundwater sustainability plans.

22 (2) An explanation of how the groundwater sustainability plans  
 23 implemented together satisfy Section 10729 for the entire basin.

24 (3) A copy of the coordination agreement between the  
 25 groundwater sustainability agencies to ensure the coordinated  
 26 implementation of the groundwater sustainability plans for the  
 27 entire basin.

28 (c) Upon receipt of a groundwater sustainability plan, the  
 29 department shall post the plan on the department's Internet Web  
 30 site and provide 60 days for persons to submit comments to the  
 31 department about the plan.

32 (d) The department shall evaluate the groundwater sustainability  
 33 plan within two years of its submission by a groundwater  
 34 sustainability agency and issue an assessment of the plan. The  
 35 assessment may include recommended corrective actions to address  
 36 any deficiencies identified by the department.

37 10733.6. (a) If there is not a groundwater sustainability plan  
 38 for a basin, but a local agency believes that an alternative plan,  
 39 such as a plan developed pursuant to Part 2.75 (commencing with  
 40 Section 10750), satisfies the objectives of this part, the local agency

1 *may submit the alternative plan to the department for evaluation*  
2 *and assessment of whether the plan is the functional equivalent of*  
3 *a groundwater sustainability plan pursuant to this part. In*  
4 *evaluating an alternative plan, the department shall, to the extent*  
5 *feasible, use the guidelines developed pursuant to Section 10733.2.*

6 *(b) A basin shall be in compliance with this part if a*  
7 *groundwater agency for a basin or other local agency submits to*  
8 *the department, no later than January 31, 2020, and every five*  
9 *years thereafter, any of the following documents:*

10 *(1) A copy of a governing final judgment or other judicial order*  
11 *or decree establishing a groundwater sustainability program for*  
12 *the basin.*

13 *(2) A report approved by a groundwater agency that shows that*  
14 *current management or operations activities have been consistent*  
15 *with the sustainable yield of the basin over a period of at least 10*  
16 *years. The report shall be prepared by a registered professional*  
17 *engineer or geologist who is licensed by the state and submitted*  
18 *under that engineer's or geologist's seal. The report may*  
19 *demonstrate compliance with the sustainability goal in the basin*  
20 *by presenting a balanced water budget for the basin, a technical*  
21 *analysis demonstrating stable groundwater levels over the relevant*  
22 *period, or other sufficient technical analyses.*

23 *10733.8. At least every five years after submission, the*  
24 *department, in consultation with the board, shall review any*  
25 *available groundwater sustainability plan, alternative plan*  
26 *submitted in accordance with Section 10729.6, and the*  
27 *implementation of the corresponding groundwater sustainability*  
28 *program for consistency with this part, including achieving the*  
29 *sustainability goal. The department shall issue an assessment for*  
30 *each basin for which a plan has been submitted in accordance*  
31 *with this chapter. The assessment may include recommended*  
32 *corrective actions to address any deficiencies identified by the*  
33 *department.*

34 *10734. (a) Consistent with Section 3 of Article XIII A of the*  
35 *California Constitution, the department shall adopt a schedule of*  
36 *fees to recover costs incurred in carrying out this chapter.*

37 *(b) It is the intent of the Legislature to amend this measure to*  
38 *adopt additional authority for the department to implement the*  
39 *fee authority provided by this section.*

## CHAPTER 11. STATE INTERVENTION

1

2

3 10735. As used in this chapter, the following terms have the  
4 following meanings:

5 (a) “Condition of long-term overdraft” means the condition of  
6 a groundwater basin where the average annual amount of water  
7 extracted for a long-term period, generally 10 years or more,  
8 exceeds the long-term average annual supply of water to the basin,  
9 plus any temporary surplus. Overdraft during a period of drought  
10 is not sufficient to establish a condition of long-term overdraft if  
11 extractions and recharge are managed as necessary to ensure that  
12 reductions in groundwater levels or storage during a period of  
13 drought are offset by increases in groundwater levels or storage  
14 during other periods.

15 (b) “Person” means any person, firm, association, organization,  
16 partnership, business, trust, corporation, limited liability company,  
17 or public agency, including any city, county, city and county,  
18 district, joint powers authority, state, or any agency or department  
19 of those entities. “Person” includes, to the extent authorized by  
20 federal law, the United States, a department, agency or  
21 instrumentality of the federal government, an Indian tribe, an  
22 authorized Indian tribal organization, or interstate body.

23 (c) “Probationary basin” means a basin for which the board  
24 has issued a determination under this section.

25 (d) “Significant depletions of interconnected surface waters”  
26 means reductions in flow or levels of a surface water that is  
27 hydrologically connected to the basin such that the reduced surface  
28 water flow or level adversely affects beneficial uses of the surface  
29 water.

30 10735.2. (a) The board, after notice and a public hearing,  
31 may designate a basin as a probationary basin, if the board finds  
32 one or more of the following applies to the basin:

33 (1) After January 1, 2017, none of the following have occurred:

34 (A) No local agency has elected to be a groundwater  
35 sustainability agency that intends to develop a groundwater  
36 sustainability plan for the entire basin.

37 (B) No collection of local agencies has formed a groundwater  
38 sustainability agency or prepared agreements to develop one or  
39 more groundwater sustainability plans that will collectively serve  
40 as a groundwater sustainability plan for the entire basin.

1 (C) There is no plan developed pursuant to Part 2.75  
2 (commencing with Section 10750) that satisfies the objectives of  
3 this part.

4 (D) There is no report approved by a groundwater agency that  
5 shows that current management or operations activities have been  
6 consistent with the sustainable yield of the basin over a period of  
7 at least 10 years, as described in paragraph (2) of subdivision (b)  
8 of Section 10733.6.

9 (2) After January 31, 2020, none of the following have occurred:

10 (A) No groundwater sustainability agency has adopted a  
11 groundwater sustainability plan for the entire basin.

12 (B) No collection of local agencies have adopted groundwater  
13 sustainability plans that collectively serve as a groundwater  
14 sustainability plan for the entire basin.

15 (C) The department has not determined that a local agency has  
16 a functional equivalent as described in Section 10733.6.

17 (D) There is no report approved by a groundwater agency that  
18 shows that current management or operations activities have been  
19 consistent with the sustainable yield of the basin over a period of  
20 at least 10 years, as described in paragraph (2) of subdivision (b)  
21 of Section 10733.6.

22 (3) After January 31, 2020, either of the following have  
23 occurred:

24 (A) The department has determined that a groundwater  
25 sustainability plan is inadequate or that the groundwater  
26 sustainability program is not being implemented in a manner that  
27 will likely achieve the sustainability goal.

28 (B) The basin is in a condition of long-term overdraft or in a  
29 condition where groundwater extractions result in significant  
30 depletions of interconnected surface waters.

31 (b) (1) In making the findings associated with subparagraph  
32 (A) of paragraph (3) of subdivision (a), the board may rely on  
33 periodic assessments the department has prepared pursuant to  
34 Chapter 10 (commencing with Section 10733). The board may  
35 request that the department conduct additional assessments  
36 utilizing the guidelines developed pursuant to Chapter 10  
37 (commencing with 10733) and make determinations pursuant to  
38 this section. The board shall post on its Internet Web site and  
39 provide at least 30 days for the public to comment on any

1 *determinations provided by the department pursuant to this*  
2 *subdivision.*

3 *(2) The board shall consult with the department in assessing*  
4 *technical determinations pursuant to subparagraph (A) of*  
5 *paragraph (3) of subdivision (a).*

6 *(c) The determination shall set an amount of groundwater*  
7 *extractions, for purposes of establishing the amount for which*  
8 *reports of groundwater extraction are required under Part 5.2*  
9 *(commencing with Section 5200) of Division 2, and may include*  
10 *exclusions for certain classes or categories of extractions that are*  
11 *likely to have a minimal impact on basin withdrawals.*

12 *10735.4. (a) If the board designates a basin as a probationary*  
13 *basin pursuant to paragraph (1) or (2) of subdivision (a) of Section*  
14 *10735.2, a local agency or groundwater sustainability agency*  
15 *shall have 180 days to remedy the deficiency. The board may*  
16 *appoint a mediator or other facilitator, after consultation with*  
17 *affected local agencies, to assist in resolving disputes, and*  
18 *identifying and implementing actions that will remedy the*  
19 *deficiency.*

20 *(b) After the 180-day period provided by subdivision (a), the*  
21 *board may provide additional time to remedy the deficiency if it*  
22 *finds that a local agency is making substantial progress toward*  
23 *remediating the deficiency.*

24 *(c) The board may develop an interim plan pursuant to Section*  
25 *10735.8 for the probationary basin at the end of the time period*  
26 *provided by subdivision (a) or any extension provided pursuant*  
27 *to subdivision (b), if the board, in consultation with the department,*  
28 *determines that a local agency has not remedied the deficiency*  
29 *that resulted in designating the basin as a probationary basin*  
30 *pursuant to this section.*

31 *10735.6. (a) If the board designates a basin as a probationary*  
32 *basin pursuant to paragraph (3) of subdivision (a) of Section*  
33 *10735.2, the board shall identify the specific deficiencies and*  
34 *identify potential actions to address the deficiencies. The board*  
35 *may request the department to provide local agencies, within 90*  
36 *days of the designation of a probationary basin, with technical*  
37 *recommendations to remedy the deficiencies.*

38 *(b) The board may develop an interim plan pursuant to Section*  
39 *10735.8 for the probationary basin one year after the designation*  
40 *of the basin pursuant to paragraph (3) of subdivision (a) of Section*

1 10735.2, if the board, in consultation with the department,  
2 determines that a local agency has not remedied the deficiency  
3 that result in designating the basin a probationary basin.

4 10735.8. (a) The board, after notice and a public hearing,  
5 may adopt an interim plan for a probationary basin.

6 (b) The interim plan shall include all of the following:

7 (1) Identification of the actions that are necessary to correct a  
8 condition of long-term overdraft or a condition where groundwater  
9 extractions result in significant depletions of interconnected surface  
10 waters, including recommendations for appropriate action by any  
11 person.

12 (2) A time schedule for the actions to be taken.

13 (3) A description of the monitoring to be undertaken to  
14 determine effectiveness of the plan.

15 (c) The interim plan may include the following:

16 (1) Restrictions on groundwater pumping or extraction.

17 (2) A physical solution.

18 (3) Principles and guidelines for the administration of rights  
19 to surface waters that are connected to the basin.

20 (d) To the extent feasible, consistent with Sections 100 and 275  
21 and subdivision (e), the interim plan shall be consistent with water  
22 right priorities.

23 (e) Where, in the judgment of the board, a groundwater  
24 sustainability plan, groundwater sustainability program, or an  
25 adjudication action can be relied on as part of the interim plan,  
26 either throughout the basin or in an area within the basin, the  
27 board may rely on, or incorporate elements of, that plan, program,  
28 or adjudication into the interim plan adopted by the board or allow  
29 local agencies to continue implementing those parts of a plan or  
30 program that the board determines are adequate.

31 (f) In carrying out activities that may affect the probationary  
32 basin, state entities shall comply with an interim plan adopted by  
33 the board pursuant to this section unless otherwise directed or  
34 authorized by statute and the state entity shall indicate to the board  
35 in writing the authority for not complying with the interim plan.

36 (g) (1) After the board adopts an interim plan under this section,  
37 the board shall determine if a groundwater sustainability plan or  
38 an adjudication action is adequate to eliminate the condition of  
39 long-term overdraft or condition where groundwater extractions

1 result in significant depletions of interconnected surface waters,  
2 upon petition of either of the following:

3 (A) A groundwater sustainability agency that has adopted a  
4 groundwater sustainability plan for the probationary basin or a  
5 portion thereof.

6 (B) A person authorized to file the petition by a judicial order  
7 or decree entered in an adjudication action in the probationary  
8 basin.

9 (2) The board shall act on a petition filed pursuant to paragraph  
10 (1) within 90 days after the petition is complete. If the board  
11 determines that the groundwater sustainability plan or adjudication  
12 action is adequate, the board shall rescind the interim plan adopted  
13 by the board for the probationary basin, except as provided in  
14 paragraphs (3) and (4).

15 (3) Upon request of the petitioner, the board may amend an  
16 interim plan adopted under this section to eliminate portions of  
17 the interim plan, while allowing other portions of the interim plan  
18 to continue in effect.

19 (4) The board may decline to rescind an interim plan adopted  
20 pursuant to this section if the board determines that the petitioner  
21 has not provided adequate assurances that the groundwater  
22 sustainability plan or judicial order or decree will be implemented.

23 (5) This subdivision is not a limitation on the authority of the  
24 board to stay its proceedings under this section or to rescind or  
25 amend an interim plan adopted pursuant to this section based on  
26 the progress made by a groundwater sustainability agency or in  
27 an adjudication action, even if the board cannot make a  
28 determination of adequacy in accordance with paragraph (1).

29 10736. (a) The board shall adopt or amend a determination  
30 or interim plan under Section 10735.2 or 10735.8 in accordance  
31 with procedures for quasi-legislative action.

32 (b) The board shall provide notice of a hearing described in  
33 subdivision (a) of Section 10735.2 or subdivision (a) of Section  
34 10735.8 as follows:

35 (1) At least 90 days before the hearing, the board shall publish  
36 notice of the hearing on its Internet Web site.

37 (2) At least 90 days before the hearing, the board shall notify  
38 the department and each city, county, or city and county in which  
39 any part of the basin is situated.

1 (3) (A) For the purposes of this paragraph, the terms  
 2 “board-designated local area” and “local agency” have the same  
 3 meaning as defined in Section 5009.

4 (B) At least 60 days before the hearing, the board shall mail or  
 5 send by electronic mail notice to all persons known to the board  
 6 who extract or who propose to extract water from the basin, or  
 7 who have made written or electronic mail requests to the board  
 8 for special notice of hearing pursuant to this part. If any portion  
 9 of the basin is within a board-designated local area, the records  
 10 made available to the board by the local agency in accordance  
 11 with paragraph (4) of subdivision (d) of Section 5009 shall include  
 12 the names and addresses of persons and entities known to the local  
 13 agency who extract water from the basin, and the board shall mail  
 14 or send by electronic mail notice to those persons.

15 (c) The board shall provide notice of proceedings to amend or  
 16 repeal a determination or plan under Section 10735.2 or 10735.8  
 17 as appropriate to the proceedings, taking into account the nature  
 18 of the proposed revision and the person likely to be affected.

19 (d) (1) Except as provided in paragraphs (2) and (3), Chapter  
 20 3.5 (commencing with Section 11340) of Part 1 of Division 2 of  
 21 Title 2 of the Government Code does not apply to any action  
 22 authorized pursuant to Section 10735.2 or 10735.8.

23 (2) The board may adopt a regulation in accordance with  
 24 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
 25 2 of Title 2 of the Government Code setting procedures for  
 26 adopting a determination or plan.

27 (3) The board may adopt a regulation applying or interpreting  
 28 this part pursuant to Section 1530 if the board determines that the  
 29 emergency regulation is reasonably necessary for the allocation,  
 30 administration, or collection of fees authorized pursuant to Section  
 31 1529.5.

32 10736.2. Division 13 (commencing with Section 21000) of the  
 33 Public Resources Code does not apply to any action or failure to  
 34 act by the board under this chapter, other than the adoption or  
 35 amendment of an interim plan pursuant to Section 10735.8.

36 10736.4. The extraction or use of water extracted in violation  
 37 of an interim plan under this part shall not be relied upon as a  
 38 basis for establishing the extraction or use of water to support a  
 39 claim in an action or proceeding for determination of water rights.

1 10736.6. (a) *The board may order a person that extracts or*  
2 *uses water from a basin that is subject to an investigation or*  
3 *proceeding under this chapter to prepare and submit to the board*  
4 *any technical or monitoring program reports related to that*  
5 *person's or entity's extraction or use of water as the board may*  
6 *specify. The costs incurred by the person in the preparation of*  
7 *those reports shall bear a reasonable relationship to the need for*  
8 *the report and the benefit to be obtained from the report. If the*  
9 *preparation of individual reports would result in a duplication of*  
10 *effort, or if the reports are necessary to evaluate the cumulative*  
11 *effect of several diversions or uses of water, the board may order*  
12 *any person subject to this subdivision to pay a reasonable share*  
13 *of the cost of preparing reports.*

14 (b) (1) *An order issued pursuant to this section shall be served*  
15 *by personal service or registered mail on the party to submit*  
16 *technical or monitoring program reports or to pay a share of the*  
17 *costs of preparing reports. Unless the board issues the order after*  
18 *a hearing, the order shall inform the party of the right to request*  
19 *a hearing within 30 days after the party has been served. If the*  
20 *party does not request a hearing within that 30-day period, the*  
21 *order shall take effect as issued. If the party requests a hearing*  
22 *within that 30-day period, the board may adopt a decision and*  
23 *order after conducting a hearing.*

24 (2) *In-lieu of adopting an order directed at named persons in*  
25 *accordance with the procedures specified in paragraph (1), the*  
26 *board may adopt a regulation applicable to a category or class*  
27 *of persons in accordance with Chapter 3.5 (commencing with*  
28 *Section 11340) of Part 1 of Division 2 of Title 2 of the Government*  
29 *Code.*

30 (c) *Upon application of a person or upon its own motion, the*  
31 *board may review and revise an order issued or regulation adopted*  
32 *pursuant to this section in accordance with the procedures set*  
33 *forth in subdivision (b).*

34 (d) *In conducting an investigation or proceeding pursuant to*  
35 *this part, the board may inspect the property or facilities of a*  
36 *person to ascertain whether the purposes of this part are being*  
37 *met and to ascertain compliance with this part. The board may*  
38 *obtain an inspection warrant pursuant to the procedures set forth*  
39 *in Title 13 (commencing with Section 1822.50) of Part 3 of the*

1 *Code of Civil Procedure for the purposes of an inspection pursuant*  
 2 *to this subdivision.*

3 *SEC. 11. Section 10750.1 is added to the Water Code, to read:*

4 *10750.1. (a) Beginning January 1, 2015, a new plan shall not*  
 5 *be adopted and an existing plan shall not be renewed pursuant to*  
 6 *this part, except as provided in subdivision (b). A plan adopted*  
 7 *before January 1, 2015, shall remain in effect until a groundwater*  
 8 *sustainability plan is adopted pursuant to Part 2.74 (commencing*  
 9 *with Section 10720).*

10 *(b) This section does not apply to a low- or very low priority*  
 11 *basin as categorized for the purposes of Part 2.74 (commencing*  
 12 *with Section 10720).*

13 *SEC. 12. Section 10927 of the Water Code is amended to read:*

14 *10927. Any of the following entities may assume responsibility*  
 15 *for monitoring and reporting groundwater elevations in all or a*  
 16 *part of a basin or subbasin in accordance with this part:*

17 *(a) A watermaster or water management engineer appointed by*  
 18 *a court or pursuant to statute to administer a final judgment*  
 19 *determining rights to groundwater.*

20 *(b) (1) A groundwater management agency with statutory*  
 21 *authority to manage groundwater pursuant to its principal act that*  
 22 *is monitoring groundwater elevations in all or a part of a*  
 23 *groundwater basin or subbasin on or before January 1, 2010.*

24 *(2) A water replenishment district established pursuant to*  
 25 *Division 18 (commencing with Section 60000). This part does not*  
 26 *expand or otherwise affect the authority of a water replenishment*  
 27 *district relating to monitoring groundwater elevations.*

28 *(3) A groundwater sustainability agency with statutory authority*  
 29 *to manage groundwater pursuant to Part 2.74 (commencing with*  
 30 *Section 10720).*

31 *(c) A local agency that is managing all or part of a groundwater*  
 32 *basin or subbasin pursuant to Part 2.75 (commencing with Section*  
 33 *10750) and that was monitoring groundwater elevations in all or*  
 34 *a part of a groundwater basin or subbasin on or before January 1,*  
 35 *2010, or a local agency or county that is managing all or part of a*  
 36 *groundwater basin or subbasin pursuant to any other legally*  
 37 *enforceable groundwater management plan with provisions that*  
 38 *are substantively similar to those described in that part and that*  
 39 *was monitoring groundwater elevations in all or a part of a*  
 40 *groundwater basin or subbasin on or before January 1, 2010.*

1 (d) A local agency that is managing all or part of a groundwater  
 2 basin or subbasin pursuant to an integrated regional water  
 3 management plan prepared pursuant to Part 2.2 (commencing with  
 4 Section 10530) that includes a groundwater management  
 5 component that complies with the requirements of Section 10753.7.

6 (e) A local agency that has been collecting and reporting  
 7 groundwater elevations and that does not have an adopted  
 8 groundwater management plan, if the local agency adopts a  
 9 groundwater management plan in accordance with Part 2.75  
 10 (commencing with Section 10750) by January 1, 2014. The  
 11 department may authorize the local agency to conduct the  
 12 monitoring and reporting of groundwater elevations pursuant to  
 13 this part on an interim basis, until the local agency adopts a  
 14 groundwater management plan in accordance with Part 2.75  
 15 (commencing with Section 10750) or until January 1, 2014,  
 16 whichever occurs first.

17 (f) A county that is not managing all or a part of a groundwater  
 18 basin or subbasin pursuant to a legally enforceable groundwater  
 19 management plan with provisions that are substantively similar to  
 20 those described in Part 2.75 (commencing with Section 10750).

21 (g) A voluntary cooperative groundwater monitoring association  
 22 formed pursuant to Section 10935.

23 *SEC. 13. Section 10933 of the Water Code is amended to read:*

24 ~~10933. (a) On or before January 1, 2012, the~~ The department  
 25 shall commence to identify the extent of monitoring of groundwater  
 26 elevations that is being undertaken within each basin and subbasin.

27 (b) (1) The department shall prioritize groundwater basins and  
 28 subbasins for the purpose of implementing this section. In  
 29 prioritizing the basins and subbasins, the department shall, to the  
 30 extent data are available, consider all of the following:

31 ~~(1)~~

32 (A) The population overlying the basin or subbasin.

33 ~~(2)~~

34 (B) The rate of current and projected growth of the population  
 35 overlying the basin or subbasin.

36 ~~(3)~~

37 (C) The number of public supply wells that draw from the basin  
 38 or subbasin.

39 ~~(4)~~

1 (D) The total number of wells that draw from the basin or  
2 subbasin.

3 ~~(5)~~

4 (E) The irrigated acreage overlying the basin or subbasin.

5 ~~(6)~~

6 (F) The degree to which persons overlying the basin or subbasin  
7 rely on groundwater as their primary source of water.

8 ~~(7)~~

9 (G) Any documented impacts on the groundwater within the  
10 basin or subbasin, including overdraft, subsidence, saline intrusion,  
11 and other water quality degradation.

12 ~~(8)~~

13 (H) Any other information determined to be relevant by the  
14 department.

15 (2) *The department, in consultation with the Department of Fish  
16 and Wildlife, shall identify and develop prioritization criteria for  
17 the purpose of identifying groundwater basins and subbasins that  
18 should be prioritized based on adverse impacts to habitat and  
19 surface water resources. The criteria shall be incorporated into  
20 the determination of basin and subbasin prioritization at the  
21 department's next update of basin and subbasin prioritizations  
22 that occurs after January 1, 2017.*

23 (c) If the department determines that all or part of a basin or  
24 subbasin is not being monitored pursuant to this part, the  
25 department shall do all of the following:

26 (1) Attempt to contact all well owners within the area not being  
27 monitored.

28 (2) Determine if there is an interest in establishing any of the  
29 following:

30 (A) A groundwater management plan pursuant to Part 2.75  
31 (commencing with Section 10750).

32 (B) An integrated regional water management plan pursuant to  
33 Part 2.2 (commencing with Section 10530) that includes a  
34 groundwater management component that complies with the  
35 requirements of Section 10753.7.

36 (C) A voluntary groundwater monitoring association pursuant  
37 to Section 10935.

38 (d) If the department determines that there is sufficient interest  
39 in establishing a plan or association described in paragraph (2) of  
40 subdivision (c), or if the county agrees to perform the groundwater

1 monitoring functions in accordance with this part, the department  
 2 shall work cooperatively with the interested parties to comply with  
 3 the requirements of this part within two years.

4 (e) If the department determines, with regard to a basin or  
 5 subbasin, that there is insufficient interest in establishing a plan  
 6 or association described in paragraph (2) of subdivision (c), and  
 7 if the county decides not to perform the groundwater monitoring  
 8 and reporting functions of this part, the department shall do all of  
 9 the following:

10 (1) Identify any existing monitoring wells that overlie the basin  
 11 or subbasin that are owned or operated by the department or any  
 12 other state or federal agency.

13 (2) Determine whether the monitoring wells identified pursuant  
 14 to paragraph (1) provide sufficient information to demonstrate  
 15 seasonal and long-term trends in groundwater elevations.

16 (3) If the department determines that the monitoring wells  
 17 identified pursuant to paragraph (1) provide sufficient information  
 18 to demonstrate seasonal and long-term trends in groundwater  
 19 elevations, the department shall not perform groundwater  
 20 monitoring functions pursuant to Section 10933.5.

21 (4) If the department determines that the monitoring wells  
 22 identified pursuant to paragraph (1) provide insufficient  
 23 information to demonstrate seasonal and long-term trends in  
 24 groundwater elevations, the department shall perform groundwater  
 25 monitoring functions pursuant to Section 10933.5.

26 *SEC. 14. Section 12924 of the Water Code is amended to read:*

27 12924. (a) The department, in conjunction with other public  
 28 agencies, shall conduct an investigation of the state's groundwater  
 29 basins. The department shall identify the state's groundwater basins  
 30 on the basis of geological and hydrological conditions and  
 31 consideration of political boundary lines whenever practical. The  
 32 department shall also investigate existing general patterns of  
 33 groundwater pumping and groundwater recharge within those  
 34 basins to the extent necessary to identify basins that are subject to  
 35 critical conditions of overdraft.

36 (b) *The department may revise the boundaries of groundwater*  
 37 *basins identified in subdivision (a) based on its own investigations*  
 38 *or information provided by others.*

39 (b)

1 (c) The department shall report its findings to the Governor and  
 2 the Legislature not later than January 1, 2012, and thereafter in  
 3 years ending in 5 or 0.

4 *SEC. 15. The provisions of this act are severable. If any*  
 5 *provision of this act or its application is held invalid, that invalidity*  
 6 *shall not affect other provisions or applications that can be given*  
 7 *effect without the invalid provision or application.*

8 *SEC. 16. No reimbursement is required by this act pursuant*  
 9 *to Section 6 of Article XIII B of the California Constitution for*  
 10 *certain costs that may be incurred by a local agency or school*  
 11 *district because, in that regard, this act creates a new crime or*  
 12 *infraction, eliminates a crime or infraction, or changes the penalty*  
 13 *for a crime or infraction, within the meaning of Section 17556 of*  
 14 *the Government Code, or changes the definition of a crime within*  
 15 *the meaning of Section 6 of Article XIII B of the California*  
 16 *Constitution.*

17 *However, if the Commission on State Mandates determines that*  
 18 *this act contains other costs mandated by the state, reimbursement*  
 19 *to local agencies and school districts for those costs shall be made*  
 20 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 21 *4 of Title 2 of the Government Code.*

22 *SEC. 17. The Legislature finds and declares that Section 5 of*  
 23 *this act, which adds Section 10730.8 to the Water Code, imposes*  
 24 *a limitation on the public's right of access to the meetings of public*  
 25 *bodies or the writings of public officials and agencies within the*  
 26 *meaning of Section 3 of Article I of the California Constitution.*  
 27 *Pursuant to that constitutional provision, the Legislature makes*  
 28 *the following findings to demonstrate the interest protected by this*  
 29 *limitation and the need for protecting that interest:*

30 *In order to allow this act to fully accomplish its goals, it is*  
 31 *necessary to protect proprietary information submitted pursuant*  
 32 *to this act as confidential. Therefore, it is in the state's interest to*  
 33 *limit public access to this information.*

34 ~~SECTION 1. Section 65302.12 is added to the Government~~  
 35 ~~Code, to read:~~

36 ~~65302.12. Prior to the adoption or any substantial amendment~~  
 37 ~~of a city or county's general plan, the planning agency shall review,~~  
 38 ~~and if necessary, revise the land use, conservation, open space, or~~  
 39 ~~any other element of the general plan to address any of the~~  
 40 ~~following:~~

1 ~~(a) An adoption of, or update to, a groundwater sustainability~~  
 2 ~~plan or groundwater management plan pursuant to Part 2.74~~  
 3 ~~(commencing with Section 10720) or Part 2.75 (commencing with~~  
 4 ~~Section 10750) of Division 6 of the Water Code or groundwater~~  
 5 ~~management court order, judgment, or decree.~~

6 ~~(b) An adjudication of water rights such as an adjudication~~  
 7 ~~pursuant to Chapter 10 (commencing with Section 10742) of Part~~  
 8 ~~2.74 of Division 6 of the Water Code.~~

9 ~~(c) An order by the State Water Resources Control Board~~  
 10 ~~pursuant to Chapter 9 (commencing with Section 10738) of Part~~  
 11 ~~2.74 of Division 6 of the Water Code.~~

12 ~~SEC. 2. Section 65352 of the Government Code is amended~~  
 13 ~~to read:~~

14 ~~65352. (a) Prior to action by a legislative body to adopt or~~  
 15 ~~substantially amend a general plan, the planning agency shall refer~~  
 16 ~~the proposed action to all of the following entities:~~

17 ~~(1) A city or county, within or abutting the area covered by the~~  
 18 ~~proposal, and any special district that may be significantly affected~~  
 19 ~~by the proposed action, as determined by the planning agency.~~

20 ~~(2) An elementary, high school, or unified school district within~~  
 21 ~~the area covered by the proposed action.~~

22 ~~(3) The local agency formation commission.~~

23 ~~(4) An areawide planning agency whose operations may be~~  
 24 ~~significantly affected by the proposed action, as determined by the~~  
 25 ~~planning agency.~~

26 ~~(5) A federal agency if its operations or lands within its~~  
 27 ~~jurisdiction may be significantly affected by the proposed action,~~  
 28 ~~as determined by the planning agency.~~

29 ~~(6) (A) The branches of the United States Armed Forces that~~  
 30 ~~have provided the Office of Planning and Research with a~~  
 31 ~~California mailing address pursuant to subdivision (d) of Section~~  
 32 ~~65944 when the proposed action is within 1,000 feet of a military~~  
 33 ~~installation, or lies within special use airspace, or beneath a~~  
 34 ~~low-level flight path, as defined in Section 21098 of the Public~~  
 35 ~~Resources Code, provided that the United States Department of~~  
 36 ~~Defense provides electronic maps of low-level flight paths, special~~  
 37 ~~use airspace, and military installations at a scale and in an~~  
 38 ~~electronic format that is acceptable to the Office of Planning and~~  
 39 ~~Research.~~

1 ~~(B) Within 30 days of a determination by the Office of Planning~~  
2 ~~and Research that the information provided by the Department of~~  
3 ~~Defense is sufficient and in an acceptable scale and format, the~~  
4 ~~office shall notify cities, counties, and cities and counties of the~~  
5 ~~availability of the information on the Internet. Cities, counties, and~~  
6 ~~cities and counties shall comply with subparagraph (A) within 30~~  
7 ~~days of receiving this notice from the office.~~

8 ~~(7) A public water system, as defined in Section 116275 of the~~  
9 ~~Health and Safety Code, with 3,000 or more service connections,~~  
10 ~~that serves water to customers within the area covered by the~~  
11 ~~proposal. The public water system shall have at least 45 days to~~  
12 ~~comment on the proposed plan, in accordance with subdivision~~  
13 ~~(b), and to provide the planning agency with the information set~~  
14 ~~forth in Section 65352.5.~~

15 ~~(8) Any local agency or joint powers authority that has adopted~~  
16 ~~a groundwater sustainability plan pursuant to Part 2.74~~  
17 ~~(commencing with Section 10720) of Division 6 of the Water Code~~  
18 ~~or that otherwise manages groundwater pursuant to other provisions~~  
19 ~~of law or a court order, judgment, or decree within the planning~~  
20 ~~area of the proposed general plan.~~

21 ~~(9) The State Water Resources Control Board if it has adopted~~  
22 ~~a groundwater sustainability plan pursuant to Part 2.74~~  
23 ~~(commencing with Section 10720) of Division 6 of the Water Code~~  
24 ~~that includes territory within the planning area of the proposed~~  
25 ~~general plan.~~

26 ~~(10) The Bay Area Air Quality Management District for a~~  
27 ~~proposed action within the boundaries of the district.~~

28 ~~(11) On and after March 1, 2005, a California Native American~~  
29 ~~tribe, that is on the contact list maintained by the Native American~~  
30 ~~Heritage Commission, with traditional lands located within the~~  
31 ~~city or county's jurisdiction.~~

32 ~~(12) The Central Valley Flood Protection Board for a proposed~~  
33 ~~action within the boundaries of the Sacramento and San Joaquin~~  
34 ~~Drainage District, as set forth in Section 8501 of the Water Code.~~

35 ~~(b) Each entity receiving a proposed general plan or amendment~~  
36 ~~of a general plan pursuant to this section shall have 45 days from~~  
37 ~~the date the referring agency mails it or delivers it in which to~~  
38 ~~comment unless a longer period is specified by the planning~~  
39 ~~agency.~~

1 ~~(e) (1) This section is directory, not mandatory, and the failure~~  
 2 ~~to refer a proposed action to the other entities specified in this~~  
 3 ~~section does not affect the validity of the action, if adopted.~~

4 ~~(2) To the extent that the requirements of this section conflict~~  
 5 ~~with the requirements of Chapter 4.4 (commencing with Section~~  
 6 ~~65919), the requirements of Chapter 4.4 shall prevail.~~

7 ~~SEC. 3.— Section 65352.5 of the Government Code is amended~~  
 8 ~~to read:~~

9 ~~65352.5. (a) The Legislature finds and declares that it is vital~~  
 10 ~~that there be close coordination and consultation between~~  
 11 ~~California's water supply or management agencies and California's~~  
 12 ~~land use approval agencies to ensure that proper water supply and~~  
 13 ~~management planning occurs in order to accommodate projects~~  
 14 ~~that will result in increased demands on water supplies or impact~~  
 15 ~~water resource management.~~

16 ~~(b) It is, therefore, the intent of the Legislature to provide a~~  
 17 ~~standardized process for determining the adequacy of existing and~~  
 18 ~~planned future water supplies to meet existing and planned future~~  
 19 ~~demands on these water supplies and the impact of land use~~  
 20 ~~decisions on the management of California's water supply~~  
 21 ~~resources.~~

22 ~~(c) Upon receiving, pursuant to Section 65352, notification of~~  
 23 ~~a city's or a county's proposed action to adopt or substantially~~  
 24 ~~amend a general plan, a public water system, as defined in Section~~  
 25 ~~116275 of the Health and Safety Code, with 3,000 or more service~~  
 26 ~~connections, shall provide the planning agency with the following~~  
 27 ~~information, as is appropriate and relevant:~~

28 ~~(1) The current version of its urban water management plan,~~  
 29 ~~adopted pursuant to Part 2.6 (commencing with Section 10610)~~  
 30 ~~of Division 6 of the Water Code.~~

31 ~~(2) The current version of its capital improvement program or~~  
 32 ~~plan, as reported pursuant to Section 31144.73 of the Water Code.~~

33 ~~(3) A description of the source or sources of the total water~~  
 34 ~~supply currently available to the water supplier by water right or~~  
 35 ~~contract, taking into account historical data concerning wet, normal,~~  
 36 ~~and dry runoff years.~~

37 ~~(4) A description of the quantity of surface water that was~~  
 38 ~~purveyed by the water supplier in each of the previous five years.~~

39 ~~(5) A description of the quantity of groundwater that was~~  
 40 ~~purveyed by the water supplier in each of the previous five years.~~

1 ~~(6) A description of all proposed additional sources of water~~  
 2 ~~supplies for the water supplier, including the estimated dates by~~  
 3 ~~which these additional sources should be available and the~~  
 4 ~~quantities of additional water supplies that are being proposed.~~

5 ~~(7) A description of the total number of customers currently~~  
 6 ~~served by the water supplier, as identified by the following~~  
 7 ~~categories and by the amount of water served to each category:~~

8 ~~(A) Agricultural users.~~

9 ~~(B) Commercial users.~~

10 ~~(C) Industrial users.~~

11 ~~(D) Residential users.~~

12 ~~(8) Quantification of the expected reduction in total water~~  
 13 ~~demand, identified by each customer category set forth in paragraph~~  
 14 ~~(7), associated with future implementation of water use reduction~~  
 15 ~~measures identified in the water supplier's urban water~~  
 16 ~~management plan.~~

17 ~~(9) Any additional information that is relevant to determining~~  
 18 ~~the adequacy of existing and planned future water supplies to meet~~  
 19 ~~existing and planned future demands on these water supplies.~~

20 ~~(10) A report on the anticipated effect of proposed action to~~  
 21 ~~adopt or substantially amend a general plan on implementation of~~  
 22 ~~a groundwater sustainability plan pursuant to Part 2.74~~  
 23 ~~(commencing with Section 10720) of Division 6 of the Water~~  
 24 ~~Code.~~

25 ~~(d) Upon receiving, pursuant to Section 65352, notification of~~  
 26 ~~a city's or county's proposed action to adopt or substantially amend~~  
 27 ~~a general plan, a groundwater sustainability agency, as defined in~~  
 28 ~~Section 10720.5 of the Water Code, shall provide the planning~~  
 29 ~~agency with the following information, as is appropriate and~~  
 30 ~~relevant:~~

31 ~~(1) The current version of its groundwater sustainability plan~~  
 32 ~~adopted pursuant to Part 2.74 (commencing with Section 10720)~~  
 33 ~~of Division 6 of the Water Code.~~

34 ~~(2) If the groundwater sustainability agency manages~~  
 35 ~~groundwater pursuant to a court order, judgment, decree, or~~  
 36 ~~agreement among affected water rights holders, or if the State~~  
 37 ~~Water Resources Control Board has adopted a groundwater~~  
 38 ~~sustainability plan pursuant to Part 2.74 (commencing with Section~~  
 39 ~~10720) of Division 6 of the Water Code, the groundwater~~  
 40 ~~sustainability agency shall provide the planning agency with maps~~

1 of recharge basins and percolation ponds, extraction limitations,  
 2 and other relevant information, or the court order, judgment, or  
 3 decree.

4 (e) A groundwater sustainability agency that has given notice  
 5 of intention to adopt a groundwater sustainability plan, but has not  
 6 adopted a plan, shall provide a report to the planning agency on  
 7 the anticipated effect of proposed action to adopt or substantially  
 8 amend a general plan on adoption of the groundwater sustainability  
 9 plan and on the impacts of the proposed action on sustainable  
 10 management of groundwater.

11 SEC. 4. Section 1242.1 is added to the Water Code, to read:

12 1242.1. It is the policy of the state to encourage conjunctive  
 13 use of surface and groundwater. To that end, the Legislature  
 14 declares that the storage of water underneath the ground is a  
 15 beneficial use of water.

16 SEC. 5. Part 2.74 (commencing with Section 10720) is added  
 17 to Division 6 of the Water Code, to read:

18

19 ~~PART 2.74. GROUNDWATER SUSTAINABILITY PLANNING~~

20

21 ~~CHAPTER 1. TITLE AND POLICY~~

22

23 10720. This part shall be known, and may be cited, as the  
 24 “Sustainable Groundwater Management Act of 2014.”

25 10720.1. In enacting this part, it is the intent of the Legislature  
 26 that all of the following occur:

27 (a) The enhancement of local management of groundwater  
 28 consistent with rights to use or store groundwater and Section 2  
 29 of Article X of the California Constitution. It is the intent of the  
 30 Legislature to preserve and enhance the security of water rights in  
 31 the state to the greatest extent possible consistent with the  
 32 sustainable management of groundwater.

33 (b) The establishment of minimum standards for groundwater  
 34 management together with the requisite authority and funding.

35 (c) The avoidance or minimization of subsidence.

36 (d) The improvement of data collection and understanding about  
 37 groundwater.

38 (e) The increase in groundwater storage and removal of  
 39 impediments to recharge.

40 (f) The provision of state technical and financial assistance.

1 ~~(g) The management of groundwater basins through the actions~~  
 2 ~~of local governmental agencies to the greatest extent feasible, while~~  
 3 ~~minimizing state intervention to only when necessary to ensure~~  
 4 ~~that local agencies manage groundwater in a sustainable manner.~~

5 ~~(h) The intervention by the state when necessary to ensure that~~  
 6 ~~local agencies manage groundwater in a sustainable manner.~~

7  
 8 CHAPTER 2. DEFINITIONS  
 9

10 10720.5. Unless the context otherwise requires, the following  
 11 definitions govern the construction of this part:

12 ~~(a) “Adjudication action” means an action filed in the superior~~  
 13 ~~court to determine the rights to extract groundwater from a basin~~  
 14 ~~or store water within a basin, including, but not limited to, actions~~  
 15 ~~to quiet title respecting rights to extract or store groundwater or~~  
 16 ~~an action brought to impose a physical solution on a basin.~~

17 ~~(b) “Agricultural water supplier” has the same meaning as~~  
 18 ~~defined in Section 10608.12.~~

19 ~~(c) “Basin” means a groundwater basin or subbasin identified~~  
 20 ~~and defined in Bulletin 118 or as modified pursuant to Chapter 10~~  
 21 ~~(commencing with Section 10742).~~

22 ~~(d) “Bulletin 118” means the department’s report entitled~~  
 23 ~~“California’s Groundwater: Bulletin 118” updated in 2003, as it~~  
 24 ~~may be subsequently updated or revised in accordance with Section~~  
 25 ~~12924 or Chapter 4 (commencing with Section 10723).~~

26 ~~(e) “De minimus producer” means a person who extracts, for~~  
 27 ~~domestic purposes, 2 acre feet or less per year.~~

28 ~~(f) “Governing body” means the legislative body of a~~  
 29 ~~groundwater sustainability agency.~~

30 ~~(g) “Groundwater” means water beneath the natural surface of~~  
 31 ~~the ground, in fully saturated pore spaces within the soil or rock,~~  
 32 ~~excluding those waters that are flowing through natural known~~  
 33 ~~and definite channels.~~

34 ~~(h) “Groundwater extraction facility” means a pump or other~~  
 35 ~~mechanism for extracting groundwater from within a basin.~~

36 ~~(i) “Groundwater sustainability agency” means either a local~~  
 37 ~~agency or a joint powers authority formed by local agencies that~~  
 38 ~~implements the provisions of this part with respect to a groundwater~~  
 39 ~~sustainability plan. For purposes of imposing fees pursuant to~~  
 40 ~~Chapter 7 (commencing with Section 10732) or taking action to~~

1 enforce a groundwater management plan, “groundwater  
2 management agency” also means each local agency comprising  
3 the groundwater management agency if the plan authorizes separate  
4 agency action.

5 (j) “Groundwater sustainability plan” or “plan” means a plan  
6 of a groundwater sustainability agency proposed or adopted  
7 pursuant to this part.

8 (k) “Groundwater sustainability program” means a coordinated  
9 and ongoing activity undertaken to benefit a basin, pursuant to a  
10 groundwater sustainability plan.

11 (l) “Local agency” means a local public agency, including, but  
12 not limited to, a city, county, irrigation district, county water  
13 district, municipal water district, California water district, water  
14 storage district, reclamation district, or other special district that  
15 provides water or water management service within a groundwater  
16 basin.

17 (m) “Monitoring entity” means an entity identified by the  
18 department pursuant to Section 10930.

19 (n) “Operator” means a person operating a groundwater  
20 extraction facility. The owner of a groundwater extraction facility  
21 shall be conclusively presumed to be the operator unless a  
22 satisfactory showing is made to the governing body of the  
23 groundwater sustainability agency that the groundwater extraction  
24 facility actually is operated by some other person.

25 (o) “Owner” means a person owning a groundwater extraction  
26 facility or an interest in a groundwater extraction facility other  
27 than a lien to secure the payment of a debt or other obligation.

28 (p) “Planning and implementation horizon” means a 50-year  
29 time period over which a groundwater sustainability agency  
30 determines that plans and measures will be implemented in a basin  
31 to ensure that the basin is operated within its sustainable yield.

32 (q) “Public water system” has the same meaning as defined in  
33 Section 116275 of the Health and Safety Code.

34 (r) “Recharge” means the process by which a basin is  
35 replenished with water whether by natural or artificial means or  
36 in-lieu.

37 (s) “Sustainability goal” means the existence and implementation  
38 of one or more groundwater sustainability plans that achieve  
39 sustainable groundwater management by identifying and causing

1 the implementation of measures targeted to ensure that the  
2 applicable basin is operated within its sustainable yield.

3 (t) “Sustainable groundwater management” means the  
4 management and use of groundwater in a manner that can be  
5 maintained during the planning and implementation horizon  
6 without causing unreasonable adverse environmental, economic,  
7 or social consequences through the development, implementation,  
8 and updating of plans and programs based on the best available  
9 science, monitoring, forecasting, and use of technological  
10 resources, as determined by a groundwater sustainability agency.

11 (u) “Sustainable yield” means the maximum quantity of water,  
12 calculated over a base period representative of long-term conditions  
13 in the basin and including any temporary surplus, that can be  
14 withdrawn annually from a groundwater supply without causing  
15 an undesirable result.

16 (v) “Undesirable result” means one or more of the following  
17 effects occurring after January 1, 2015, and caused by groundwater  
18 conditions occurring throughout the basin:

19 (1) Chronic lowering of groundwater levels indicating a  
20 significant and unreasonable depletion of supply if continued over  
21 the planning and implementation horizon, excluding lowering  
22 groundwater levels caused by a drought.

23 (2) Significant and unreasonable reduction of groundwater  
24 storage.

25 (3) Significant seawater intrusion.

26 (4) Significant and unreasonable degraded water quality,  
27 including the migration of contaminant plumes that impair water  
28 supplies.

29 (5) Significant land subsidence that substantially interferes with  
30 surface land uses.

31 (6) Surface water depletions that have significant adverse  
32 impacts on species listed under the federal Endangered Species  
33 Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California  
34 Endangered Species Act (Chapter 1.5 (commencing with Section  
35 2050) of Division 3 of the Fish and Game Code).

36 (w) “Water year” means the period from October 1 through the  
37 following September 30, inclusive.

## CHAPTER 3. GENERAL PROVISIONS

1  
2  
3 ~~10721. Subject to Section 10736, by January 31, 2020, all~~  
4 ~~basins designated as high- or medium-priority basins by the~~  
5 ~~department pursuant to Section 10933 shall be managed under a~~  
6 ~~groundwater sustainability plan or coordinated groundwater~~  
7 ~~sustainability plans pursuant to this part. The Legislature~~  
8 ~~encourages basins designated as low priority basins by the~~  
9 ~~department pursuant to Section 10933 to be managed under~~  
10 ~~groundwater sustainability plans pursuant to this part as soon as~~  
11 ~~possible.~~

12 ~~10721.5. Groundwater management pursuant to this part shall~~  
13 ~~be consistent with Section 2 of Article X of the California~~  
14 ~~Constitution. Nothing in this part modifies rights or priorities to~~  
15 ~~use or store groundwater consistent with Section 2 of Article X of~~  
16 ~~the California Constitution, except that in medium- and~~  
17 ~~high-priority basins, no extraction of groundwater between January~~  
18 ~~1, 2015, and December 31, 2020, or the date of adoption of a~~  
19 ~~groundwater sustainability plan pursuant to this part, whichever~~  
20 ~~is sooner, may be used as evidence of, or to establish or defend~~  
21 ~~against, any claim of prescription.~~

22 ~~10722. (a) A groundwater sustainability agency that adopts a~~  
23 ~~groundwater sustainability plan may file an action to determine~~  
24 ~~the validity of the plan pursuant to Chapter 9 (commencing with~~  
25 ~~Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.~~

26 ~~(b) Subject to Sections 394 and 397 of the Code of Civil~~  
27 ~~Procedure, the venue for an action pursuant to this section shall~~  
28 ~~be the county in which the principal office of the groundwater~~  
29 ~~management agency is located.~~

30 ~~(c) Any judicial action or proceeding to attack, review, set aside,~~  
31 ~~void, or annul the ordinance or resolution imposing a new, or~~  
32 ~~increasing an existing, fee imposed pursuant to Section 10732,~~  
33 ~~10732.5, or 10733 shall be brought pursuant to Section 66022 of~~  
34 ~~the Government Code.~~

35 ~~(d) Any person may pay a fee imposed pursuant to Section~~  
36 ~~10732, 10732.5, or 10733 under protest and bring an action against~~  
37 ~~the governing body in the superior court to recover any money~~  
38 ~~that the governing body refuses to refund. Payments made and~~  
39 ~~actions brought under this section shall be made and brought in~~  
40 ~~the manner provided for the payment of taxes under protest and~~

1 actions for refund of that payment in Article 2 (commencing with  
2 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue  
3 and Taxation Code, as applicable.

4 (e) Any action by a landowner or other water right holder to  
5 attach, review, set aside, void, or annul an extraction allocation  
6 established by a groundwater sustainability plan shall be brought  
7 pursuant to the expedited adjudication procedures of Chapter 10  
8 (commencing with Section 10742).

9 (f) Except as otherwise provided in this section, actions by a  
10 groundwater sustainability agency are subject to judicial review  
11 pursuant to Section 1085 of the Code of Civil Procedure.

12 ~~10722.5.~~ Except for Chapter 10 (commencing with Section  
13 10742), this part does not apply to any of the following agencies  
14 that are implementing basin-specific management plans:

15 (a) ~~Desert Water Agency.~~

16 (b) ~~Fox Canyon Groundwater Management Agency.~~

17 (c) ~~Honey Lake Valley Groundwater Management District.~~

18 (d) ~~Long Valley Groundwater Management District.~~

19 (e) ~~Mendocino City Community Services District.~~

20 (f) ~~Mono County Tri-Valley Groundwater Management District.~~

21 (g) ~~Monterey Peninsula Water Management District.~~

22 (h) ~~Ojai Groundwater Management Agency.~~

23 (i) ~~Orange County Water District.~~

24 (j) ~~Pajaro Valley Water Management Agency.~~

25 (k) ~~Santa Clara Valley Water District.~~

26 (l) ~~Sierra Valley Water District.~~

27 (m) ~~Willow Creek Groundwater Management Agency.~~

28  
29 CHAPTER 4. BASIN BOUNDARIES

30  
31 ~~10723.~~ Unless other basin boundaries are established pursuant  
32 to this chapter, a basin's boundaries shall be as identified in  
33 Bulletin 118.

34 ~~10723.5.~~ (a) The department shall consider proposals to adjust  
35 the boundaries of a basin in accordance with the following:

36 (1) A proposal shall be supported by the following information:

37 (A) Information to demonstrate that the proposed adjusted basin  
38 can be the subject of sustainable groundwater management. It shall  
39 not be necessary that the information show that a proposed adjusted  
40 basin currently is subject to sustainable groundwater management.

1 ~~(B) A technical report concerning the boundaries of, and~~  
 2 ~~conditions in, the proposed adjusted basin that is stamped by a~~  
 3 ~~registered civil engineer or certified hydrologist.~~

4 ~~(C) Information demonstrating that the entity proposing the~~  
 5 ~~basin boundary adjustment consulted with interested local agencies~~  
 6 ~~and public water systems in the basin before filing the proposal~~  
 7 ~~with the department.~~

8 ~~(2) A proposal may be supported by information concerning~~  
 9 ~~historic management of the proposed adjusted basin.~~

10 ~~(3) The department shall circulate a draft decision by the~~  
 11 ~~department no fewer than 60 days before the department adopts~~  
 12 ~~that decision.~~

13 ~~(b) The department shall require anyone who proposes a basin~~  
 14 ~~boundary adjustment to serve the basin boundary adjustment~~  
 15 ~~proposal on other interested parties and to submit responses to~~  
 16 ~~proposals for basin boundary adjustments to the department.~~

17 ~~(e) (1) All proposals to adjust basin boundaries pursuant to this~~  
 18 ~~section shall be filed with the department by July 1, 2016.~~

19 ~~(2) The department shall issue all decisions concerning~~  
 20 ~~adjustments to basin boundaries pursuant to this section by January~~  
 21 ~~1, 2018.~~

22 ~~(3) The department may provide for expedited processing to~~  
 23 ~~consider proposals to adjust basin boundaries if necessary to~~  
 24 ~~expedite consideration of the boundaries of a basin that is subject~~  
 25 ~~to an adjudication action.~~

26 ~~(d) The adjustment of boundaries pursuant to this section~~  
 27 ~~includes the subdivision of a basin.~~

28 ~~(e) (1) By January 1, 2016, the department shall adopt~~  
 29 ~~emergency regulations to implement this section in an open and~~  
 30 ~~public process that includes the following:~~

31 ~~(A) An opportunity for the public to submit proposals for the~~  
 32 ~~regulations to the department by April 1, 2015.~~

33 ~~(B) Circulation of draft regulations by the department by August~~  
 34 ~~1, 2015, for public review and comment.~~

35 ~~(2) The department shall adopt emergency regulations pursuant~~  
 36 ~~to this section in accordance with Chapter 3.5 (commencing with~~  
 37 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~  
 38 ~~Code. The adoption of these regulations shall be deemed to be an~~  
 39 ~~emergency and shall be considered by the Office of Administrative~~  
 40 ~~Law as necessary for the immediate preservation of the public~~

1 peace, health, safety, and general welfare. Notwithstanding Chapter  
 2 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
 3 Title 2 of the Government Code, any emergency regulation adopted  
 4 by the department pursuant to this section shall remain in effect  
 5 until revised by the department.

6 ~~10724. (a) The department shall review all of the basin~~  
 7 ~~boundaries identified in Bulletin 118 and publish any necessary~~  
 8 ~~revisions to those boundaries by January 1, 2023, in an update of~~  
 9 ~~Bulletin 118. As indicated by the best available technical~~  
 10 ~~information, including the groundwater sustainability plans that~~  
 11 ~~groundwater sustainability agencies submitted to the department~~  
 12 ~~in 2020, the department shall adjust the boundaries of basins and~~  
 13 ~~define any subdivisions of existing basins as new basins. In~~  
 14 ~~adjusting a basin's boundaries and defining any subdivisions of~~  
 15 ~~an existing basin as a new basin, the department shall determine~~  
 16 ~~whether those adjustments would result in a basin that would~~  
 17 ~~support sustainable groundwater management. In revising basin~~  
 18 ~~boundaries for an update of Bulletin 118, the department shall~~  
 19 ~~favor definitions of basins that enable the most practical and~~  
 20 ~~effective groundwater management.~~

21 ~~(b) In updating basin boundaries pursuant to this section, the~~  
 22 ~~department shall comply with the procedures applicable to a formal~~  
 23 ~~rulemaking under the Administrative Procedure Act (Chapter 3.5~~  
 24 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~  
 25 ~~2 of the Government Code).~~

26  
 27 ~~CHAPTER 5. IDENTIFICATION OF GROUNDWATER~~  
 28 ~~SUSTAINABILITY AGENCIES~~  
 29

30 ~~10725. To the extent practicable, a groundwater sustainability~~  
 31 ~~plan developed in accordance with this part shall be coterminous~~  
 32 ~~and augment groundwater management plans developed pursuant~~  
 33 ~~to Part 2.75 (commencing with Section 10750).~~

34 ~~10725.5. (a) A groundwater management agency that has~~  
 35 ~~adopted a groundwater management plan that meets the~~  
 36 ~~requirements of Part 2.75 (commencing with Section 10750) prior~~  
 37 ~~to January 1, 2014, shall be presumed to be the groundwater~~  
 38 ~~sustainability agency to develop a basin sustainability plan in~~  
 39 ~~accordance with this part. The groundwater sustainability agency~~  
 40 ~~may adopt a resolution of intent to prepare a groundwater~~

1 sustainability plan in accordance with this part no later than January  
 2 1, 2016. The groundwater sustainability agency shall submit an  
 3 adopted resolution of intent to the department within 30 days of  
 4 its adoption.

5 (b) If a resolution of intent is not adopted and submitted as  
 6 provided in subdivision (a), the county that the groundwater  
 7 management plan area is located in may, by January 1, 2017, do  
 8 either of the following:

9 (1) Adopt and submit to the department a resolution of intent  
 10 to adopt a groundwater sustainability plan for the area.

11 (2) Request any other local agency or joint powers authority  
 12 providing water or water management services within the  
 13 groundwater management plan areas to adopt and submit to the  
 14 department a resolution of intent to adopt a groundwater  
 15 management plan for that area.

16 (c) If a resolution of intent is not adopted and submitted as  
 17 provided in subdivision (a) or (b), any local agency or joint powers  
 18 authority in the basin may adopt and submit to the department a  
 19 resolution of intent to adopt a groundwater sustainability plan for  
 20 the basin.

21 (d) If no resolution of intent is adopted and submitted as  
 22 provided in subdivision (a), (b), or (c), subdivision (a) of Section  
 23 10726 shall apply.

24 (e) If a groundwater sustainability agency or other local agency  
 25 submits prescribed alternative documentation in accordance with  
 26 Section 10736, the agency also shall adopt a resolution of intent  
 27 to comply with this part not later than January 1, 2016. The  
 28 resolution of intent shall be provided to the department within 30  
 29 days of adoption of the resolution.

30 10726. If any portion of a basin is outside the jurisdictional  
 31 boundary of any groundwater sustainability plan as adopted or as  
 32 intended to be prepared according to a resolution of intent pursuant  
 33 to Section 10725.5, that portion of the basin shall be coordinated  
 34 with the nearest groundwater sustainability plan in any of the  
 35 following ways:

36 (a) (1) The landowners and other groundwater users in the  
 37 unmanaged area may elect to form a new public agency or private  
 38 corporation for the purpose of cooperating in the groundwater  
 39 management plan or may petition to be annexed into an existing  
 40 public agency.

1 ~~(2) If the landowners and other groundwater users choose to~~  
 2 ~~form a new public agency or request to be annexed into an existing~~  
 3 ~~agency, the local agency formation commission shall complete~~  
 4 ~~proceedings on the formation of the agency or the annexation of~~  
 5 ~~the area and serve as the conducting authority within six months~~  
 6 ~~from the date the landowners and other groundwater users file a~~  
 7 ~~formation or annexation application with the commission.~~

8 ~~(b) A groundwater sustainability agency may utilize existing~~  
 9 ~~authority to annex or otherwise bring any unmanaged land into its~~  
 10 ~~boundaries for purposes of the agency's plan or to otherwise extend~~  
 11 ~~the geographic reach of the plan to include unmanaged areas of~~  
 12 ~~the basin. In the event that a local agency seeks to annex lands for~~  
 13 ~~the purpose of developing a groundwater sustainability plan, the~~  
 14 ~~local agency formation commission shall complete proceedings~~  
 15 ~~in accordance with the schedule set forth in paragraph (2) of~~  
 16 ~~subdivision (a).~~

17 ~~(c) If a groundwater sustainability agency cannot or elects not~~  
 18 ~~to annex or otherwise extend boundaries to include the unmanaged~~  
 19 ~~areas, a county that overlies the basin may utilize existing authority~~  
 20 ~~to cause the development of a groundwater sustainability plan for~~  
 21 ~~the unmanaged areas. A county may, by resolution or ordinance,~~  
 22 ~~delegate this authority to a local agency, in which case the local~~  
 23 ~~agency formation commission shall take appropriate action to~~  
 24 ~~ensure that all areas overlying a groundwater basin are within the~~  
 25 ~~boundaries of one or more of the agencies developing the~~  
 26 ~~groundwater sustainability plan. The local agency formation~~  
 27 ~~commission shall complete actions pursuant to this subdivision~~  
 28 ~~no later than January 1, 2017.~~

29 ~~(d) If by January 1, 2017, an area overlying a basin is not within~~  
 30 ~~the jurisdiction of a local agency that is participating in the~~  
 31 ~~development of a groundwater sustainability plan, the board may,~~  
 32 ~~after notice and a hearing, order one or more local agencies~~  
 33 ~~developing a groundwater sustainability plan to include the area~~  
 34 ~~within the plan.~~

35 ~~10726.5. (a) If more than one groundwater sustainability plan~~  
 36 ~~exists or is developed for a basin, the plans shall be coordinated~~  
 37 ~~through a joint powers agreement, memorandum of understanding,~~  
 38 ~~or similar agreement. The agreement or memorandum of~~  
 39 ~~understanding shall ensure that multiple groundwater sustainability~~

1 ~~plans advance sustainable groundwater management of the basin~~  
 2 ~~as a whole.~~

3 ~~(b) If by July 1, 2017, the groundwater sustainability agencies~~  
 4 ~~within a basin cannot come to an agreement to coordinate~~  
 5 ~~groundwater sustainability plans, a groundwater sustainability~~  
 6 ~~agency may petition the board, no later than June 30, 2017, to do~~  
 7 ~~either of the following:~~

8 ~~(1) Appoint a single groundwater sustainability agency to~~  
 9 ~~develop the groundwater sustainability plan for the basin.~~

10 ~~(2) Impose an alternative governance structure with a governing~~  
 11 ~~board that is representative of the local agencies within the basin.~~

12 ~~(c) If the board appoints a groundwater sustainability agency~~  
 13 ~~or imposes a governance structure pursuant to subdivision (b), the~~  
 14 ~~board may consider factors that will best foster sustainable~~  
 15 ~~groundwater management as a whole, including, but not limited to,~~  
 16 ~~the following:~~

17 ~~(1) The geographic extent and governmental authorities of~~  
 18 ~~existing groundwater management agencies, local agencies, and~~  
 19 ~~any relevant county.~~

20 ~~(2) The financial and technical resources available to the relevant~~  
 21 ~~public agencies to implement a groundwater sustainability plan.~~

22 ~~(3) The technical groundwater information and data available~~  
 23 ~~to the relevant local agencies.~~

24 ~~(4) The relevant local agencies' history of groundwater~~  
 25 ~~management.~~

26 ~~(d) The board may utilize available processes and authorities~~  
 27 ~~to appoint the groundwater sustainability agency or impose a~~  
 28 ~~governance structure pursuant to subdivision (b), and may conduct~~  
 29 ~~hearings, workshops, and other information gathering processes~~  
 30 ~~to inform its determination.~~

31 ~~(e) The board shall appoint a groundwater sustainability agency~~  
 32 ~~or impose a governance structure pursuant to subdivision (b) no~~  
 33 ~~later than June 30, 2018.~~

34 ~~(f) If multiple groundwater sustainability plans cover different~~  
 35 ~~portions of a basin, each plan shall not conflict with or impede~~  
 36 ~~sustainable groundwater management relating to any other plan~~  
 37 ~~in the basin.~~

38 ~~10727. A groundwater sustainability plan may include criteria~~  
 39 ~~to exempt small domestic pumping of groundwater for use on~~  
 40 ~~overlying lands in unmanaged areas of the basin if the groundwater~~

1 sustainability agency determines that the exclusion of the pumping  
 2 will not otherwise affect sustainable management of the basin  
 3 pursuant to this part.

4  
 5 CHAPTER 6. MANAGEMENT TOOLS  
 6

7 10728. (a) A groundwater sustainability agency may exercise  
 8 any of the powers described in this chapter in implementing this  
 9 part, in addition to, and not as a limitation on, any existing  
 10 authority, if the groundwater sustainability agency adopts and  
 11 submits to the department a groundwater sustainability plan or  
 12 prescribed alternative documentation in accordance with Section  
 13 10736.

14 (b) A groundwater sustainability agency has and may use the  
 15 powers in this chapter to provide the maximum degree of local  
 16 control and flexibility consistent with the sustainability goals of  
 17 this part.

18 10728.5. (a) A groundwater sustainability agency may perform  
 19 any act necessary or proper to carry out the purposes of this part,  
 20 including, but not limited to, the performance of an agreement,  
 21 acting jointly or in cooperation with the United States, any state,  
 22 county, city, district of any kind, public or private corporation,  
 23 association, firm, or individual, or any combination of them.

24 (b) A groundwater sustainability agency may perform any acts  
 25 necessary or proper for the performance of an agreement with the  
 26 United States, any state, county, city, district of any kind, public  
 27 or private corporation, association, firm, or individual, or any  
 28 combination of them, for the joint acquisition, construction, leasing,  
 29 ownership, disposition, use, management, maintenance, repair, or  
 30 operation of any rights, works, or other property of a kind that may  
 31 be useful in implementing the purposes of this part.

32 (c) A groundwater sustainability agency may adopt rules and  
 33 regulations for the purpose of this part, in compliance with any  
 34 procedural requirements applicable to the adoption of rules and  
 35 regulations by the groundwater sustainability agency. In addition  
 36 to any other applicable procedural requirements, the groundwater  
 37 sustainability agency shall provide notice of the proposed adoption  
 38 of the groundwater sustainability agency on its Internet Web site  
 39 and provide for electronic notice to any person who requests  
 40 electronic notification.

1 ~~(d) This part shall apply to the United States and an Indian tribe~~  
 2 ~~to the extent authorized under federal or tribal law.~~

3 ~~(e) This part shall apply to the state and its agencies and~~  
 4 ~~departments and to local agencies to the same extent as a person~~  
 5 ~~regulated by a groundwater sustainability plan. A groundwater~~  
 6 ~~sustainability agency shall not impose a penalty pursuant to this~~  
 7 ~~part on the state or its agencies, departments, or officers.~~

8 ~~(f) Notwithstanding any other law, in any judicial action~~  
 9 ~~authorized by this part, the court shall direct that a prevailing party~~  
 10 ~~that is a groundwater sustainability agency, or owner or operator~~  
 11 ~~of a groundwater extraction facility, shall be awarded the~~  
 12 ~~reasonable attorney's fees and costs relating to an action authorized~~  
 13 ~~pursuant to this part.~~

14 ~~10729. (a) A groundwater sustainability agency may conduct~~  
 15 ~~an investigation for the purposes of this part, including, but not~~  
 16 ~~limited to, investigations for the following:~~

- 17 ~~(1) To determine the need for groundwater management.~~  
 18 ~~(2) To prepare and adopt a groundwater sustainability plan and~~  
 19 ~~implementing rules and regulations.~~  
 20 ~~(3) To propose and update fees.~~  
 21 ~~(4) To monitor compliance and enforcement.~~

22 ~~(b) An investigation may include surface waters and surface~~  
 23 ~~water rights as well as groundwater and groundwater rights.~~

24 ~~(c) In connection with an investigation, a groundwater~~  
 25 ~~sustainability agency may inspect the property or facilities of a~~  
 26 ~~person or entity to ascertain whether the purposes of this part are~~  
 27 ~~being met and compliance with this part. The local agency may~~  
 28 ~~conduct an inspection pursuant to this section upon obtaining any~~  
 29 ~~necessary consent or obtaining an inspection warrant pursuant to~~  
 30 ~~the procedure set forth in Title 13 (commencing with Section~~  
 31 ~~1822.50) of Part 3 of the Code of Civil Procedure.~~

32 ~~10729.5. (a) Each groundwater extraction facility within a~~  
 33 ~~groundwater sustainability agency shall be registered with the~~  
 34 ~~groundwater sustainability agency if the groundwater sustainability~~  
 35 ~~plan provides for establishing a groundwater charge pursuant to~~  
 36 ~~this part or for otherwise regulating groundwater extractions. The~~  
 37 ~~groundwater sustainability agency may, by resolution or ordinance,~~  
 38 ~~establish reasonable requirements for the registration of a~~  
 39 ~~groundwater extraction facility.~~

1 (b) Any form used to register a groundwater extraction facility  
2 pursuant to this section shall not be made available for inspection  
3 by the public. The groundwater sustainability agency may use  
4 information from the form to develop or implement a groundwater  
5 sustainability program or plan pursuant to this part.

6 (c) An owner or operator of a groundwater extraction facility  
7 that fails to register the facility within a time period provided for  
8 in a groundwater sustainability plan shall become jointly and  
9 severally liable to the groundwater sustainability agency for a  
10 penalty of one thousand dollars (\$1,000) per unregistered  
11 groundwater extraction facility.

12 10730. (a) A groundwater sustainability agency may require  
13 through its groundwater sustainability plan that the use of every  
14 groundwater extraction facility within the groundwater  
15 sustainability agency be measured no less than 60 days after  
16 registration by a water-measuring device satisfactory to the  
17 groundwater sustainability agency. If water-measuring devices are  
18 required by the groundwater sustainability plan, an owner or  
19 operator of a groundwater extraction facility that fails to install a  
20 satisfactory water-measuring device within the 60-day time period  
21 shall be jointly and severally liable to the groundwater  
22 sustainability agency for a penalty of one thousand dollars (\$1,000)  
23 per groundwater extraction facility lacking a water-measuring  
24 device.

25 (b) All costs associated with the purchase and installation of  
26 the water-measuring device shall be borne by the owner or operator  
27 of each groundwater extraction facility. The water measuring  
28 devices shall be installed by the groundwater sustainability agency  
29 or, at the groundwater sustainability agency's option, by the owner  
30 or operator of the groundwater extraction facility. Water-measuring  
31 devices shall be calibrated on a reasonable schedule as may be  
32 determined by the groundwater sustainability agency.

33 (c) A groundwater sustainability agency may require, through  
34 its groundwater sustainability plan, that the owner or operator of  
35 a groundwater extraction facility within the groundwater  
36 sustainability agency file an annual statement with the groundwater  
37 sustainability agency setting forth the total extraction in acre-feet  
38 of groundwater from the facility during the previous year. If filing  
39 of groundwater extraction statements is required by the  
40 groundwater sustainability plan, an owner or operator of a

1 ~~groundwater extraction facility that fails to file a timely~~  
 2 ~~groundwater extraction statement shall be jointly and severally~~  
 3 ~~liable to the groundwater sustainability agency for a penalty of~~  
 4 ~~one thousand dollars (\$1,000) per groundwater extraction facility~~  
 5 ~~without a filed groundwater extraction statement per each month~~  
 6 ~~since the date the first penalty could have been imposed by the~~  
 7 ~~groundwater sustainability agency.~~

8 ~~(d) In addition to the measurement of groundwater extractions~~  
 9 ~~pursuant to subdivision (a), a groundwater sustainability agency~~  
 10 ~~may use any other reasonable method to determine groundwater~~  
 11 ~~extraction.~~

12 ~~(e) This section does not apply to de minimus extractors.~~

13 ~~10730.5. An entity within the area of a groundwater~~  
 14 ~~sustainability plan shall only divert surface water to underground~~  
 15 ~~storage consistent with the plan and shall report the diversion to~~  
 16 ~~underground storage to the groundwater sustainability agency for~~  
 17 ~~the relevant portion of the basin.~~

18 ~~10731. A groundwater sustainability agency may do the~~  
 19 ~~following:~~

20 ~~(a) Acquire by grant, purchase, lease, gift, devise, contract,~~  
 21 ~~construction, or otherwise, and hold, use, enjoy, sell, let, and~~  
 22 ~~dispose, of real and personal property of every kind, including~~  
 23 ~~lands, water rights, structures, buildings, rights-of-way, easements,~~  
 24 ~~and privileges, and construct, maintain, alter, and operate any and~~  
 25 ~~all works or improvements, within or outside the agency, necessary~~  
 26 ~~or proper to carry out any of the purposes of this part.~~

27 ~~(b) Appropriate and acquire surface water or groundwater and~~  
 28 ~~surface water or groundwater rights, import surface water or~~  
 29 ~~groundwater into the agency, and conserve and store within or~~  
 30 ~~outside the agency that water for any purpose necessary or proper~~  
 31 ~~to carry out the provisions of this part, including, but not limited~~  
 32 ~~to, the spreading, storing, retaining, or percolating into the soil of~~  
 33 ~~the waters for subsequent use or in a manner consistent with the~~  
 34 ~~provisions of Section 10735. As part of this authority, the agency~~  
 35 ~~may validate an existing groundwater conjunctive use or storage~~  
 36 ~~program upon a finding that the program would aid or assist the~~  
 37 ~~agency in developing or implementing a groundwater sustainability~~  
 38 ~~plan.~~

39 ~~(c) Provide for a program of voluntary fallowing of agricultural~~  
 40 ~~lands or validate an existing program.~~

1 ~~(d) Perform any acts necessary or proper to enable the agency~~  
 2 ~~to purchase, transfer, deliver, or exchange water or water rights of~~  
 3 ~~any type with any person that may be necessary or proper to carry~~  
 4 ~~out any of the purposes of this part, including, but not limited to,~~  
 5 ~~providing surface water in exchange for a groundwater extractor's~~  
 6 ~~agreement to reduce or cease groundwater extractions. The agency~~  
 7 ~~shall not deliver retail water supplies within the service area of a~~  
 8 ~~public water system without either the consent of that system or~~  
 9 ~~authority under the agency's existing authorities.~~

10 ~~(e) Transport, reclaim, purify, desalinate, treat, or otherwise~~  
 11 ~~manage and control polluted water, wastewater, or other waters~~  
 12 ~~for subsequent use in a manner that is necessary or proper to carry~~  
 13 ~~out the purposes of this part.~~

14 ~~(f) Whenever, in the opinion of the agency's governing board,~~  
 15 ~~the public interest or convenience may require, it may order any~~  
 16 ~~work or improvement that it is authorized to undertake to be done~~  
 17 ~~in accordance with the procedures and pursuant to the provisions~~  
 18 ~~of the Improvement Act of 1911 (Division 7 (commencing with~~  
 19 ~~Section 5000) of the Streets and Highways Code), the Improvement~~  
 20 ~~Bond Act of 1915 (Division 10 (commencing with Section 8500)~~  
 21 ~~of the Streets and Highways Code), or the Municipal Improvement~~  
 22 ~~Act of 1913 (Division 12 (commencing with Section 10000) of~~  
 23 ~~the Streets and Highways Code).~~

24 ~~(g) Commence, maintain, intervene in, defend, compromise,~~  
 25 ~~and assume the cost and expenses of any and all actions and~~  
 26 ~~proceedings.~~

27 ~~10731.5. A groundwater sustainability agency shall have the~~  
 28 ~~following additional authority and may regulate groundwater~~  
 29 ~~pumping using that authority by means of ordinance or resolution:~~

30 ~~(a) To impose spacing requirements on new groundwater well~~  
 31 ~~construction to minimize well interference and impose reasonable~~  
 32 ~~operating regulations on existing groundwater wells to minimize~~  
 33 ~~well interference, including requiring pumpers to operate on a~~  
 34 ~~rotation basis.~~

35 ~~(b) To control groundwater extractions by regulating, limiting,~~  
 36 ~~or suspending extractions from individual groundwater wells or~~  
 37 ~~extractions from groundwater wells in the aggregate, the~~  
 38 ~~construction of new groundwater wells, the enlarging of existing~~  
 39 ~~groundwater wells, the reactivation of abandoned groundwater~~  
 40 ~~wells, or otherwise establishing groundwater extraction allocations.~~

1 A limitation on extractions by a groundwater sustainability agency  
 2 shall not be construed to be a final determination of rights to extract  
 3 groundwater from the basin or any portion of the basin. A  
 4 groundwater sustainability agency may use the expedited  
 5 adjudication procedures in Chapter 10 (commencing with Section  
 6 10742) in establishing groundwater extraction allocations.

7 (e) To authorize temporary and permanent transfers of  
 8 groundwater extraction allocations within the agency's boundaries,  
 9 if the total quantity of groundwater extracted in any year is  
 10 consistent with the provisions of the groundwater sustainability  
 11 plan.

12 (d) To establish accounting rules to allow unused groundwater  
 13 extraction allocations issued by the agency to be carried over from  
 14 one year to another and voluntarily transferred, if the total quantity  
 15 of groundwater extracted in any five-year period is consistent with  
 16 the provisions of the groundwater sustainability plan.

17  
 18 CHAPTER 7. FINANCIAL AUTHORITY

19  
 20 10732. (a) A groundwater sustainability agency may impose  
 21 fees, including, but not limited to, permit fees and fees on  
 22 groundwater extraction or other regulated activity, to fund the costs  
 23 of a groundwater sustainability program, including, but not limited  
 24 to, preparation, adoption, and amendment of a groundwater  
 25 sustainability plan, and program administration, investigations,  
 26 inspections, compliance assistance, and enforcement. A  
 27 groundwater sustainability agency shall not impose a fee pursuant  
 28 to this subdivision on a de minimus producer unless the agency  
 29 has regulated the users pursuant to this part.

30 (b) Prior to imposing or increasing a fee, a groundwater  
 31 sustainability agency shall hold at least one open and public  
 32 meeting, at which oral or written presentations may be made as  
 33 part of the meeting.

34 (1) Notice of the time and place of the meeting shall include a  
 35 general explanation of the matter to be considered and a statement  
 36 that the data required by this section is available. The notice shall  
 37 be mailed at least 14 days prior to the meeting to each record owner  
 38 of property within the basin and to any interested party who files  
 39 a written request with the agency for mailed notice of the meeting  
 40 on new or increased fees. A written request for mailed notices shall

1 be valid for one year from the date that the request is made and  
 2 may be renewed by making a written request on or before April 1  
 3 of each year.

4 (2) At least 10 days prior to the meeting, the groundwater  
 5 sustainability agency shall make available to the public data upon  
 6 which the proposed fee is based.

7 (e) Any action by a groundwater sustainability agency to impose  
 8 or increase a fee shall be taken only by ordinance or resolution.

9 (d) (1) As an alternative method for the collection of fees  
 10 imposed pursuant to this section, a groundwater management  
 11 agency may adopt a resolution requesting collection of the fees in  
 12 the same manner as ordinary municipal ad valorem taxes.

13 (2) A resolution described in paragraph (1) shall be adopted and  
 14 furnished to the county auditor and board of supervisors on or  
 15 before August 1 of each year that the alternative collection of the  
 16 fees is being requested. The resolution shall include a list of parcels  
 17 and the amount to be collect for each parcel.

18 (e) The power granted by this section is in addition to any  
 19 powers a groundwater sustainability agency has under any other  
 20 law.

21 10732.5. (a) A groundwater sustainability agency that adopts  
 22 a groundwater sustainability plan pursuant to this part may impose  
 23 fees on the extraction of groundwater from the basin to fund costs  
 24 of groundwater management, including, but not limited to, the  
 25 costs of the following:

26 (1) Administration, operation, maintenance, and acquisition of  
 27 lands or other property, facilities, and services.

28 (2) Supply, production, treatment, or distribution of water.

29 (3) Other activities necessary or convenient to implement the  
 30 plan.

31 (b) Fees may be implemented pursuant to Part 2.75  
 32 (commencing with Section 10750) in accordance with the  
 33 procedures provided in this section.

34 (e) Fees imposed pursuant to this section shall be adopted in  
 35 accordance with subdivisions (a) and (b) of Section 6 of Article  
 36 XIII D of the California Constitution.

37 (d) Fees imposed pursuant to this section may include fixed fees  
 38 and fees charged on a volumetric basis, including, but not limited  
 39 to, fees that increase based on the quantity of groundwater produced  
 40 annually, the year in which the production of groundwater

1 commenced from a groundwater extraction facility, and impacts  
2 to the basin.

3 (e) The power granted by this section is in addition to any  
4 powers a groundwater sustainability agency has under any other  
5 law.

6 10733. A groundwater sustainability agency may fund activities  
7 pursuant to Part 2.75 (commencing with Section 10750) and may  
8 impose fees pursuant to Section 10732.5 to fund activities  
9 undertaken by the agency pursuant to Part 2.75 (commencing with  
10 Section 10750).

11 10733.5. (a) A groundwater fee levied pursuant to this chapter  
12 shall be due and payable to the groundwater sustainability agency  
13 by each owner or operator on a day established by the groundwater  
14 sustainability agency.

15 (b) If an owner or operator knowingly fails to pay a groundwater  
16 charge within 30 days of it becoming due, the owner or operator  
17 shall be liable to the groundwater sustainability agency for interest  
18 at the rate of 1 percent per month on the delinquent amount of the  
19 groundwater charge and a 10 percent penalty.

20 (c) The groundwater sustainability agency may bring a suit in  
21 the court having jurisdiction against any owner or operator of a  
22 groundwater extraction facility within the area covered by the plan  
23 for the collection of any delinquent groundwater charges, interest,  
24 or penalties imposed under this chapter. If the groundwater  
25 sustainability agency seeks an attachment against the property of  
26 any named defendant in the suit, the groundwater sustainability  
27 agency shall not be required to furnish bond or other undertaking  
28 as provided in Title 6.5 (commencing with Section 481.010) of  
29 Part 2 of the Code of Civil Procedure.

30 (d) In the alternative to bringing a suit pursuant to subdivision  
31 (c), a groundwater sustainability agency may collect any delinquent  
32 groundwater charge and any civil penalties and interest on the  
33 delinquent groundwater charge pursuant to the laws applicable to  
34 the local agency or, if a joint powers authority, to the entity  
35 designated pursuant to Section 6509 of the Government Code. The  
36 collection shall be in the same manner as it would be applicable  
37 to the collection of delinquent assessments, water charges, or tolls.

38 (e) As an additional remedy, a groundwater sustainability  
39 agency, after a public hearing, may order an owner or operator to  
40 cease extraction of groundwater until all delinquent fees are paid.

1 The groundwater sustainability agency shall give notice to the  
2 owner or operator by certified mail not less than 15 days in advance  
3 of the public hearing.

4 (f) The remedies specified in this section for collecting and  
5 enforcing fees are cumulative and may be pursued alternatively  
6 or may be used consecutively as determined by the governing  
7 body.

8 10734. (a) Nothing in this chapter shall affect or interfere with  
9 the authority of a groundwater sustainability agency to levy and  
10 collect taxes, assessments, charges, and tolls as otherwise provided  
11 by law.

12 (b) For the purposes of Section 6254.16 of the Government  
13 Code, persons subject to payment of fees pursuant to this chapter  
14 are utility customers of a groundwater sustainability agency.

15 10734.5. (a) If there is reasonable cause to believe that the  
16 production of groundwater from any groundwater extraction facility  
17 is in excess of that disclosed by the statements covering the facility  
18 or if no statement is filed covering the facility, then the governing  
19 body may cause an investigation and report to be made concerning  
20 the production of groundwater from that groundwater extraction  
21 facility that includes, but is not limited to, the accuracy of the  
22 water-measuring device. The governing body may make a  
23 determination fixing the amount of groundwater production from  
24 the groundwater extraction facility at an amount not to exceed the  
25 maximum production capacity of the facility for purposes of  
26 levying a groundwater charge. If a water-measuring device is  
27 permanently attached to the groundwater extraction facility, the  
28 record of production as disclosed by the water-measuring device  
29 shall be presumed to be accurate unless the contrary is established  
30 by the groundwater management agency after investigation.

31 (b) After the governing body makes a determination fixing the  
32 amount of groundwater production pursuant to subdivision (a), a  
33 written notice of the determination shall be mailed to the owner  
34 or operator of the groundwater extraction facility at the address as  
35 shown by the groundwater management agency's records. A  
36 determination made by the governing body shall be conclusive on  
37 the owner or operator and the groundwater charges, based on the  
38 determination together with any interest and penalties, shall be  
39 payable immediately unless within 10 days after the mailing of  
40 the notice the owner or operator files with the governing body a

1 written protest setting forth the ground for protesting the amount  
 2 of production or the groundwater charges, interest, and penalties.  
 3 If a protest is filed pursuant to this subdivision, the governing body  
 4 shall hold a hearing to determine the total amount of the  
 5 groundwater production and the groundwater charges, interest,  
 6 and penalties. The determination by the governing body at the  
 7 hearing shall be conclusive if based upon substantial evidence.  
 8 Notice of the hearing shall be mailed to each protestant at least 10  
 9 days before the date fixed for the hearing. Notice of the  
 10 determination of the governing body hearing shall be mailed to  
 11 each protestant. The owner or operator shall have 20 days from  
 12 the date of mailing of the determination to pay the groundwater  
 13 charges, interest, and penalties determined by the governing body.

14  
 15 CHAPTER 8. GROUNDWATER SUSTAINABILITY PLANS

16  
 17 10735. (a) A groundwater sustainability plan shall be adopted  
 18 for each medium or high priority basin by an overlying  
 19 groundwater sustainability agency. The plan may incorporate,  
 20 extend, or be based on a plan adopted pursuant to Part 2.75  
 21 (commencing with Section 10750) and shall include all of the  
 22 following:

23 (1) A description of the physical setting and characteristics of  
 24 the aquifer system underlying the basin that includes the following:

25 (A) Historical data, to the extent available.

26 (B) Groundwater levels, groundwater quality, subsidence, and  
 27 groundwater-surface water interaction.

28 (C) Known issues of concern with respect to the data described  
 29 in this paragraph.

30 (D) A general discussion of historical and projected water  
 31 demands and supplies.

32 (E) A map that details the area of the basin and the boundaries  
 33 of the groundwater sustainability agencies that overlie the basin  
 34 that have or are developing groundwater sustainability plans.

35 (F) A map identifying existing and potential recharge areas for  
 36 the basin. The map or maps shall identify the existing recharge  
 37 areas that substantially contribute to the replenishment of the  
 38 groundwater basin. The map or maps shall be provided to the  
 39 appropriate local planning agencies after adoption of the  
 40 groundwater sustainability plan.

1 ~~(2) Groundwater management objectives to achieve the~~  
2 ~~sustainability goal in the basin within 20 years of the~~  
3 ~~implementation of the plan. The plan shall include a description~~  
4 ~~of how the plan helps meet each objective and how each objective~~  
5 ~~is intended to achieve the sustainability goal for the basin for~~  
6 ~~long-term beneficial uses of groundwater. The department, at the~~  
7 ~~request of the groundwater management agency, may grant an~~  
8 ~~extension of up to 10 years beyond the 20 year sustainability time~~  
9 ~~frame if necessary based on groundwater basin circumstances.~~

10 ~~(3) A planning and implementation horizon of at least 50 years.~~

11 ~~(4) As applicable to the basin, components relating to the~~  
12 ~~following:~~

13 ~~(A) The monitoring and management of groundwater levels~~  
14 ~~within the basin.~~

15 ~~(B) The monitoring and management of groundwater quality,~~  
16 ~~groundwater quality degradation, inelastic land surface subsidence,~~  
17 ~~and changes in surface flow and surface water quality that directly~~  
18 ~~affect groundwater levels or quality or are caused by groundwater~~  
19 ~~pumping in the basin.~~

20 ~~(C) Mitigation of overdraft.~~

21 ~~(D) How recharge areas identified in the plan substantially~~  
22 ~~contribute to the replenishment of the basin.~~

23 ~~(5) A summary of the type of monitoring sites, type of~~  
24 ~~measurements, and the frequency of monitoring for each location~~  
25 ~~monitoring groundwater levels, groundwater quality, subsidence,~~  
26 ~~streamflow, precipitation, evaporation, and tidal influence. The~~  
27 ~~plan shall include a summary of monitoring information such as~~  
28 ~~well depth, screened intervals, and aquifer zones monitored, and~~  
29 ~~a summary of the type of well relied on for the information,~~  
30 ~~including public, irrigation, domestic, industrial, and monitoring~~  
31 ~~wells.~~

32 ~~(6) Monitoring protocols that are designed to detect changes in~~  
33 ~~groundwater levels, groundwater quality, inelastic surface~~  
34 ~~subsidence for basins for which subsidence has been identified as~~  
35 ~~a potential problem, and flow and quality of surface water that~~  
36 ~~directly affect groundwater levels or quality or are caused by~~  
37 ~~groundwater pumping in the basin. The monitoring protocols shall~~  
38 ~~be designed to generate information that promotes efficient and~~  
39 ~~effective groundwater management.~~

- 1 ~~(b) A groundwater sustainability plan may include all of the~~  
 2 ~~following, where appropriate:~~
- 3 ~~(1) Control of saline water intrusion.~~
  - 4 ~~(2) Wellhead protection areas and recharge areas.~~
  - 5 ~~(3) Migration of contaminated groundwater.~~
  - 6 ~~(4) A well abandonment and well destruction program.~~
  - 7 ~~(5) Replenishment of groundwater extractions.~~
  - 8 ~~(6) Activities implementing, opportunities for, and impediments~~  
 9 ~~to, conjunctive use.~~
  - 10 ~~(7) Well construction policies.~~
  - 11 ~~(8) Measures addressing groundwater contamination cleanup,~~  
 12 ~~recharge, diversions to storage, conservation, water recycling,~~  
 13 ~~conveyance, and extraction projects.~~
  - 14 ~~(9) Efficient water management practices, as defined in Section~~  
 15 ~~10902, for the delivery of water and water conservation methods~~  
 16 ~~to improve the efficiency of water use.~~
  - 17 ~~(10) Efforts to develop relationships with state and federal~~  
 18 ~~regulatory agencies.~~
  - 19 ~~(11) Processes to review land use plans and efforts to coordinate~~  
 20 ~~with land use planning agencies to assess activities that potentially~~  
 21 ~~create risks to groundwater quality or quantity.~~
- 22 ~~10735.5. (a) Prior to initiating the development of a~~  
 23 ~~groundwater sustainability plan, the groundwater sustainability~~  
 24 ~~agency shall make available to the public and the department a~~  
 25 ~~written statement describing the manner in which interested parties~~  
 26 ~~may participate in the development and implementation of the~~  
 27 ~~groundwater sustainability plan. The groundwater sustainability~~  
 28 ~~agency may appoint and consult with an advisory committee~~  
 29 ~~consisting of interested parties for the purposes of developing and~~  
 30 ~~implementing a sustainable groundwater management plan. The~~  
 31 ~~groundwater management agency shall encourage the active~~  
 32 ~~involvement of diverse social, cultural, and economic elements of~~  
 33 ~~the population within the groundwater basin prior to and during~~  
 34 ~~the development and implementation of the groundwater~~  
 35 ~~management plan. The groundwater sustainability agency shall~~  
 36 ~~encourage the active involvement of diverse social, cultural, and~~  
 37 ~~economic elements of the population within the basin prior to and~~  
 38 ~~during the development and implementation of the groundwater~~  
 39 ~~sustainability plan.~~

1 ~~(b) The groundwater sustainability agency shall establish and~~  
2 ~~maintain a list of persons interested in receiving notices regarding~~  
3 ~~plan preparation, meeting announcements, and availability of draft~~  
4 ~~plans, maps, and other relevant documents. A person may request,~~  
5 ~~in writing, to be placed on the list of interested persons.~~

6 ~~10736. (a) Except as provided in subdivision (b), a~~  
7 ~~groundwater sustainability agency shall certify that its plan~~  
8 ~~complies with this part no later than January 31, 2020, and every~~  
9 ~~five years thereafter. A groundwater sustainability agency shall~~  
10 ~~submit this certification to the department within 30 days of the~~  
11 ~~certification.~~

12 ~~(b) A basin shall be in compliance with this part if a groundwater~~  
13 ~~sustainability agency for a basin or other local agency submits to~~  
14 ~~the department no later than January 31, 2020, and every five years~~  
15 ~~thereafter, any of the following documents:~~

16 ~~(1) A copy of a governing final judgment or other judicial order~~  
17 ~~or decree establishing a groundwater sustainability program for~~  
18 ~~the basin.~~

19 ~~(2) A report approved by a groundwater sustainability agency~~  
20 ~~that shows that current management or operations activities have~~  
21 ~~been consistent with the sustainable yield of the basin over a period~~  
22 ~~of at least 10 years. The report shall be prepared by a registered~~  
23 ~~professional engineer or geologist who is licensed by the state and~~  
24 ~~submitted under that engineer's or geologist's seal. The report may~~  
25 ~~demonstrate compliance with the sustainability goal in the basin~~  
26 ~~by presenting a balanced water budget for the basin, a technical~~  
27 ~~analysis demonstrating stable groundwater levels over the relevant~~  
28 ~~period, or other sufficient technical analyses.~~

29 ~~(c) (1) The department may review the submissions made~~  
30 ~~pursuant to this section and may request the supporting information~~  
31 ~~on which the certification pursuant to subdivision (a) or the other~~  
32 ~~documentation pursuant to subdivision (b) relied. The department~~  
33 ~~may issue findings concerning the validity of the certification or~~  
34 ~~other submission.~~

35 ~~(2) Before issuing findings pursuant to paragraph (1), the~~  
36 ~~department shall transmit a draft of its findings to the submitting~~  
37 ~~agency and shall consult with that agency. The submitting agency~~  
38 ~~may submit a response to the department within 60 days of~~  
39 ~~receiving the department's draft findings.~~

~~(3) If the department's findings issued pursuant to paragraph (1) concern the compliance of a plan with requirements for sustainable groundwater management or the operation of a basin consistent with the basin's sustainable yield, the submitting agency, within 90 days of receipt, shall consider amendments to its plan or technical analysis to address the department's findings.~~

~~(d) The Antelope Valley basin at issue in the Antelope Valley Groundwater Cases (Judicial Council Coordination Proceeding Number 4408) shall be treated as an adjudicated basin pursuant to this section if the superior court's final judgment, order, or decree is submitted to the department consistent with this section.~~

~~10736.5. A groundwater management agency shall periodically evaluate its groundwater sustainability plan, assess changing conditions in the basin that may warrant modification of the plan or management objectives, and may adjust components in the plan. An evaluation of the plan shall focus on determining whether the actions under the plan are meeting the plan's management objectives and whether those objectives are meeting the sustainability goal in the basin.~~

~~10737. A groundwater sustainability agency preparing a groundwater sustainability plan or a plan amendment shall notify any city or county within the area of the proposed plan or amendment at least 90 days before a public hearing on the plan where the agency will be reviewing the plan or amendment and considering its adoption or amendment. The groundwater sustainability agency shall obtain comments from any city or county that receives notice pursuant to this section and shall consult with a city or county that requests consultation within 30 days of receipt of the notice. Nothing in this section is intended to preclude an agency and a city or county from otherwise consulting or commenting regarding the adoption or amendment of a plan.~~

~~10737.5. (a) The department or a groundwater sustainability agency may provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources.~~

~~(b) The department may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development and implementation of a groundwater sustainability plan. The department shall use its best efforts to provide the requested assistance.~~

1 (e) ~~(1) By January 1, 2017, the department shall submit to the~~  
2 ~~Legislature and publish on its Internet Web site best management~~  
3 ~~practices for the sustainable management of groundwater.~~

4 ~~(2) Best management practices to be submitted pursuant to~~  
5 ~~paragraph (1) shall be submitted in compliance with Section 9795~~  
6 ~~of the Government Code.~~

7 ~~(3) The department shall develop the best management practices~~  
8 ~~in consultation with a representative task force of interested entities.~~  
9 ~~The department shall ensure that the task force's members are~~  
10 ~~broadly representative of stakeholders who are interested in~~  
11 ~~groundwater. The task force shall have no more than 25 stakeholder~~  
12 ~~members. The task force also shall include at least three licensed~~  
13 ~~engineers who have extensive experience with groundwater issues.~~  
14 ~~The department shall convene the task force's first meeting by~~  
15 ~~July 1, 2015. All meetings of the task force shall be open to the~~  
16 ~~public.~~

17 ~~(4) A groundwater sustainability agency may consider the best~~  
18 ~~management practices developed by the department in preparing~~  
19 ~~a groundwater sustainability plan consistent with the requirements~~  
20 ~~of this chapter.~~

21  
22 ~~CHAPTER 9. STATE INTERVENTION~~  
23

24 ~~10738. It is the intent of the Legislature to amend this measure~~  
25 ~~to provide that one or more state agencies act to ensure that all~~  
26 ~~basins in California are on track to achieve the sustainability goal~~  
27 ~~if local agencies are unable to adopt or implement groundwater~~  
28 ~~sustainability plans that achieve that goal.~~

29  
30 ~~CHAPTER 10. EXPEDITED ADJUDICATION~~  
31

32 ~~10742. It is the intent of the Legislature to amend this measure~~  
33 ~~to provide for expedited adjudications of rights to extract and store~~  
34 ~~water from and in basins by enacting, and directing the Judicial~~  
35 ~~Council to develop, innovative judicial procedures to manage those~~  
36 ~~adjudications as quickly as reasonably feasible so as to enable the~~  
37 ~~sustainable management of groundwater in the state.~~

~~CHAPTER 11. LAND USE~~

1  
2  
3 ~~10745. (a) After January 31, 2020, until a groundwater~~  
4 ~~sustainability agency or the board complies with this part for a~~  
5 ~~basin, a person shall not increase groundwater extractions on a~~  
6 ~~property within the basin from the average of the extractions on~~  
7 ~~that property during the period of January 1, 2010, to December~~  
8 ~~31, 2014, inclusive, unless the person submits to the county a report~~  
9 ~~that meets all of the following requirements:~~

10 ~~(1) A registered professional engineer or geologist licensed by~~  
11 ~~the state prepared the report and submitted it under the engineer's~~  
12 ~~or geologist's seal.~~

13 ~~(2) It includes a technical analysis demonstrating stable~~  
14 ~~groundwater levels over the relevant period in the area where the~~  
15 ~~increased extraction would occur.~~

16 ~~(3) It demonstrates that the increased extractions would not~~  
17 ~~cause undesirable results in the basin.~~

18 ~~(b) A land use agency shall issue a well-drilling permit only if~~  
19 ~~the extractions from the new or refurbished well satisfy the limit~~  
20 ~~established pursuant to subdivision (a):~~

21 ~~(c) This section does not apply to the following:~~

22 ~~(1) Monitoring wells.~~

23 ~~(2) Wells used for groundwater remediation under a cleanup or~~  
24 ~~remedial action plan approved by a public agency with authority~~  
25 ~~to oversee groundwater remediation or by a court of competent~~  
26 ~~jurisdiction.~~

27 ~~(3) A well that is subject to judicial oversight and control~~  
28 ~~pursuant to a final judgment governing extractions from the~~  
29 ~~groundwater basin.~~

30 ~~(d) This section shall not be construed as an exemption from~~  
31 ~~any adjudication of rights to use groundwater whether that~~  
32 ~~adjudication occurs in a court of California, the United States, or~~  
33 ~~under procedures provided in Chapter 10 (commencing with~~  
34 ~~Section 10742):~~

35  
36 ~~CHAPTER 12. WATER SUPPLY RELIABILITY~~

37  
38 ~~10748. Sustainable groundwater management in California~~  
39 ~~depends upon creating more opportunities for robust conjunctive~~  
40 ~~management of surface water resources. Climate change will~~

1 intensify the need to recalibrate and reconcile surface and  
 2 groundwater management strategies. It is the intent of the  
 3 Legislature to amend this measure to provide that the State Water  
 4 Resources Control Board and the regional water quality control  
 5 boards weigh the value of surface water for groundwater  
 6 replenishment and recharge to promote the state's interest in  
 7 groundwater sustainability.

8 SEC. 6. The provisions of this act are severable. If any  
 9 provision of this act or its application is held invalid, that invalidity  
 10 shall not affect other provisions or applications that can be given  
 11 effect without the invalid provision or application.

12 SEC. 7. No reimbursement is required by this act pursuant to  
 13 Section 6 of Article XIII B of the California Constitution for certain  
 14 costs that may be incurred by a local agency or school district  
 15 because, in that regard, this act creates a new crime or infraction,  
 16 eliminates a crime or infraction, or changes the penalty for a crime  
 17 or infraction, within the meaning of Section 17556 of the  
 18 Government Code, or changes the definition of a crime within the  
 19 meaning of Section 6 of Article XIII B of the California  
 20 Constitution.

21 However, if the Commission on State Mandates determines that  
 22 this act contains other costs mandated by the state, reimbursement  
 23 to local agencies and school districts for those costs shall be made  
 24 pursuant to Part 7 (commencing with Section 17500) of Division  
 25 4 of Title 2 of the Government Code.

26 SEC. 8. The Legislature finds and declares that Section 5 of  
 27 this act, which adds Sections 10729.5 and 10734 to the Water  
 28 Code, imposes a limitation on the public's right of access to the  
 29 meetings of public bodies or the writings of public officials and  
 30 agencies within the meaning of Section 3 of Article I of the  
 31 California Constitution. Pursuant to that constitutional provision,  
 32 the Legislature makes the following findings to demonstrate the  
 33 interest protected by this limitation and the need for protecting  
 34 that interest:

35 In order to allow this act to fully accomplish its goals, it is  
 36 necessary to protect proprietary information submitted pursuant  
 37 to this act as confidential. Therefore, it is in the state's interest to  
 38 limit public access to this information:

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AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 10, 2014

**SENATE BILL**

**No. 1168**

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**Introduced by Senator Pavley**

(Principal coauthor: Assembly Member Dickinson)

February 20, 2014

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An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections ~~10927 and 10933~~ of, to add Sections ~~113 and 10750.11~~ to, *1120, 1831, 10927, 10933, and 12924* of, to add Sections *113, 1529.5, and 10750.1* to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

*(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.*

*This bill would state the policy of the state that groundwater resources be managed sustainably for long-term water supply reliability and multiple economic, social, or environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater*

*management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.*

*(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.*

*This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.*

*(3) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.*

*This bill would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed, except for a low- or very low priority basin.*

*This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans of a groundwater sustainability agency, with specified exceptions. This bill would require*

*a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter. This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.*

*This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater pumping, and to impose certain fees.*

*This bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.*

*This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon completion. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives of these provisions as a functional equivalent. This bill would provide*

*that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would require the department to adopt a schedule of fees to recover costs incurred.*

*This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.*

*This bill would authorize the board to designate a basin as a probationary basin, if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.*

*Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for the administration of the board's water rights program.*

*This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund for the purpose of administering the above-described provisions.*

*Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.*

*This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of the above-described provisions.*

*(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.*

*This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order of the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.*

*Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.*

*This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.*

*By imposing new duties on a city or county, this bill would impose a state-mandated local program.*

*(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.*

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

*(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

~~Existing law requires the Department of Water Resources to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and prioritize groundwater basins and subbasins.~~

~~This bill would require the department, pursuant to these provisions, to categorize each basin and subbasin as either high priority, medium priority, low priority, or very low priority. The bill would require the Department of Fish and Wildlife, in collaboration with the department, to identify those basins and subbasins where species and ecosystems are vulnerable to existing or future groundwater conditions.~~

~~Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the department for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement~~

~~a groundwater management plan that includes basin management objectives for the groundwater basin.~~

~~This bill would prohibit a groundwater management plan from being adopted, or an existing groundwater management plan from being renewed, under these provisions, on or after January 1, 2015. The bill would instead enact the Sustainable Groundwater Management Act, and would state as the intent of the Legislature to, among other things, provide local groundwater agencies with the authority and assistance necessary to sustainably manage groundwater. The bill would authorize a local agency or agencies to form a groundwater management agency and to develop a sustainable groundwater management plan, defined as a document that describes the activities intended to be included in a groundwater management program, to be developed and adopted to encompass an entire basin or subbasin. The bill would also authorize a groundwater management agency to, among other things, establish and collect fees for the management of groundwater and establish a system for allocating groundwater. The bill would require a groundwater management agency to be formed and managed so that the interests of all beneficial uses and users of groundwater are considered and would require a sustainable groundwater management plan to meet certain criteria, including provisions relating to the monitoring and management of groundwater levels within the groundwater basin, mitigating or avoiding conditions of overdraft, and controlling saline water intrusion, if relevant.~~

~~The bill would require, for basins and subbasins that have been identified by the department as high priority or medium priority, that a groundwater management plan be completed and submitted to the department by January 1, 2020, and be designed to achieve sustainable groundwater management within 20 years of the plan's adoption. The bill would require the department, in consultation with the board, to establish a process for the certification of groundwater management plans that existed before January 1, 2015, if those plans substantially meet the purposes and goals of this measure.~~

~~This bill would require the groundwater management agency to prepare and provide notice to the public of an annual report, which would include a summary of the agency's characterization of the basin, water budget, sustainable yield, and status of the groundwater management plan development and implementation. The bill would authorize the state to take action to cause a sustainable groundwater management plan to be developed, adopted, and implemented, and~~

SB 1168

— 8 —

would require that the state make all reasonable efforts to transfer management of a groundwater basin back to local agencies. The bill would require the department to provide technical assistance to groundwater management agencies, including developing best management practices and guidelines to assist groundwater agencies in the development and implementation of sustainable groundwater management plans and reporting on statewide groundwater basin characterization.

The Planning and Zoning Law requires the legislative body of a city or county to adopt a general plan that consists of various elements, including a land use element, a conservation element, and an open-space element. Existing law requires, prior to action by a legislative body to adopt or substantially amend a general plan, that the planning agency refer the proposed action to specified state, local, and federal agencies.

This bill would require that the plan also be referred to a groundwater management agency or local agency that has adopted a groundwater management plan, or the State Water Resources Control Board if it has adopted a groundwater management plan, that includes territory within the planning area of the proposed general plan. The bill would require the local agency or the State Water Resources Control Board, upon receiving notice of the proposed action to adopt or substantially amend the general plan, to provide the planning agency with certain information relating to groundwater. The bill would also require the planning agency, before adoption or substantial amendment to the general plan, to review and revise its land use, conservation, and open-space element to address groundwater management plans and any limitations on groundwater pumping imposed by a groundwater management agency. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. (a) The Legislature finds and declares as follows:*

2     *(1) The people of the state have a primary interest in the*  
 3 *protection, management, and reasonable beneficial use of the*  
 4 *water resources of the state, both surface and underground, and*  
 5 *that the integrated management of the state's water resources is*  
 6 *essential to meeting its water management goals.*

7     *(2) Groundwater provides a significant portion of California's*  
 8 *water supply. Groundwater accounts for more than one-third of*  
 9 *the water used by Californians in an average year and more than*  
 10 *one-half of the water used by Californians in a drought year when*  
 11 *other sources are unavailable.*

12     *(3) Excessive groundwater pumping can cause overdraft, failed*  
 13 *wells, deteriorated water quality, environmental damage, and*  
 14 *irreversible land subsidence that damages infrastructure and*  
 15 *diminishes the capacity of aquifers to store water for the future.*

16     *(4) When properly managed, groundwater resources will help*  
 17 *protect communities, farms, and the environment against prolonged*  
 18 *dry periods and climate change, preserving water supplies for*  
 19 *existing and potential beneficial use.*

20     *(5) Failure to manage groundwater to prevent long-term*  
 21 *overdraft infringes on groundwater rights.*

22     *(6) Groundwater resources are most effectively managed at the*  
 23 *local or regional level.*

24     *(7) Groundwater management will not be effective unless local*  
 25 *actions to sustainably manage groundwater basins and subbasins*  
 26 *are taken.*

27     *(8) Local and regional agencies need to have the necessary*  
 28 *support and authority to manage groundwater sustainably.*

29     *(9) In those circumstances where a local groundwater*  
 30 *management agency is not managing its groundwater sustainably,*  
 31 *the state needs to protect the resource until it is determined that*  
 32 *a local groundwater management agency can sustainably manage*  
 33 *the groundwater basin or subbasin.*

34     *(10) Information on the amount of groundwater extraction,*  
 35 *natural and artificial recharge, and groundwater evaluations are*  
 36 *critical for effective management of groundwater.*

37     *(11) Sustainable groundwater management in California*  
 38 *depends upon creating more opportunities for robust conjunctive*

1 management of surface water resources. Climate change will  
 2 intensify the need to recalibrate and reconcile surface and  
 3 groundwater management strategies.

4 (b) It is therefore the intent of the Legislature to do all of the  
 5 following:

6 (1) To provide local and regional agencies the authority to  
 7 sustainably manage groundwater.

8 (2) To provide that if no local groundwater agency or agencies  
 9 provide sustainable groundwater management for a groundwater  
 10 basin or subbasin, the state has the authority to develop and  
 11 implement a groundwater sustainability plan until the time the  
 12 local groundwater management agency or agencies can assume  
 13 management of the basin or subbasin.

14 (3) To require the development and reporting of those data  
 15 necessary to support sustainable groundwater management,  
 16 including those data that help describe the basin's geology, the  
 17 short- and long-term trends of the basin's water balance, and other  
 18 measures of sustainability, and those data necessary to resolve  
 19 disputes regarding sustainable yield, beneficial uses, and water  
 20 rights.

21 (4) To respect overlying and other proprietary rights to  
 22 groundwater.

23 SEC. 2. Section 65350.5 is added to the Government Code, to  
 24 read:

25 65350.5. Before the adoption or any substantial amendment  
 26 of a city's or county's general plan, the planning agency shall  
 27 review and consider all of the following:

28 (a) An adoption of, or update to, a groundwater sustainability  
 29 plan or groundwater management plan pursuant to Part 2.74  
 30 (commencing with Section 10720) or Part 2.75 (commencing with  
 31 Section 10750) of Division 6 of the Water Code or groundwater  
 32 management court order, judgment, or decree.

33 (b) An adjudication of water rights.

34 (c) An order by the State Water Resources Control Board  
 35 pursuant to Chapter 11 (commencing with Section 10735) of Part  
 36 2.74 of Division 6 of the Water Code.

37 SEC. 3. Section 65352 of the Government Code is amended to  
 38 read:

39 65352. (a) ~~Prior to action by~~ Before a legislative body takes  
 40 action to adopt or substantially amend a general plan, the planning

1 agency shall refer the proposed action to all of the following  
2 entities:

3 (1) A city or county, within or abutting the area covered by the  
4 proposal, and any special district that may be significantly affected  
5 by the proposed action, as determined by the planning agency.

6 (2) An elementary, high school, or unified school district within  
7 the area covered by the proposed action.

8 (3) The local agency formation commission.

9 (4) An areawide planning agency whose operations may be  
10 significantly affected by the proposed action, as determined by the  
11 planning agency.

12 (5) A federal ~~agency~~ *agency*, if its operations or lands within  
13 its jurisdiction may be significantly affected by the proposed action,  
14 as determined by the planning agency.

15 (6) (A) The branches of the United States Armed Forces that  
16 have provided the Office of Planning and Research with a  
17 California mailing address pursuant to subdivision (d) of Section  
18 ~~65944~~ ~~when 65944~~, if the proposed action is within 1,000 feet of  
19 a military installation, or lies within special use airspace, or beneath  
20 a low-level flight path, as defined in Section 21098 of the Public  
21 Resources Code, ~~provided that~~ *and if* the United States Department  
22 of Defense provides electronic maps of low-level flight paths,  
23 special use airspace, and military installations at a scale and in an  
24 electronic format that is acceptable to the Office of Planning and  
25 Research.

26 (B) Within 30 days of a determination by the Office of Planning  
27 and Research that the information provided by the Department of  
28 Defense is sufficient and in an acceptable scale and format, the  
29 office shall notify cities, counties, and cities and counties of the  
30 availability of the information on the Internet. Cities, counties, and  
31 cities and counties shall comply with subparagraph (A) within 30  
32 days of receiving this notice from the office.

33 (7) A public water system, as defined in Section 116275 of the  
34 Health and Safety Code, with 3,000 or more service connections,  
35 that serves water to customers within the area covered by the  
36 proposal. The public water system shall have at least 45 days to  
37 comment on the proposed plan, in accordance with subdivision  
38 (b), and to provide the planning agency with the information set  
39 forth in Section 65352.5.

1 (8) Any groundwater sustainability agency that has adopted a  
 2 groundwater sustainability plan pursuant to Part 2.74  
 3 (commencing with Section 10720) of Division 6 of the Water Code  
 4 or local agency that otherwise manages groundwater pursuant to  
 5 other provisions of law or a court order, judgment, or decree within  
 6 the planning area of the proposed general plan.

7 (9) The State Water Resources Control Board, if it has adopted  
 8 an interim plan pursuant to Part 2.74 (commencing with Section  
 9 10720) of Division 6 of the Water Code that includes territory  
 10 within the planning area of the proposed general plan.

11 ~~(8)~~  
 12 (10) The Bay Area Air Quality Management District for a  
 13 proposed action within the boundaries of the district.

14 ~~(9) On and after March 1, 2005, a~~

15 (11) A California Native American tribe, that is on the contact  
 16 list maintained by the Native American Heritage Commission,  
 17 with Commission and that has traditional lands located within the  
 18 city city's or county's jurisdiction.

19 ~~(10)~~

20 (12) The Central Valley Flood Protection Board Board, for a  
 21 proposed action within the boundaries of the Sacramento and San  
 22 Joaquin Drainage District, as set forth in Section 8501 of the Water  
 23 Code.

24 (b) ~~Each~~An entity receiving a proposed general plan or  
 25 amendment of a general plan pursuant to this section shall have  
 26 45 days from the date the referring agency mails it or delivers it  
 27 in which to comment unless a longer period is specified by the  
 28 planning agency.

29 (c) (1) This section is directory, not mandatory, and the failure  
 30 to refer a proposed action to the ~~other~~ entities specified in this  
 31 section does not affect the validity of the action, if adopted.

32 (2) To the extent that the requirements of this section conflict  
 33 with the requirements of Chapter 4.4 (commencing with Section  
 34 65919), the requirements of Chapter 4.4 shall prevail.

35 SEC. 4. Section 65352.5 of the Government Code is amended  
 36 to read:

37 65352.5. (a) The Legislature finds and declares that it is vital  
 38 that there be close coordination and consultation between  
 39 California's water supply or management agencies and California's  
 40 land use approval agencies to ensure that proper water supply and

1 *management* planning occurs ~~in order~~ to accommodate projects  
2 that will result in increased demands on water supplies *or impact*  
3 *water resource management*.

4 (b) It is, therefore, the intent of the Legislature to provide a  
5 standardized process for determining the adequacy of existing and  
6 planned future water supplies to meet existing and planned future  
7 demands on these water supplies *and the impact of land use*  
8 *decisions on the management of California's water supply*  
9 *resources*.

10 (c) Upon receiving, pursuant to Section 65352, notification of  
11 a city's or a county's proposed action to adopt or substantially  
12 amend a general plan, a public water system, as defined in Section  
13 116275 of the Health and Safety Code, with 3,000 or more service  
14 connections, shall provide the planning agency with the following  
15 information, as is appropriate and relevant:

16 (1) The current version of its urban water management plan,  
17 adopted pursuant to Part 2.6 (commencing with Section 10610)  
18 of Division 6 of the Water Code.

19 (2) The current version of its capital improvement program or  
20 plan, as reported pursuant to Section 31144.73 of the Water Code.

21 (3) A description of the source or sources of the total water  
22 supply currently available to the water supplier by water right or  
23 contract, taking into account historical data concerning wet, normal,  
24 and dry runoff years.

25 (4) A description of the quantity of surface water that was  
26 purveyed by the water supplier in each of the previous five years.

27 (5) A description of the quantity of groundwater that was  
28 purveyed by the water supplier in each of the previous five years.

29 (6) A description of all proposed additional sources of water  
30 supplies for the water supplier, including the estimated dates by  
31 which these additional sources should be available and the  
32 quantities of additional water supplies that are being proposed.

33 (7) A description of the total number of customers currently  
34 served by the water supplier, as identified by the following  
35 categories and by the amount of water served to each category:

36 (A) Agricultural users.

37 (B) Commercial users.

38 (C) Industrial users.

39 (D) Residential users.

1 (8) Quantification of the expected reduction in total water  
 2 demand, identified by each customer category set forth in paragraph  
 3 (7), associated with future implementation of water use reduction  
 4 measures identified in the water supplier's urban water  
 5 management plan.

6 (9) Any additional information that is relevant to determining  
 7 the adequacy of existing and planned future water supplies to meet  
 8 existing and planned future demands on these water supplies.

9 (10) *A report on the anticipated effect of proposed action to*  
 10 *adopt or substantially amend a general plan on implementation*  
 11 *of a groundwater sustainability plan pursuant to Part 2.74*  
 12 *(commencing with Section 10720) of Division 6 of the Water Code.*

13 (d) *Upon receiving, pursuant to Section 65352, notification of*  
 14 *a city's or a county's proposed action to adopt or substantially*  
 15 *amend a general plan, a groundwater sustainability agency, as*  
 16 *defined in Section 10720.5 of the Water Code, shall provide the*  
 17 *planning agency with the following information, as is appropriate*  
 18 *and relevant:*

19 (1) *The current version of its groundwater sustainability plan*  
 20 *adopted pursuant to Part 2.74 (commencing with Section 10720)*  
 21 *of Division 6 of the Water Code.*

22 (2) *If the groundwater sustainability agency manages*  
 23 *groundwater pursuant to a court order, judgment, decree, or*  
 24 *agreement among affected water rights holders, or if the State*  
 25 *Water Resources Control Board has adopted a groundwater*  
 26 *sustainability plan pursuant to Part 2.74 (commencing with Section*  
 27 *10720) of Division 6 of the Water Code, the groundwater*  
 28 *sustainability agency shall provide the planning agency with maps*  
 29 *of recharge basins and percolation ponds, extraction limitations,*  
 30 *and other relevant information, or the court order, judgment, or*  
 31 *decree.*

32 SEC. 5. *Section 113 is added to the Water Code, to read:*

33 113. *It is the policy of the state that groundwater resources be*  
 34 *managed sustainably for long-term water supply reliability and*  
 35 *multiple economic, social, or environmental benefits for current*  
 36 *and future beneficial uses. Sustainable groundwater management*  
 37 *is best achieved locally through the development, implementation,*  
 38 *and updating of plans and programs based on the best available*  
 39 *science.*

40 SEC. 6. *Section 1120 of the Water Code is amended to read:*

1 1120. This chapter applies to any decision or order issued under  
2 this part or Section 275, Part 2 (commencing with Section 1200),  
3 Part 2 (commencing with Section 10500) of Division 6, *Chapter*  
4 *11 (commencing with Section 10735) of Part 2.74 of Division 6,*  
5 Article 7 (commencing with Section 13550) of Chapter 7 of  
6 Division 7, or the public trust doctrine.

7 *SEC. 7. Section 1529.5 is added to the Water Code, to read:*

8 *1529.5. (a) The board shall adopt a schedule of fees pursuant*  
9 *to Section 1530 to recover costs incurred in administering Chapter*  
10 *11 (commencing with Section 10735) of Part 2.74 of Division 6.*  
11 *Recoverable costs include, but are not limited to, costs incurred*  
12 *in connection with investigations, facilitation, monitoring, hearings,*  
13 *enforcement, and administrative costs in carrying out these actions.*

14 *(b) The fee schedule adopted under this section may include,*  
15 *but is not limited to, the following:*

16 *(1) A fee for participation as a petitioner or party to an*  
17 *adjudicative proceeding.*

18 *(2) A fee for the filing of a report pursuant to Part 5.2*  
19 *(commencing with Section 5200) of Division 2 for extractions from*  
20 *a source within the boundaries of a probationary basin under*  
21 *Section 10735.2.*

22 *(c) Consistent with Section 3 of Article XIII A of the California*  
23 *Constitution, the board shall set the fees under this section in an*  
24 *amount sufficient to cover all costs incurred and expended from*  
25 *the Water Rights Fund for the purpose of Chapter 11 (commencing*  
26 *with Section 10735) of Part 2.74 of Division 6. In setting these*  
27 *fees, the board is not required to fully recover these costs in the*  
28 *year or the year immediately after the costs are incurred, but the*  
29 *board may provide for recovery of these costs over a period of*  
30 *years.*

31 *SEC. 8. Section 1831 of the Water Code is amended to read:*

32 *1831. (a) When the board determines that any person is*  
33 *violating, or threatening to violate, any requirement described in*  
34 *subdivision (d), the board may issue an order to that person to*  
35 *cease and desist from that violation.*

36 *(b) The cease and desist order shall require that person to comply*  
37 *forthwith or in accordance with a time schedule set by the board.*

38 *(c) The board may issue a cease and desist order only after*  
39 *notice and an opportunity for hearing pursuant to Section 1834.*

1 (d) The board may issue a cease and desist order in response to  
2 a violation or threatened violation of any of the following:

3 (1) The prohibition set forth in Section 1052 against the  
4 unauthorized diversion or use of water subject to this division.

5 (2) Any term or condition of a permit, license, certification, or  
6 registration issued under this division.

7 (3) Any decision or order of the board issued under this part,  
8 Section 275, *Chapter 11 (commencing with Section 10735) of Part*  
9 *2.74 of Division 6*, or Article 7 (commencing with Section 13550)  
10 of Chapter 7 of Division 7, in which decision or order the person  
11 to whom the cease and desist order will be issued, or a predecessor  
12 in interest to that person, was named as a party directly affected  
13 by the decision or order.

14 (4) A regulation adopted under Section 1058.5.

15 (5) *Any pumping restriction, limitation, order, or regulation*  
16 *adopted or issued under Chapter 11 (commencing with Section*  
17 *10735) of Part 2.74 of Division 6.*

18 (e) This article ~~shall~~ *does not* authorize the board to regulate in  
19 any manner, the diversion or use of water not otherwise subject to  
20 regulation of the board under this ~~part~~ *division or Section 275.*

21 *SEC. 9. Part 5.2 (commencing with Section 5200) is added to*  
22 *Division 2 of the Water Code, to read:*

23

24 ***PART 5.2. GROUNDWATER EXTRACTION REPORTING FOR***  
25 ***PROBATIONARY BASINS AND BASINS WITHOUT A***  
26 ***GROUNDWATER SUSTAINABILITY AGENCY***

27

28 *5200. It is the intent of the Legislature to subsequently amend*  
29 *this measure to adopt extraction reporting requirements for basins*  
30 *identified as probationary basins pursuant to Section 10735.2, or*  
31 *as authorized by subdivision (b) of Section 10724, for basins*  
32 *without a groundwater sustainability agency.*

33 *SEC. 10. Part 2.74 (commencing with Section 10720) is added*  
34 *to Division 6 of the Water Code, to read:*

1 *PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT*

2  
3 *CHAPTER 1. GENERAL PROVISIONS*

4  
5 *10720. This part shall be known, and may be cited, as the*  
6 *“Sustainable Groundwater Management Act.”*

7 *10720.1. In enacting this part, it is the intent of the Legislature*  
8 *to do all of the following:*

9 *(a) To provide for the sustainable management of groundwater*  
10 *basins.*

11 *(b) To enhance local management of groundwater consistent*  
12 *with rights to use or store groundwater and Section 2 of Article X*  
13 *of the California Constitution. It is the intent of the Legislature to*  
14 *preserve the security of water rights in the state to the greatest*  
15 *extent possible consistent with the sustainable management of*  
16 *groundwater.*

17 *(c) To establish minimum standards for sustainable groundwater*  
18 *management.*

19 *(d) To provide local groundwater agencies with the authority*  
20 *and the technical and financial assistance necessary to sustainably*  
21 *manage groundwater.*

22 *(e) To avoid or minimize subsidence.*

23 *(f) To improve data collection and understanding about*  
24 *groundwater.*

25 *(g) To increase groundwater storage and remove impediments*  
26 *to recharge.*

27 *(h) To manage groundwater basins through the actions of local*  
28 *governmental agencies to the greatest extent feasible, while*  
29 *minimizing state intervention to only when necessary to ensure*  
30 *that local agencies manage groundwater in a sustainable manner.*

31 *10720.3. (a) This part applies to all groundwater basins in*  
32 *the state.*

33 *(b) To the extent authorized under federal or tribal law, this*  
34 *part applies to an Indian tribe and to the federal government,*  
35 *including, but not limited to, the Department of Defense.*

36 *10720.5. Groundwater management pursuant to this part shall*  
37 *be consistent with Section 2 of Article X of the California*  
38 *Constitution. Nothing in this part modifies rights or priorities to*  
39 *use or store groundwater consistent with Section 2 of Article X of*  
40 *the California Constitution, except that in basins designated*

1 *medium- or high-priority basins by the department, no extraction*  
 2 *of groundwater between January 1, 2015, and the date of adoption*  
 3 *of a groundwater sustainability plan pursuant to this part,*  
 4 *whichever is sooner, may be used as evidence of, or to establish*  
 5 *or defend against, any claim of prescription.*

6 *10720.7. Subject to Chapter 6 (commencing with Section*  
 7 *10725), by January 31, 2020, all basins designated as high- or*  
 8 *medium-priority basins by the department shall be managed under*  
 9 *a groundwater sustainability plan or coordinated groundwater*  
 10 *sustainability plans pursuant to this part. The Legislature*  
 11 *encourages and authorizes basins designated as low-and very low*  
 12 *priority basins by the department to be managed under*  
 13 *groundwater sustainability plans pursuant to this part.*

14 *10720.9. (a) Except as provided in Section 10733.6, this part*  
 15 *does not apply to a local agency that conforms to the requirements*  
 16 *of an adjudication of water rights in a groundwater basin or to*  
 17 *that adjudicated basin. For purposes of this section, an*  
 18 *adjudication includes an adjudication under Section 2101, an*  
 19 *administrative adjudication, and an adjudication in state or federal*  
 20 *court, including, but not limited to, the following adjudicated*  
 21 *groundwater basins:*

- 22 *(1) Beaumont Basin.*
- 23 *(2) Brite Basin.*
- 24 *(3) Central Basin.*
- 25 *(4) Chino Basin.*
- 26 *(5) Cucamonga Basin.*
- 27 *(6) Cummings Basin.*
- 28 *(7) Goleta Basin.*
- 29 *(8) Main San Gabriel Basin: Puente Narrows.*
- 30 *(9) Mojave Basin Area.*
- 31 *(10) Puente Basin.*
- 32 *(11) Raymond Basin.*
- 33 *(12) San Jacinto Basin.*
- 34 *(13) Santa Margarita River Watershed.*
- 35 *(14) Santa Maria Valley Basin.*
- 36 *(15) Santa Paula Basin.*
- 37 *(16) Scott River Stream System.*
- 38 *(17) Seaside Basin.*
- 39 *(18) Six Basins.*
- 40 *(19) Tehachapi Basin.*

- 1 (20) Upper Los Angeles River Area.  
 2 (21) Warren Valley Basin.  
 3 (22) West Coast Basin.  
 4 (23) Western San Bernardino.  
 5 (b) The Antelope Valley basin at issue in the Antelope Valley  
 6 Groundwater Cases (Judicial Council Coordination Proceeding  
 7 Number 4408) shall be treated as an adjudicated basin pursuant  
 8 to this section if the superior court issues a final judgment, order,  
 9 or decree.

10  
 11 *CHAPTER 2. DEFINITIONS*  
 12

13 10721. Unless the context otherwise requires, the following  
 14 definitions govern the construction of this part:

15 (a) "Adjudication action" means an action filed in the superior  
 16 court to determine the rights to extract groundwater from a basin  
 17 or store water within a basin, including, but not limited to, actions  
 18 to quiet title respecting rights to extract or store groundwater or  
 19 an action brought to impose a physical solution on a basin.

20 (b) "Basin" means a groundwater basin or subbasin identified  
 21 and defined in Bulletin 118 or as modified pursuant to Chapter 3  
 22 (commencing with Section 10722).

23 (c) "Bulletin 118" means the department's report entitled  
 24 "California's Groundwater: Bulletin 118" updated in 2003, as it  
 25 may be subsequently updated or revised in accordance with Section  
 26 12924.

27 (d) "Coordination agreement" means a legal agreement adopted  
 28 between two or more groundwater sustainability agencies that  
 29 provides the basis for coordinating multiple agencies or  
 30 groundwater sustainability plans within a basin pursuant to this  
 31 part.

32 (e) "De minimus extractor" means a person who extracts, for  
 33 domestic purposes, two acre-feet or less per year.

34 (f) "Governing body" means the legislative body of a  
 35 groundwater sustainability agency.

36 (g) "Groundwater" means water beneath the surface of the  
 37 earth within the zone below the water table in which the soil is  
 38 completely saturated with water, but does not include water that  
 39 flows in known and definite channels.

- 1 (h) “Groundwater extraction facility” means a device or method  
 2 for extracting groundwater from within a basin.
- 3 (i) “Groundwater recharge” means the augmentation of  
 4 groundwater, by natural or artificial means.
- 5 (j) “Groundwater sustainability agency” means one or more  
 6 local agencies that implement the provisions of this part. For  
 7 purposes of imposing fees pursuant to Chapter 8 (commencing  
 8 with Section 10730) or taking action to enforce a groundwater  
 9 sustainability plan, “groundwater sustainability agency” also  
 10 means each local agency comprising the groundwater  
 11 sustainability agency if the plan authorizes separate agency action.
- 12 (k) “Groundwater sustainability plan” or “plan” means a plan  
 13 of a groundwater sustainability agency proposed or adopted  
 14 pursuant to this part.
- 15 (l) “Groundwater sustainability program” means a coordinated  
 16 and ongoing activity undertaken to benefit a basin, pursuant to a  
 17 groundwater sustainability plan.
- 18 (m) “Local agency” means a local public agency that has water  
 19 supply, water management, or land use responsibilities within a  
 20 groundwater basin.
- 21 (n) “Operator” means a person operating a groundwater  
 22 extraction facility. The owner of a groundwater extraction facility  
 23 shall be conclusively presumed to be the operator unless a  
 24 satisfactory showing is made to the governing body of the  
 25 groundwater sustainability agency that the groundwater extraction  
 26 facility actually is operated by some other person.
- 27 (o) “Owner” means a person owning a groundwater extraction  
 28 facility or an interest in a groundwater extraction facility other  
 29 than a lien to secure the payment of a debt or other obligation.
- 30 (p) “Planning and implementation horizon” means a 50-year  
 31 time period over which a groundwater sustainability agency  
 32 determines that plans and measures will be implemented in a basin  
 33 to ensure that the basin is operated within its sustainable yield.
- 34 (q) “Public water system” has the same meaning as defined in  
 35 Section 116275 of the Health and Safety Code.
- 36 (r) “Recharge area” means the area that supplies water to an  
 37 aquifer in a groundwater basin.
- 38 (s) “Sustainability goal” means the existence and  
 39 implementation of one or more groundwater sustainability plans  
 40 that achieve sustainable groundwater management by identifying

1 *and causing the implementation of measures targeted to ensure*  
2 *that the applicable basin is operated within its sustainable yield.*

3 (t) *“Sustainable groundwater management” means the*  
4 *management and use of groundwater in a manner that can be*  
5 *maintained during the planning and implementation horizon*  
6 *without causing undesirable results.*

7 (u) *“Sustainable yield” means the maximum quantity of water,*  
8 *calculated over a base period representative of long-term*  
9 *conditions in the basin and including any temporary surplus, that*  
10 *can be withdrawn annually from a groundwater supply without*  
11 *causing an undesirable result.*

12 (v) *“Undesirable result” means one or more of the following*  
13 *effects occurring after January 1, 2015, and caused by*  
14 *groundwater conditions occurring throughout the basin:*

15 (1) *Chronic lowering of groundwater levels indicating a*  
16 *significant and unreasonable depletion of supply if continued over*  
17 *the planning and implementation horizon, excluding lowering*  
18 *groundwater levels caused by a drought.*

19 (2) *Significant and unreasonable reduction of groundwater*  
20 *storage.*

21 (3) *Significant seawater intrusion.*

22 (4) *Significant and unreasonable degraded water quality,*  
23 *including the migration of contaminant plumes that impair water*  
24 *supplies.*

25 (5) *Significant land subsidence that substantially interferes with*  
26 *surface land uses.*

27 (6) *Surface water depletions that have significant adverse*  
28 *impacts on beneficial uses.*

29 (w) *“Water budget” means an accounting of the total*  
30 *groundwater and surface water entering and leaving a basin*  
31 *including the changes in the amount of water stored.*

32 (x) *“Watermaster” means a watermaster appointed by a court*  
33 *or pursuant to other law.*

34 (y) *“Water year” means the period from October 1 through the*  
35 *following September 30, inclusive.*

36 (z) *“Wellhead protection area” means the surface and*  
37 *subsurface area surrounding a water well or well field that supplies*  
38 *a public water system through which contaminants are reasonably*  
39 *likely to migrate toward the water well or well field.*

## CHAPTER 3. BASIN BOUNDARIES

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10722. Unless other basin boundaries are established pursuant to this chapter, a basin's boundaries shall be as identified in Bulletin 118.

10722.2. (a) A local agency may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A local agency's request shall be supported by the following information:

(1) Information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management.

(2) Technical information regarding the boundaries of, and conditions in, the proposed adjusted basin.

(3) Information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies and public water systems in the affected basins before filing the proposal with the department.

(4) Other information the department deems necessary to justify revision of the basin's boundary.

(b) By January 1, 2016, the department shall develop and publish guidelines regarding the information required to comply with subdivision (a). The guidelines required pursuant to this subdivision are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The department shall provide a copy of its draft revision of a basin's boundaries to the California Water Commission. The California Water Commission shall hear and comment on the draft revision within 60 days after the department provides the draft revision to the commission.

10722.4. (a) Pursuant to Section 10933, for the purposes of this part the department shall categorize each basin as one of the following priorities:

(1) High priority.

(2) Medium priority.

(3) Low priority.

(4) Very low priority.

(b) The initial priority for each basin shall be established by the department pursuant to Section 10933 no later than January 1, 2017.



1 *and its intent to undertake sustainable groundwater management.*  
 2 *The notification shall include the following information, as*  
 3 *applicable:*

4 *(a) The service area boundaries, the basin the agency is*  
 5 *managing, and the other groundwater sustainability agencies*  
 6 *operating within the basin.*

7 *(b) A copy of the resolution forming the new agency.*

8 *(c) A copy of the bylaws, ordinances, and new authorities.*

9 *10724. (a) In the event that there is an area within a basin*  
 10 *that is not within the management area of a groundwater*  
 11 *sustainability agency, the county within which that unmanaged*  
 12 *area lies will be presumed to be the groundwater sustainability*  
 13 *agency for that area.*

14 *(b) A county described in subdivision (a) shall provide*  
 15 *notification to the department pursuant to Section 10723.8 unless*  
 16 *the county notifies the department that it will not be the*  
 17 *groundwater sustainability agency for the area. Extractions of*  
 18 *groundwater made after 2016 in that area shall be subject to*  
 19 *reporting in accordance with Part 5.2 (commencing with Section*  
 20 *5200) of Division 2 if the county does either of the following:*

21 *(1) Notifies the department that it will not be the groundwater*  
 22 *sustainability agency for an area.*

23 *(2) Fails to provide notification to the department pursuant to*  
 24 *Section 10723.8 for an area on or before January 1, 2017.*

25

26 *CHAPTER 5. POWERS AND AUTHORITIES*

27

28 *10725. (a) A groundwater sustainability agency may exercise*  
 29 *any of the powers described in this chapter in implementing this*  
 30 *part, in addition to, and not as a limitation on, any existing*  
 31 *authority, if the groundwater sustainability agency adopts and*  
 32 *submits to the department a groundwater sustainability plan or*  
 33 *prescribed alternative documentation in accordance with Section*  
 34 *10733.6.*

35 *(b) A groundwater sustainability agency has and may use the*  
 36 *powers in this chapter to provide the maximum degree of local*  
 37 *control and flexibility consistent with the sustainability goals of*  
 38 *this part.*

39 *10725.2. (a) A groundwater sustainability agency may perform*  
 40 *any act necessary or proper to carry out the purposes of this part.*

1 (b) A groundwater sustainability agency may adopt rules,  
 2 regulations, ordinances, and resolutions for the purpose of this  
 3 part, in compliance with any procedural requirements applicable  
 4 to the adoption of a rule, regulation, ordinance, or resolution by  
 5 the groundwater sustainability agency.

6 (c) In addition to any other applicable procedural requirements,  
 7 the groundwater sustainability agency shall provide notice of the  
 8 proposed adoption of the groundwater sustainability plan on its  
 9 Internet Web site and provide for electronic notice to any person  
 10 who requests electronic notification.

11 10725.4. (a) A groundwater sustainability agency may conduct  
 12 an investigation for the purposes of this part, including, but not  
 13 limited to, investigations for the following:

14 (1) To determine the need for groundwater management.

15 (2) To prepare and adopt a groundwater sustainability plan  
 16 and implementing rules and regulations.

17 (3) To propose and update fees.

18 (4) To monitor compliance and enforcement.

19 (b) An investigation may include surface waters and surface  
 20 water rights as well as groundwater and groundwater rights.

21 (c) In connection with an investigation, a groundwater  
 22 sustainability agency may inspect the property or facilities of a  
 23 person or entity to ascertain whether the purposes of this part are  
 24 being met and compliance with this part. The local agency may  
 25 conduct an inspection pursuant to this section upon obtaining any  
 26 necessary consent or obtaining an inspection warrant pursuant  
 27 to the procedure set forth in Title 13 (commencing with Section  
 28 1822.50) of Part 3 of the Code of Civil Procedure.

29 10725.6. A groundwater sustainability agency may require  
 30 registration of a groundwater extraction facility within the  
 31 management area of the groundwater sustainability agency.

32 10725.8. (a) A groundwater sustainability agency may require  
 33 through its groundwater sustainability plan that the use of every  
 34 groundwater extraction facility within the management area of  
 35 the groundwater sustainability agency be measured by a  
 36 water-measuring device satisfactory to the groundwater  
 37 sustainability agency.

38 (b) All costs associated with the purchase and installation of  
 39 the water-measuring device shall be borne by the owner or  
 40 operator of each groundwater extraction facility. The water

1 *measuring devices shall be installed by the groundwater*  
 2 *sustainability agency or, at the groundwater sustainability agency's*  
 3 *option, by the owner or operator of the groundwater extraction*  
 4 *facility. Water-measuring devices shall be calibrated on a*  
 5 *reasonable schedule as may be determined by the groundwater*  
 6 *sustainability agency.*

7 *(c) A groundwater sustainability agency may require, through*  
 8 *its groundwater sustainability plan, that the owner or operator of*  
 9 *a groundwater extraction facility within the groundwater*  
 10 *sustainability agency file an annual statement with the groundwater*  
 11 *sustainability agency setting forth the total extraction in acre-feet*  
 12 *of groundwater from the facility during the previous water year.*

13 *(d) In addition to the measurement of groundwater extractions*  
 14 *pursuant to subdivision (a), a groundwater sustainability agency*  
 15 *may use any other reasonable method to determine groundwater*  
 16 *extraction.*

17 *(e) This section does not apply to de minimus extractors.*

18 *10726. An entity within the area of a groundwater sustainability*  
 19 *plan shall only divert surface water to underground storage*  
 20 *consistent with the plan and shall report the diversion to*  
 21 *underground storage to the groundwater sustainability agency for*  
 22 *the relevant portion of the basin.*

23 *10726.2. A groundwater sustainability agency may do the*  
 24 *following:*

25 *(a) Acquire by grant, purchase, lease, gift, devise, contract,*  
 26 *construction, or otherwise, and hold, use, enjoy, sell, let, and*  
 27 *dispose of, real and personal property of every kind, including*  
 28 *lands, water rights, structures, buildings, rights-of-way, easements,*  
 29 *and privileges, and construct, maintain, alter, and operate any*  
 30 *and all works or improvements, within or outside the agency,*  
 31 *necessary or proper to carry out any of the purposes of this part.*

32 *(b) Appropriate and acquire surface water or groundwater and*  
 33 *surface water or groundwater rights, import surface water or*  
 34 *groundwater into the agency, and conserve and store within or*  
 35 *outside the agency that water for any purpose necessary or proper*  
 36 *to carry out the provisions of this part, including, but not limited*  
 37 *to, the spreading, storing, retaining, or percolating into the soil*  
 38 *of the waters for subsequent use or in a manner consistent with*  
 39 *the provisions of Section 10727.2. As part of this authority, the*  
 40 *agency may validate an existing groundwater conjunctive use or*

1 *storage program upon a finding that the program would aid or*  
2 *assist the agency in developing or implementing a groundwater*  
3 *sustainability plan.*

4 *(c) Provide for a program of voluntary fallowing of agricultural*  
5 *lands or validate an existing program.*

6 *(d) Perform any acts necessary or proper to enable the agency*  
7 *to purchase, transfer, deliver, or exchange water or water rights*  
8 *of any type with any person that may be necessary or proper to*  
9 *carry out any of the purposes of this part, including, but not limited*  
10 *to, providing surface water in exchange for a groundwater*  
11 *extractor's agreement to reduce or cease groundwater extractions.*  
12 *The agency shall not deliver retail water supplies within the service*  
13 *area of a public water system without either the consent of that*  
14 *system or authority under the agency's existing authorities.*

15 *(e) Transport, reclaim, purify, desalinate, treat, or otherwise*  
16 *manage and control polluted water, wastewater, or other waters*  
17 *for subsequent use in a manner that is necessary or proper to carry*  
18 *out the purposes of this part.*

19 *(f) Commence, maintain, intervene in, defend, compromise, and*  
20 *assume the cost and expenses of any and all actions and*  
21 *proceedings.*

22 *10726.4. (a) A groundwater sustainability agency shall have*  
23 *the following additional authority and may regulate groundwater*  
24 *pumping using that authority:*

25 *(1) To impose spacing requirements on new groundwater well*  
26 *construction to minimize well interference and impose reasonable*  
27 *operating regulations on existing groundwater wells to minimize*  
28 *well interference, including requiring pumpers to operate on a*  
29 *rotation basis.*

30 *(2) To control groundwater extractions by regulating, limiting,*  
31 *or suspending extractions from individual groundwater wells or*  
32 *extractions from groundwater wells in the aggregate, the*  
33 *construction of new groundwater wells, the enlarging of existing*  
34 *groundwater wells, the reactivation of abandoned groundwater*  
35 *wells, or otherwise establishing groundwater extraction*  
36 *allocations. A limitation on extractions by a groundwater*  
37 *sustainability agency shall not be construed to be a final*  
38 *determination of rights to extract groundwater from the basin or*  
39 *any portion of the basin.*

1 (3) To authorize temporary and permanent transfers of  
 2 groundwater extraction allocations within the agency's boundaries,  
 3 if the total quantity of groundwater extracted in any water year is  
 4 consistent with the provisions of the groundwater sustainability  
 5 plan.

6 (4) To establish accounting rules to allow unused groundwater  
 7 extraction allocations issued by the agency to be carried over from  
 8 one year to another and voluntarily transferred, if the total quantity  
 9 of groundwater extracted in any five-year period is consistent with  
 10 the provisions of the groundwater sustainability plan.

11 (b) Nothing in this section shall be construed to grant a  
 12 groundwater sustainability agency the authority to issue permits  
 13 for the construction, modification, or abandonment of groundwater  
 14 wells. A county may authorize a groundwater sustainability agency  
 15 to issue permits for the construction, modification, or abandonment  
 16 of groundwater wells.

17 10726.6. (a) A groundwater sustainability agency that adopts  
 18 a groundwater sustainability plan may file an action to determine  
 19 the validity of the plan pursuant to Chapter 9 (commencing with  
 20 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

21 (b) Subject to Sections 394 and 397 of the Code of Civil  
 22 Procedure, the venue for an action pursuant to this section shall  
 23 be the county in which the principal office of the groundwater  
 24 management agency is located.

25 (c) Any judicial action or proceeding to attack, review, set aside,  
 26 void, or annul the ordinance or resolution imposing a new, or  
 27 increasing an existing, fee imposed pursuant to Section 10730,  
 28 10730.2, or 10730.4 shall be brought pursuant to Section 66022  
 29 of the Government Code.

30 (d) Any person may pay a fee imposed pursuant to Section  
 31 10730, 10730.2, or 10730.4 under protest and bring an action  
 32 against the governing body in the superior court to recover any  
 33 money that the governing body refuses to refund. Payments made  
 34 and actions brought under this section shall be made and brought  
 35 in the manner provided for the payment of taxes under protest and  
 36 actions for refund of that payment in Article 2 (commencing with  
 37 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue  
 38 and Taxation Code, as applicable.

1 (e) Except as otherwise provided in this section, actions by a  
 2 groundwater sustainability agency are subject to judicial review  
 3 pursuant to Section 1085 of the Code of Civil Procedure.

4 10726.8. (a) This part is in addition to, and not a limitation  
 5 on, the authority granted to a local agency under any other law.  
 6 The local agency may use the local agency's authority under any  
 7 other law to apply and enforce any requirements of this part,  
 8 including, but not limited to, the collection of fees.

9 (b) Nothing in this part is a limitation on the authority of the  
 10 board, the department, or the State Department of Public Health.

11 (c) This part does not authorize a local agency to impose any  
 12 requirement or impose any penalty or fee on the state or any  
 13 agency, department, or officer of the state. State agencies and  
 14 departments shall work cooperatively with a local agency on a  
 15 voluntary basis.

16

17 *CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS*

18

19 10727. (a) A groundwater sustainability plan shall be  
 20 developed and implemented for each medium- or high-priority  
 21 basin by a groundwater sustainability agency to meet the  
 22 sustainability goal established pursuant to this part. The  
 23 groundwater sustainability plan may incorporate, extend, or be  
 24 based on a plan adopted pursuant to Part 2.75 (commencing with  
 25 Section 10750).

26 (b) A groundwater sustainability plan may be any of the  
 27 following:

28 (1) A single plan covering the entire basin developed and  
 29 implemented by one groundwater sustainability agency.

30 (2) A single plan covering the entire basin developed and  
 31 implemented by multiple groundwater sustainability agencies.

32 (3) Subject to Section 10727.6, multiple plans implemented by  
 33 multiple groundwater sustainability agencies and coordinated  
 34 pursuant to a single coordination agreement that covers the entire  
 35 basin.

36 10727.2. A groundwater sustainability plan shall include all  
 37 of the following:

38 (a) A description of the physical setting and characteristics of  
 39 the aquifer system underlying the basin that includes the following:

40 (1) Historical data, to the extent available.

1 (2) Groundwater levels, groundwater quality, subsidence, and  
2 groundwater-surface water interaction.

3 (3) A general discussion of historical and projected water  
4 demands and supplies.

5 (4) A map that details the area of the basin and the boundaries  
6 of the groundwater sustainability agencies that overlie the basin  
7 that have or are developing groundwater sustainability plans.

8 (5) A map identifying existing and potential recharge areas for  
9 the basin. The map or maps shall identify the existing recharge  
10 areas that substantially contribute to the replenishment of the  
11 groundwater basin. The map or maps shall be provided to the  
12 appropriate local planning agencies after adoption of the  
13 groundwater sustainability plan.

14 (b) (1) Measurable objectives, as well as interim milestones in  
15 increments of five years, to achieve the sustainability goal in the  
16 basin within 20 years of the implementation of the plan.

17 (2) A description of how the plan helps meet each objective and  
18 how each objective is intended to achieve the sustainability goal  
19 for the basin for long-term beneficial uses of groundwater.

20 (3) Notwithstanding paragraph (1), at the request of the  
21 groundwater sustainability agency, the department may grant an  
22 extension of up to 10 years beyond the 20-year sustainability  
23 timeframe upon a showing of good cause.

24 (c) A planning and implementation horizon of 50 years.

25 (d) Components relating to the following, as applicable to the  
26 basin:

27 (1) The monitoring and management of groundwater levels  
28 within the basin.

29 (2) The monitoring and management of groundwater quality,  
30 groundwater quality degradation, inelastic land surface  
31 subsidence, and changes in surface flow and surface water quality  
32 that directly affect groundwater levels or quality or are caused by  
33 groundwater pumping in the basin.

34 (3) Mitigation of overdraft.

35 (4) How recharge areas identified in the plan substantially  
36 contribute to the replenishment of the basin.

37 (e) A summary of the type of monitoring sites, type of  
38 measurements, and the frequency of monitoring for each location  
39 monitoring groundwater levels, groundwater quality, subsidence,  
40 streamflow, precipitation, evaporation, and tidal influence. The

1 *plan shall include a summary of monitoring information such as*  
 2 *well depth, screened intervals, and aquifer zones monitored, and*  
 3 *a summary of the type of well relied on for the information,*  
 4 *including public, irrigation, domestic, industrial, and monitoring*  
 5 *wells.*

6 *(f) Monitoring protocols that are designed to detect changes in*  
 7 *groundwater levels, groundwater quality, inelastic surface*  
 8 *subsidence for basins for which subsidence has been identified as*  
 9 *a potential problem, and flow and quality of surface water that*  
 10 *directly affect groundwater levels or quality or are caused by*  
 11 *groundwater pumping in the basin. The monitoring protocols shall*  
 12 *be designed to generate information that promotes efficient and*  
 13 *effective groundwater management.*

14 *10727.4. In addition to the requirements of Section 10727.2,*  
 15 *a groundwater sustainability plan shall include, where appropriate*  
 16 *and in collaboration with the appropriate local agencies, all of*  
 17 *the following:*

18 *(a) Control of saline water intrusion.*

19 *(b) Wellhead protection areas and recharge areas.*

20 *(c) Migration of contaminated groundwater.*

21 *(d) A well abandonment and well destruction program.*

22 *(e) Replenishment of groundwater extractions.*

23 *(f) Activities implementing, opportunities for, and impediments*  
 24 *to, conjunctive use.*

25 *(g) Well construction policies.*

26 *(h) Measures addressing groundwater contamination cleanup,*  
 27 *recharge, diversions to storage, conservation, water recycling,*  
 28 *conveyance, and extraction projects.*

29 *(i) Efficient water management practices, as defined in Section*  
 30 *10902, for the delivery of water and water conservation methods*  
 31 *to improve the efficiency of water use.*

32 *(j) Efforts to develop relationships with state and federal*  
 33 *regulatory agencies.*

34 *(k) Processes to review land use plans and efforts to coordinate*  
 35 *with land use planning agencies to assess activities that potentially*  
 36 *create risks to groundwater quality or quantity.*

37 *10727.6. Groundwater sustainability agencies intending to*  
 38 *develop and implement multiple groundwater sustainability plans*  
 39 *pursuant to paragraph (3) of subdivision (b) of Section 10727 shall*  
 40 *coordinate with other agencies preparing a groundwater*

1 sustainability plan within the basin to ensure that the plans utilize  
 2 the same data for the following assumptions in developing the  
 3 plan:

- 4 (a) Groundwater elevation data.
- 5 (b) Groundwater extraction data.
- 6 (c) Surface water supply.
- 7 (d) Total water use.
- 8 (e) Change in groundwater storage.
- 9 (f) Water budget.
- 10 (g) Sustainable yield.

11 10727.8. Prior to initiating the development of a groundwater  
 12 sustainability plan, the groundwater sustainability agency shall  
 13 make available to the public and the department a written statement  
 14 describing the manner in which interested parties may participate  
 15 in the development and implementation of the groundwater  
 16 sustainability plan. The groundwater sustainability agency may  
 17 appoint and consult with an advisory committee consisting of  
 18 interested parties for the purposes of developing and implementing  
 19 a groundwater sustainability plan. The groundwater sustainability  
 20 agency shall encourage the active involvement of diverse social,  
 21 cultural, and economic elements of the population within the  
 22 groundwater basin prior to and during the development and  
 23 implementation of the groundwater sustainability plan.

24 10728. (a) Except as provided in subdivision (b), a  
 25 groundwater sustainability agency shall certify that its plan  
 26 complies with this part no later than January 31, 2020, and every  
 27 five years thereafter. A groundwater sustainability agency shall  
 28 submit this certification to the department within 30 days of the  
 29 certification.

30 (b) (1) The department may review the submissions made  
 31 pursuant to this section and Section 10733.6 and may request the  
 32 supporting information on which the certification pursuant to  
 33 subdivision (a) relied upon or the other documentation relied upon  
 34 pursuant to subdivision (b) of Section 10733.6. The department  
 35 may issue findings concerning the validity of the certification or  
 36 other submission.

37 (2) Before issuing findings pursuant to paragraph (1), the  
 38 department shall transmit a draft of its findings to the submitting  
 39 agency and shall consult with that agency. The submitting agency

1 may submit a response to the department within 60 days of  
2 receiving the department's draft findings.

3 (3) If the department's findings issued pursuant to paragraph  
4 (1) concern the compliance of a plan with requirements for  
5 sustainable groundwater management or the operation of a basin  
6 consistent with the basin's sustainable yield, the submitting agency,  
7 within 90 days of receipt, shall consider amendments to its plan  
8 or technical analysis to address the department's findings.

9 10728.2. A groundwater sustainability agency shall periodically  
10 evaluate its groundwater sustainability plan, assess changing  
11 conditions in the basin that may warrant modification of the plan  
12 or management objectives, and may adjust components in the plan.  
13 An evaluation of the plan shall focus on determining whether the  
14 actions under the plan are meeting the plan's management  
15 objectives and whether those objectives are meeting the  
16 sustainability goal in the basin.

17 10728.4. A groundwater sustainability agency may adopt or  
18 amend a groundwater sustainability plan if the groundwater  
19 sustainability agency holds a public hearing and more than 90  
20 days have passed since the groundwater sustainability agency  
21 provided notice to a city or county within the area of the proposed  
22 plan or amendment. The groundwater sustainability agency shall  
23 obtain comments from any city or county that receives notice  
24 pursuant to this section and shall consult with a city or county that  
25 requests consultation within 30 days of receipt of the notice.  
26 Nothing in this section is intended to preclude an agency and a  
27 city or county from otherwise consulting or commenting regarding  
28 the adoption or amendment of a plan.

29  
30 *CHAPTER 7. TECHNICAL ASSISTANCE*

31  
32 10729. (a) The department or a groundwater sustainability  
33 agency may provide technical assistance to entities that extract  
34 or use groundwater to promote water conservation and protect  
35 groundwater resources.

36 (b) The department may provide technical assistance to any  
37 groundwater sustainability agency in response to that agency's  
38 request for assistance in the development and implementation of  
39 a groundwater sustainability plan. The department shall use its  
40 best efforts to provide the requested assistance.

1 (c) (1) By January 1, 2017, the department shall publish on its  
 2 Internet Web site best management practices for the sustainable  
 3 management of groundwater.

4 (2) The department shall develop the best management practices  
 5 through a public process involving one public meeting conducted  
 6 at a location in northern California, one public meeting conducted  
 7 at a location in the San Joaquin Valley, one public meeting  
 8 conducted at a location in southern California, and one public  
 9 meeting of the California Water Commission.

10

11

CHAPTER 8. FINANCIAL AUTHORITY

12

13 10730. (a) A groundwater sustainability agency may impose  
 14 fees, including, but not limited to, permit fees and fees on  
 15 groundwater extraction or other regulated activity, to fund the  
 16 costs of a groundwater sustainability program, including, but not  
 17 limited to, preparation, adoption, and amendment of a groundwater  
 18 sustainability plan, and program administration, investigations,  
 19 inspections, compliance assistance, and enforcement. A  
 20 groundwater sustainability agency shall not impose a fee pursuant  
 21 to this subdivision on a de minimus extractor unless the agency  
 22 has regulated the users pursuant to this part.

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(b) (1) Prior to imposing or increasing a fee, a groundwater  
 sustainability agency shall hold at least one open and public  
 meeting, at which oral or written presentations may be made as  
 part of the meeting.

(2) Notice of the time and place of the meeting shall include a  
 general explanation of the matter to be considered and a statement  
 that the data required by this section is available. The notice shall  
 be mailed at least 14 days prior to the meeting to each record  
 owner of property within the basin and to any interested party who  
 files a written request with the agency for mailed notice of the  
 meeting on new or increased fees. A written request for mailed  
 notices shall be valid for one year from the date that the request  
 is made and may be renewed by making a written request on or  
 before April 1 of each year.

(3) At least 10 days prior to the meeting, the groundwater  
 sustainability agency shall make available to the public data upon  
 which the proposed fee is based.

1 (c) Any action by a groundwater sustainability agency to impose  
2 or increase a fee shall be taken only by ordinance or resolution.

3 (d) (1) As an alternative method for the collection of fees  
4 imposed pursuant to this section, a groundwater management  
5 agency may adopt a resolution requesting collection of the fees in  
6 the same manner as ordinary municipal ad valorem taxes.

7 (2) A resolution described in paragraph (1) shall be adopted  
8 and furnished to the county auditor-controller and board of  
9 supervisors on or before August 1 of each year that the alternative  
10 collection of the fees is being requested. The resolution shall  
11 include a list of parcels and the amount to be collect for each  
12 parcel.

13 (e) The power granted by this section is in addition to any  
14 powers a groundwater sustainability agency has under any other  
15 law.

16 10730.2. (a) A groundwater sustainability agency that adopts  
17 a groundwater sustainability plan pursuant to this part may impose  
18 fees on the extraction of groundwater from the basin to fund costs  
19 of groundwater management, including, but not limited to, the  
20 costs of the following:

21 (1) Administration, operation, maintenance, and acquisition of  
22 lands or other property, facilities, and services.

23 (2) Supply, production, treatment, or distribution of water.

24 (3) Other activities necessary or convenient to implement the  
25 plan.

26 (b) Fees may be implemented pursuant to Part 2.75  
27 (commencing with Section 10750) in accordance with the  
28 procedures provided in this section.

29 (c) Fees imposed pursuant to this section shall be adopted in  
30 accordance with subdivisions (a) and (b) of Section 6 of Article  
31 XIII D of the California Constitution.

32 (d) Fees imposed pursuant to this section may include fixed fees  
33 and fees charged on a volumetric basis, including, but not limited  
34 to, fees that increase based on the quantity of groundwater  
35 produced annually, the year in which the production of  
36 groundwater commenced from a groundwater extraction facility,  
37 and impacts to the basin.

38 (e) The power granted by this section is in addition to any  
39 powers a groundwater sustainability agency has under any other  
40 law.

1 10730.4. A groundwater sustainability agency may fund  
2 activities pursuant to Part 2.75 (commencing with Section 10750)  
3 and may impose fees pursuant to Section 10732.5 to fund activities  
4 undertaken by the agency pursuant to Part 2.75 (commencing with  
5 Section 10750).

6 10730.6. (a) A groundwater fee levied pursuant to this chapter  
7 shall be due and payable to the groundwater sustainability agency  
8 by each owner or operator on a day established by the groundwater  
9 sustainability agency.

10 (b) If an owner or operator knowingly fails to pay a groundwater  
11 fee within 30 days of it becoming due, the owner or operator shall  
12 be liable to the groundwater sustainability agency for interest at  
13 the rate of 1 percent per month on the delinquent amount of the  
14 groundwater fee and a 10 percent penalty.

15 (c) The groundwater sustainability agency may bring a suit in  
16 the court having jurisdiction against any owner or operator of a  
17 groundwater extraction facility within the area covered by the  
18 plan for the collection of any delinquent groundwater fees, interest,  
19 or penalties imposed under this chapter. If the groundwater  
20 sustainability agency seeks an attachment against the property of  
21 any named defendant in the suit, the groundwater sustainability  
22 agency shall not be required to furnish a bond or other undertaking  
23 as provided in Title 6.5 (commencing with Section 481.010) of  
24 Part 2 of the Code of Civil Procedure.

25 (d) In the alternative to bringing a suit pursuant to subdivision  
26 (c), a groundwater sustainability agency may collect any delinquent  
27 groundwater charge and any civil penalties and interest on the  
28 delinquent groundwater charge pursuant to the laws applicable  
29 to the local agency or, if a joint powers authority, to the entity  
30 designated pursuant to Section 6509 of the Government Code. The  
31 collection shall be in the same manner as it would be applicable  
32 to the collection of delinquent assessments, water charges, or tolls.

33 (e) As an additional remedy, a groundwater sustainability  
34 agency, after a public hearing, may order an owner or operator  
35 to cease extraction of groundwater until all delinquent fees are  
36 paid. The groundwater sustainability agency shall give notice to  
37 the owner or operator by certified mail not less than 15 days in  
38 advance of the public hearing.

1 (f) *The remedies specified in this section for collecting and*  
2 *enforcing fees are cumulative and may be pursued alternatively*  
3 *or may be used consecutively as determined by the governing body.*

4 10730.8. (a) *Nothing in this chapter shall affect or interfere*  
5 *with the authority of a groundwater sustainability agency to levy*  
6 *and collect taxes, assessments, charges, and tolls as otherwise*  
7 *provided by law.*

8 (b) *For the purposes of Section 6254.16 of the Government*  
9 *Code, persons subject to payment of fees pursuant to this chapter*  
10 *are utility customers of a groundwater sustainability agency.*

11 10731. (a) *If there is reasonable cause to believe that the*  
12 *production of groundwater from any groundwater extraction*  
13 *facility is in excess of that disclosed by the statements covering*  
14 *the facility or if no statement is filed covering the facility, the*  
15 *governing body may cause an investigation and report to be made*  
16 *concerning the production of groundwater from that groundwater*  
17 *extraction facility that includes, but is not limited to, the accuracy*  
18 *of the water-measuring device. The governing body may make a*  
19 *determination fixing the amount of groundwater production from*  
20 *the groundwater extraction facility at an amount not to exceed the*  
21 *maximum production capacity of the facility for purposes of levying*  
22 *a groundwater charge. If a water-measuring device is permanently*  
23 *attached to the groundwater extraction facility, the record of*  
24 *production as disclosed by the water-measuring device shall be*  
25 *presumed to be accurate unless the contrary is established by the*  
26 *groundwater management agency after investigation.*

27 (b) *After the governing body makes a determination fixing the*  
28 *amount of groundwater production pursuant to subdivision (a), a*  
29 *written notice of the determination shall be mailed to the owner*  
30 *or operator of the groundwater extraction facility at the address*  
31 *as shown by the groundwater management agency's records. A*  
32 *determination made by the governing body shall be conclusive on*  
33 *the owner or operator and the groundwater charges, based on the*  
34 *determination together with any interest and penalties, shall be*  
35 *payable immediately unless within 10 days after the mailing of the*  
36 *notice the owner or operator files with the governing body a written*  
37 *protest setting forth the ground for protesting the amount of*  
38 *production or the groundwater charges, interest, and penalties. If*  
39 *a protest is filed pursuant to this subdivision, the governing body*  
40 *shall hold a hearing to determine the total amount of the*

1 groundwater production and the groundwater charges, interest,  
 2 and penalties. The determination by the governing body at the  
 3 hearing shall be conclusive if based upon substantial evidence.  
 4 Notice of the hearing shall be mailed to each protestant at least  
 5 10 days before the date fixed for the hearing. Notice of the  
 6 determination of the governing body hearing shall be mailed to  
 7 each protestant. The owner or operator shall have 20 days from  
 8 the date of mailing of the determination to pay the groundwater  
 9 charges, interest, and penalties determined by the governing body.

10  
 11 *CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY*  
 12 *ENFORCEMENT POWERS*

13  
 14 10732. (a) (1) A person who extracts groundwater in excess  
 15 of the amount that person is authorized to extract under a rule,  
 16 regulation, ordinance, or resolution adopted pursuant to Section  
 17 10725.2, shall be subject to a civil penalty not to exceed five  
 18 hundred dollars (\$500) per acre-foot extracted in excess of the  
 19 amount that person is authorized to extract. Liability under this  
 20 subdivision is in addition to any liability imposed under paragraph  
 21 (2) and any fee imposed for the extraction.

22 (2) A person who violates any rule, regulation, ordinance, or  
 23 resolution adopted pursuant to Section 10724.2 shall be liable for  
 24 a civil penalty not to exceed one thousand dollars (\$1,000) plus  
 25 one hundred dollars (\$100) for each additional day on which the  
 26 violation continues if the person fails to comply within 30 days  
 27 after the local agency has notified the person of the violation.

28 (b) (1) A groundwater sustainability agency may bring an action  
 29 in the superior court to determine whether a violation occurred  
 30 and to impose a civil penalty described in subdivision (a).

31 (2) A groundwater sustainability agency may administratively  
 32 impose a civil penalty described in subdivision (a) after providing  
 33 notice and an opportunity for a hearing.

34 (3) In determining the amount of the penalty, the superior court  
 35 or the groundwater sustainability agency shall take into  
 36 consideration all relevant circumstances, including, but not limited  
 37 to, the nature and persistence of the violation, the extent of the  
 38 harm caused by the violation, the length of time over which the  
 39 violation occurs, and any corrective action taken by the violator.

1 (c) A penalty imposed pursuant to this section shall be paid to  
 2 the groundwater sustainability agency and shall be expended solely  
 3 for purposes of this part.

4 (d) Penalties imposed pursuant to this section are in addition  
 5 to any civil penalty or criminal fine under any other law.

6  
 7 CHAPTER 10. STATE EVALUATION AND ASSESSMENT  
 8

9 10733. (a) The department shall periodically review the  
 10 groundwater sustainability plans developed by groundwater  
 11 sustainability agencies pursuant to this part to evaluate whether  
 12 a plan conforms with Sections 10727.2 and 10727.4 and is likely  
 13 to achieve the sustainability goal for the basin covered by the  
 14 groundwater sustainability plan.

15 (b) If a groundwater sustainability agency develops multiple  
 16 groundwater sustainability plans for a basin, the department shall  
 17 evaluate whether the plans conform with Sections 10727.2,  
 18 10727.4, and 10727.6 and are together likely to achieve the  
 19 sustainability goal for the basin covered by the groundwater  
 20 sustainability plans.

21 10733.2. (a) By June 1, 2016, the department, in consultation  
 22 with the board, shall develop guidelines for evaluating  
 23 groundwater sustainability plans and groundwater sustainability  
 24 programs pursuant to this chapter.

25 (b) The guidelines shall identify the necessary plan components  
 26 specified in Sections 10727.2 and 10727.4 and other information  
 27 that will assist local agencies in developing and implementing  
 28 groundwater sustainability plans and groundwater sustainability  
 29 programs.

30 (c) The department may update the guidelines, including to  
 31 incorporate the best management practices identified pursuant to  
 32 Section 10729.

33 (d) The guidelines required pursuant to this section are exempt  
 34 from Chapter 3.5 (commencing with Section 11340) of Part 1 of  
 35 Division 3 of Title 2 of the Government Code. The establishment  
 36 of guidelines pursuant to this section shall instead be accomplished  
 37 by means of a public process reasonably calculated to give  
 38 interested persons an opportunity to be heard.

39 10733.4. (a) Upon completion of a groundwater sustainability  
 40 plan, a groundwater sustainability agency shall submit the

1 groundwater sustainability plan to the department for review  
2 pursuant to this chapter.

3 (b) If groundwater sustainability agencies develop multiple  
4 groundwater sustainability plans for a basin, the submission  
5 required by subdivision (a) shall not occur until the entire basin  
6 is covered by groundwater sustainability plans. When the entire  
7 basin is covered by groundwater sustainability plans, the  
8 groundwater sustainability agencies shall jointly submit to the  
9 department all of the following:

10 (1) The groundwater sustainability plans.

11 (2) An explanation of how the groundwater sustainability plans  
12 implemented together satisfy Section 10729 for the entire basin.

13 (3) A copy of the coordination agreement between the  
14 groundwater sustainability agencies to ensure the coordinated  
15 implementation of the groundwater sustainability plans for the  
16 entire basin.

17 (c) Upon receipt of a groundwater sustainability plan, the  
18 department shall post the plan on the department's Internet Web  
19 site and provide 60 days for persons to submit comments to the  
20 department about the plan.

21 (d) The department shall evaluate the groundwater sustainability  
22 plan within two years of its submission by a groundwater  
23 sustainability agency and issue an assessment of the plan. The  
24 assessment may include recommended corrective actions to address  
25 any deficiencies identified by the department.

26 10733.6. (a) If there is not a groundwater sustainability plan  
27 for a basin, but a local agency believes that an alternative plan,  
28 such as a plan developed pursuant to Part 2.75 (commencing with  
29 Section 10750), satisfies the objectives of this part, the local agency  
30 may submit the alternative plan to the department for evaluation  
31 and assessment of whether the plan is the functional equivalent of  
32 a groundwater sustainability plan pursuant to this part. In  
33 evaluating an alternative plan, the department shall, to the extent  
34 feasible, use the guidelines developed pursuant to Section 10733.2.

35 (b) A basin shall be in compliance with this part if a  
36 groundwater agency for a basin or other local agency submits to  
37 the department, no later than January 31, 2020, and every five  
38 years thereafter, any of the following documents:

1 (1) A copy of a governing final judgment or other judicial order  
 2 or decree establishing a groundwater sustainability program for  
 3 the basin.

4 (2) A report approved by a groundwater agency that shows that  
 5 current management or operations activities have been consistent  
 6 with the sustainable yield of the basin over a period of at least 10  
 7 years. The report shall be prepared by a registered professional  
 8 engineer or geologist who is licensed by the state and submitted  
 9 under that engineer's or geologist's seal. The report may  
 10 demonstrate compliance with the sustainability goal in the basin  
 11 by presenting a balanced water budget for the basin, a technical  
 12 analysis demonstrating stable groundwater levels over the relevant  
 13 period, or other sufficient technical analyses.

14 10733.8. At least every five years after submission, the  
 15 department, in consultation with the board, shall review any  
 16 available groundwater sustainability plan, alternative plan  
 17 submitted in accordance with Section 10729.6, and the  
 18 implementation of the corresponding groundwater sustainability  
 19 program for consistency with this part, including achieving the  
 20 sustainability goal. The department shall issue an assessment for  
 21 each basin for which a plan has been submitted in accordance  
 22 with this chapter. The assessment may include recommended  
 23 corrective actions to address any deficiencies identified by the  
 24 department.

25 10734. (a) Consistent with Section 3 of Article XIII A of the  
 26 California Constitution, the department shall adopt a schedule of  
 27 fees to recover costs incurred in carrying out this chapter.

28 (b) It is the intent of the Legislature to amend this measure to  
 29 adopt additional authority for the department to implement the  
 30 fee authority provided by this section.

31

32 *CHAPTER 11. STATE INTERVENTION*

33

34 10735. As used in this chapter, the following terms have the  
 35 following meanings:

36 (a) "Condition of long-term overdraft" means the condition of  
 37 a groundwater basin where the average annual amount of water  
 38 extracted for a long-term period, generally 10 years or more,  
 39 exceeds the long-term average annual supply of water to the basin,  
 40 plus any temporary surplus. Overdraft during a period of drought

1 *is not sufficient to establish a condition of long-term overdraft if*  
 2 *extractions and recharge are managed as necessary to ensure that*  
 3 *reductions in groundwater levels or storage during a period of*  
 4 *drought are offset by increases in groundwater levels or storage*  
 5 *during other periods.*

6 (b) *“Person” means any person, firm, association, organization,*  
 7 *partnership, business, trust, corporation, limited liability company,*  
 8 *or public agency, including any city, county, city and county,*  
 9 *district, joint powers authority, state, or any agency or department*  
 10 *of those entities. “Person” includes, to the extent authorized by*  
 11 *federal law, the United States, a department, agency or*  
 12 *instrumentality of the federal government, an Indian tribe, an*  
 13 *authorized Indian tribal organization, or interstate body.*

14 (c) *“Probationary basin” means a basin for which the board*  
 15 *has issued a determination under this section.*

16 (d) *“Significant depletions of interconnected surface waters”*  
 17 *means reductions in flow or levels of a surface water that is*  
 18 *hydrologically connected to the basin such that the reduced surface*  
 19 *water flow or level adversely affects beneficial uses of the surface*  
 20 *water.*

21 10735.2. (a) *The board, after notice and a public hearing,*  
 22 *may designate a basin as a probationary basin, if the board finds*  
 23 *one or more of the following applies to the basin:*

24 (1) *After January 1, 2017, none of the following have occurred:*

25 (A) *No local agency has elected to be a groundwater*  
 26 *sustainability agency that intends to develop a groundwater*  
 27 *sustainability plan for the entire basin.*

28 (B) *No collection of local agencies has formed a groundwater*  
 29 *sustainability agency or prepared agreements to develop one or*  
 30 *more groundwater sustainability plans that will collectively serve*  
 31 *as a groundwater sustainability plan for the entire basin.*

32 (C) *There is no plan developed pursuant to Part 2.75*  
 33 *(commencing with Section 10750) that satisfies the objectives of*  
 34 *this part.*

35 (D) *There is no report approved by a groundwater agency that*  
 36 *shows that current management or operations activities have been*  
 37 *consistent with the sustainable yield of the basin over a period of*  
 38 *at least 10 years, as described in paragraph (2) of subdivision (b)*  
 39 *of Section 10733.6.*

40 (2) *After January 31, 2020, none of the following have occurred:*

1 (A) No groundwater sustainability agency has adopted a  
2 groundwater sustainability plan for the entire basin.

3 (B) No collection of local agencies have adopted groundwater  
4 sustainability plans that collectively serve as a groundwater  
5 sustainability plan for the entire basin.

6 (C) The department has not determined that a local agency has  
7 a functional equivalent as described in Section 10733.6.

8 (D) There is no report approved by a groundwater agency that  
9 shows that current management or operations activities have been  
10 consistent with the sustainable yield of the basin over a period of  
11 at least 10 years, as described in paragraph (2) of subdivision (b)  
12 of Section 10733.6.

13 (3) After January 31, 2020, either of the following have  
14 occurred:

15 (A) The department has determined that a groundwater  
16 sustainability plan is inadequate or that the groundwater  
17 sustainability program is not being implemented in a manner that  
18 will likely achieve the sustainability goal.

19 (B) The basin is in a condition of long-term overdraft or in a  
20 condition where groundwater extractions result in significant  
21 depletions of interconnected surface waters.

22 (b) (1) In making the findings associated with subparagraph  
23 (A) of paragraph (3) of subdivision (a), the board may rely on  
24 periodic assessments the department has prepared pursuant to  
25 Chapter 10 (commencing with Section 10733). The board may  
26 request that the department conduct additional assessments  
27 utilizing the guidelines developed pursuant to Chapter 10  
28 (commencing with 10733) and make determinations pursuant to  
29 this section. The board shall post on its Internet Web site and  
30 provide at least 30 days for the public to comment on any  
31 determinations provided by the department pursuant to this  
32 subdivision.

33 (2) The board shall consult with the department in assessing  
34 technical determinations pursuant to subparagraph (A) of  
35 paragraph (3) of subdivision (a).

36 (c) The determination shall set an amount of groundwater  
37 extractions, for purposes of establishing the amount for which  
38 reports of groundwater extraction are required under Part 5.2  
39 (commencing with Section 5200) of Division 2, and may include

1 *exclusions for certain classes or categories of extractions that are*  
 2 *likely to have a minimal impact on basin withdrawals.*

3 *10735.4. (a) If the board designates a basin as a probationary*  
 4 *basin pursuant to paragraph (1) or (2) of subdivision (a) of Section*  
 5 *10735.2, a local agency or groundwater sustainability agency*  
 6 *shall have 180 days to remedy the deficiency. The board may*  
 7 *appoint a mediator or other facilitator, after consultation with*  
 8 *affected local agencies, to assist in resolving disputes, and*  
 9 *identifying and implementing actions that will remedy the*  
 10 *deficiency.*

11 *(b) After the 180-day period provided by subdivision (a), the*  
 12 *board may provide additional time to remedy the deficiency if it*  
 13 *finds that a local agency is making substantial progress toward*  
 14 *remediating the deficiency.*

15 *(c) The board may develop an interim plan pursuant to Section*  
 16 *10735.8 for the probationary basin at the end of the time period*  
 17 *provided by subdivision (a) or any extension provided pursuant*  
 18 *to subdivision (b), if the board, in consultation with the department,*  
 19 *determines that a local agency has not remedied the deficiency*  
 20 *that resulted in designating the basin as a probationary basin*  
 21 *pursuant to this section.*

22 *10735.6. (a) If the board designates a basin as a probationary*  
 23 *basin pursuant to paragraph (3) of subdivision (a) of Section*  
 24 *10735.2, the board shall identify the specific deficiencies and*  
 25 *identify potential actions to address the deficiencies. The board*  
 26 *may request the department to provide local agencies, within 90*  
 27 *days of the designation of a probationary basin, with technical*  
 28 *recommendations to remedy the deficiencies.*

29 *(b) The board may develop an interim plan pursuant to Section*  
 30 *10735.8 for the probationary basin one year after the designation*  
 31 *of the basin pursuant to paragraph (3) of subdivision (a) of Section*  
 32 *10735.2, if the board, in consultation with the department,*  
 33 *determines that a local agency has not remedied the deficiency*  
 34 *that result in designating the basin a probationary basin.*

35 *10735.8. (a) The board, after notice and a public hearing,*  
 36 *may adopt an interim plan for a probationary basin.*

37 *(b) The interim plan shall include all of the following:*

38 *(1) Identification of the actions that are necessary to correct a*  
 39 *condition of long-term overdraft or a condition where groundwater*  
 40 *extractions result in significant depletions of interconnected surface*

1 *waters, including recommendations for appropriate action by any*  
 2 *person.*

3 *(2) A time schedule for the actions to be taken.*

4 *(3) A description of the monitoring to be undertaken to*  
 5 *determine effectiveness of the plan.*

6 *(c) The interim plan may include the following:*

7 *(1) Restrictions on groundwater pumping or extraction.*

8 *(2) A physical solution.*

9 *(3) Principles and guidelines for the administration of rights*  
 10 *to surface waters that are connected to the basin.*

11 *(d) To the extent feasible, consistent with Sections 100 and 275*  
 12 *and subdivision (e), the interim plan shall be consistent with water*  
 13 *right priorities.*

14 *(e) Where, in the judgment of the board, a groundwater*  
 15 *sustainability plan, groundwater sustainability program, or an*  
 16 *adjudication action can be relied on as part of the interim plan,*  
 17 *either throughout the basin or in an area within the basin, the*  
 18 *board may rely on, or incorporate elements of, that plan, program,*  
 19 *or adjudication into the interim plan adopted by the board or allow*  
 20 *local agencies to continue implementing those parts of a plan or*  
 21 *program that the board determines are adequate.*

22 *(f) In carrying out activities that may affect the probationary*  
 23 *basin, state entities shall comply with an interim plan adopted by*  
 24 *the board pursuant to this section unless otherwise directed or*  
 25 *authorized by statute and the state entity shall indicate to the board*  
 26 *in writing the authority for not complying with the interim plan.*

27 *(g) (1) After the board adopts an interim plan under this section,*  
 28 *the board shall determine if a groundwater sustainability plan or*  
 29 *an adjudication action is adequate to eliminate the condition of*  
 30 *long-term overdraft or condition where groundwater extractions*  
 31 *result in significant depletions of interconnected surface waters,*  
 32 *upon petition of either of the following:*

33 *(A) A groundwater sustainability agency that has adopted a*  
 34 *groundwater sustainability plan for the probationary basin or a*  
 35 *portion thereof.*

36 *(B) A person authorized to file the petition by a judicial order*  
 37 *or decree entered in an adjudication action in the probationary*  
 38 *basin.*

39 *(2) The board shall act on a petition filed pursuant to paragraph*  
 40 *(1) within 90 days after the petition is complete. If the board*

1 *determines that the groundwater sustainability plan or adjudication*  
 2 *action is adequate, the board shall rescind the interim plan adopted*  
 3 *by the board for the probationary basin, except as provided in*  
 4 *paragraphs (3) and (4).*

5 *(3) Upon request of the petitioner, the board may amend an*  
 6 *interim plan adopted under this section to eliminate portions of*  
 7 *the interim plan, while allowing other portions of the interim plan*  
 8 *to continue in effect.*

9 *(4) The board may decline to rescind an interim plan adopted*  
 10 *pursuant to this section if the board determines that the petitioner*  
 11 *has not provided adequate assurances that the groundwater*  
 12 *sustainability plan or judicial order or decree will be implemented.*

13 *(5) This subdivision is not a limitation on the authority of the*  
 14 *board to stay its proceedings under this section or to rescind or*  
 15 *amend an interim plan adopted pursuant to this section based on*  
 16 *the progress made by a groundwater sustainability agency or in*  
 17 *an adjudication action, even if the board cannot make a*  
 18 *determination of adequacy in accordance with paragraph (1).*

19 *10736. (a) The board shall adopt or amend a determination*  
 20 *or interim plan under Section 10735.2 or 10735.8 in accordance*  
 21 *with procedures for quasi-legislative action.*

22 *(b) The board shall provide notice of a hearing described in*  
 23 *subdivision (a) of Section 10735.2 or subdivision (a) of Section*  
 24 *10735.8 as follows:*

25 *(1) At least 90 days before the hearing, the board shall publish*  
 26 *notice of the hearing on its Internet Web site.*

27 *(2) At least 90 days before the hearing, the board shall notify*  
 28 *the department and each city, county, or city and county in which*  
 29 *any part of the basin is situated.*

30 *(3) (A) For the purposes of this paragraph, the terms*  
 31 *“board-designated local area” and “local agency” have the same*  
 32 *meaning as defined in Section 5009.*

33 *(B) At least 60 days before the hearing, the board shall mail or*  
 34 *send by electronic mail notice to all persons known to the board*  
 35 *who extract or who propose to extract water from the basin, or*  
 36 *who have made written or electronic mail requests to the board*  
 37 *for special notice of hearing pursuant to this part. If any portion*  
 38 *of the basin is within a board-designated local area, the records*  
 39 *made available to the board by the local agency in accordance*  
 40 *with paragraph (4) of subdivision (d) of Section 5009 shall include*

1 *the names and addresses of persons and entities known to the local*  
2 *agency who extract water from the basin, and the board shall mail*  
3 *or send by electronic mail notice to those persons.*

4 *(c) The board shall provide notice of proceedings to amend or*  
5 *repeal a determination or plan under Section 10735.2 or 10735.8*  
6 *as appropriate to the proceedings, taking into account the nature*  
7 *of the proposed revision and the person likely to be affected.*

8 *(d) (1) Except as provided in paragraphs (2) and (3), Chapter*  
9 *3.5 (commencing with Section 11340) of Part 1 of Division 2 of*  
10 *Title 2 of the Government Code does not apply to any action*  
11 *authorized pursuant to Section 10735.2 or 10735.8.*

12 *(2) The board may adopt a regulation in accordance with*  
13 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*  
14 *2 of Title 2 of the Government Code setting procedures for*  
15 *adopting a determination or plan.*

16 *(3) The board may adopt a regulation applying or interpreting*  
17 *this part pursuant to Section 1530 if the board determines that the*  
18 *emergency regulation is reasonably necessary for the allocation,*  
19 *administration, or collection of fees authorized pursuant to Section*  
20 *1529.5.*

21 *10736.2. Division 13 (commencing with Section 21000) of the*  
22 *Public Resources Code does not apply to any action or failure to*  
23 *act by the board under this chapter, other than the adoption or*  
24 *amendment of an interim plan pursuant to Section 10735.8.*

25 *10736.4. The extraction or use of water extracted in violation*  
26 *of an interim plan under this part shall not be relied upon as a*  
27 *basis for establishing the extraction or use of water to support a*  
28 *claim in an action or proceeding for determination of water rights.*

29 *10736.6. (a) The board may order a person that extracts or*  
30 *uses water from a basin that is subject to an investigation or*  
31 *proceeding under this chapter to prepare and submit to the board*  
32 *any technical or monitoring program reports related to that*  
33 *person's or entity's extraction or use of water as the board may*  
34 *specify. The costs incurred by the person in the preparation of*  
35 *those reports shall bear a reasonable relationship to the need for*  
36 *the report and the benefit to be obtained from the report. If the*  
37 *preparation of individual reports would result in a duplication of*  
38 *effort, or if the reports are necessary to evaluate the cumulative*  
39 *effect of several diversions or uses of water, the board may order*

1 any person subject to this subdivision to pay a reasonable share  
2 of the cost of preparing reports.

3 (b) (1) An order issued pursuant to this section shall be served  
4 by personal service or registered mail on the party to submit  
5 technical or monitoring program reports or to pay a share of the  
6 costs of preparing reports. Unless the board issues the order after  
7 a hearing, the order shall inform the party of the right to request  
8 a hearing within 30 days after the party has been served. If the  
9 party does not request a hearing within that 30-day period, the  
10 order shall take effect as issued. If the party requests a hearing  
11 within that 30-day period, the board may adopt a decision and  
12 order after conducting a hearing.

13 (2) In-lieu of adopting an order directed at named persons in  
14 accordance with the procedures specified in paragraph (1), the  
15 board may adopt a regulation applicable to a category or class  
16 of persons in accordance with Chapter 3.5 (commencing with  
17 Section 11340) of Part 1 of Division 2 of Title 2 of the Government  
18 Code.

19 (c) Upon application of a person or upon its own motion, the  
20 board may review and revise an order issued or regulation adopted  
21 pursuant to this section in accordance with the procedures set  
22 forth in subdivision (b).

23 (d) In conducting an investigation or proceeding pursuant to  
24 this part, the board may inspect the property or facilities of a  
25 person to ascertain whether the purposes of this part are being  
26 met and to ascertain compliance with this part. The board may  
27 obtain an inspection warrant pursuant to the procedures set forth  
28 in Title 13 (commencing with Section 1822.50) of Part 3 of the  
29 Code of Civil Procedure for the purposes of an inspection pursuant  
30 to this subdivision.

31 SEC. 11. Section 10750.1 is added to the Water Code, to read:

32 10750.1. (a) Beginning January 1, 2015, a new plan shall not  
33 be adopted and an existing plan shall not be renewed pursuant to  
34 this part, except as provided in subdivision (b). A plan adopted  
35 before January 1, 2015, shall remain in effect until a groundwater  
36 sustainability plan is adopted pursuant to Part 2.74 (commencing  
37 with Section 10720).

38 (b) This section does not apply to a low- or very low priority  
39 basin as categorized for the purposes of Part 2.74 (commencing  
40 with Section 10720).

1     *SEC. 12. Section 10927 of the Water Code is amended to read:*

2     10927. Any of the following entities may assume responsibility  
3 for monitoring and reporting groundwater elevations in all or a  
4 part of a basin or subbasin in accordance with this part:

5     (a) A watermaster or water management engineer appointed by  
6 a court or pursuant to statute to administer a final judgment  
7 determining rights to groundwater.

8     (b) (1) A groundwater management agency with statutory  
9 authority to manage groundwater pursuant to its principal act that  
10 is monitoring groundwater elevations in all or a part of a  
11 groundwater basin or subbasin on or before January 1, 2010.

12     (2) A water replenishment district established pursuant to  
13 Division 18 (commencing with Section 60000). This part does not  
14 expand or otherwise affect the authority of a water replenishment  
15 district relating to monitoring groundwater elevations.

16     (3) A groundwater sustainability agency with statutory authority  
17 to manage groundwater pursuant to Part 2.74 (commencing with  
18 Section 10720).

19     (c) A local agency that is managing all or part of a groundwater  
20 basin or subbasin pursuant to Part 2.75 (commencing with Section  
21 10750) and that was monitoring groundwater elevations in all or  
22 a part of a groundwater basin or subbasin on or before January 1,  
23 2010, or a local agency or county that is managing all or part of a  
24 groundwater basin or subbasin pursuant to any other legally  
25 enforceable groundwater management plan with provisions that  
26 are substantively similar to those described in that part and that  
27 was monitoring groundwater elevations in all or a part of a  
28 groundwater basin or subbasin on or before January 1, 2010.

29     (d) A local agency that is managing all or part of a groundwater  
30 basin or subbasin pursuant to an integrated regional water  
31 management plan prepared pursuant to Part 2.2 (commencing with  
32 Section 10530) that includes a groundwater management  
33 component that complies with the requirements of Section 10753.7.

34     (e) A local agency that has been collecting and reporting  
35 groundwater elevations and that does not have an adopted  
36 groundwater management plan, if the local agency adopts a  
37 groundwater management plan in accordance with Part 2.75  
38 (commencing with Section 10750) by January 1, 2014. The  
39 department may authorize the local agency to conduct the  
40 monitoring and reporting of groundwater elevations pursuant to

1 this part on an interim basis, until the local agency adopts a  
 2 groundwater management plan in accordance with Part 2.75  
 3 (commencing with Section 10750) or until January 1, 2014,  
 4 whichever occurs first.

5 (f) A county that is not managing all or a part of a groundwater  
 6 basin or subbasin pursuant to a legally enforceable groundwater  
 7 management plan with provisions that are substantively similar to  
 8 those described in Part 2.75 (commencing with Section 10750).

9 (g) A voluntary cooperative groundwater monitoring association  
 10 formed pursuant to Section 10935.

11 *SEC. 13. Section 10933 of the Water Code is amended to read:*

12 10933. (a) ~~On or before January 1, 2012, the~~ The department  
 13 shall commence to identify the extent of monitoring of groundwater  
 14 elevations that is being undertaken within each basin and subbasin.

15 (b) (1) The department shall prioritize groundwater basins and  
 16 subbasins for the purpose of implementing this section. In  
 17 prioritizing the basins and subbasins, the department shall, to the  
 18 extent data are available, consider all of the following:

19 ~~(1)~~

20 (A) The population overlying the basin or subbasin.

21 ~~(2)~~

22 (B) The rate of current and projected growth of the population  
 23 overlying the basin or subbasin.

24 ~~(3)~~

25 (C) The number of public supply wells that draw from the basin  
 26 or subbasin.

27 ~~(4)~~

28 (D) The total number of wells that draw from the basin or  
 29 subbasin.

30 ~~(5)~~

31 (E) The irrigated acreage overlying the basin or subbasin.

32 ~~(6)~~

33 (F) The degree to which persons overlying the basin or subbasin  
 34 rely on groundwater as their primary source of water.

35 ~~(7)~~

36 (G) Any documented impacts on the groundwater within the  
 37 basin or subbasin, including overdraft, subsidence, saline intrusion,  
 38 and other water quality degradation.

39 ~~(8)~~

1 (H) Any other information determined to be relevant by the  
2 department.

3 (2) *The department, in consultation with the Department of Fish*  
4 *and Wildlife, shall identify and develop prioritization criteria for*  
5 *the purpose of identifying groundwater basins and subbasins that*  
6 *should be prioritized based on adverse impacts to habitat and*  
7 *surface water resources. The criteria shall be incorporated into*  
8 *the determination of basin and subbasin prioritization at the*  
9 *department's next update of basin and subbasin prioritizations*  
10 *that occurs after January 1, 2017.*

11 (c) If the department determines that all or part of a basin or  
12 subbasin is not being monitored pursuant to this part, the  
13 department shall do all of the following:

14 (1) Attempt to contact all well owners within the area not being  
15 monitored.

16 (2) Determine if there is an interest in establishing any of the  
17 following:

18 (A) A groundwater management plan pursuant to Part 2.75  
19 (commencing with Section 10750).

20 (B) An integrated regional water management plan pursuant to  
21 Part 2.2 (commencing with Section 10530) that includes a  
22 groundwater management component that complies with the  
23 requirements of Section 10753.7.

24 (C) A voluntary groundwater monitoring association pursuant  
25 to Section 10935.

26 (d) If the department determines that there is sufficient interest  
27 in establishing a plan or association described in paragraph (2) of  
28 subdivision (c), or if the county agrees to perform the groundwater  
29 monitoring functions in accordance with this part, the department  
30 shall work cooperatively with the interested parties to comply with  
31 the requirements of this part within two years.

32 (e) If the department determines, with regard to a basin or  
33 subbasin, that there is insufficient interest in establishing a plan  
34 or association described in paragraph (2) of subdivision (c), and  
35 if the county decides not to perform the groundwater monitoring  
36 and reporting functions of this part, the department shall do all of  
37 the following:

38 (1) Identify any existing monitoring wells that overlie the basin  
39 or subbasin that are owned or operated by the department or any  
40 other state or federal agency.

1 (2) Determine whether the monitoring wells identified pursuant  
 2 to paragraph (1) provide sufficient information to demonstrate  
 3 seasonal and long-term trends in groundwater elevations.

4 (3) If the department determines that the monitoring wells  
 5 identified pursuant to paragraph (1) provide sufficient information  
 6 to demonstrate seasonal and long-term trends in groundwater  
 7 elevations, the department shall not perform groundwater  
 8 monitoring functions pursuant to Section 10933.5.

9 (4) If the department determines that the monitoring wells  
 10 identified pursuant to paragraph (1) provide insufficient  
 11 information to demonstrate seasonal and long-term trends in  
 12 groundwater elevations, the department shall perform groundwater  
 13 monitoring functions pursuant to Section 10933.5.

14 *SEC. 14. Section 12924 of the Water Code is amended to read:*

15 12924. (a) The department, in conjunction with other public  
 16 agencies, shall conduct an investigation of the state's groundwater  
 17 basins. The department shall identify the state's groundwater basins  
 18 on the basis of geological and hydrological conditions and  
 19 consideration of political boundary lines whenever practical. The  
 20 department shall also investigate existing general patterns of  
 21 groundwater pumping and groundwater recharge within those  
 22 basins to the extent necessary to identify basins that are subject to  
 23 critical conditions of overdraft.

24 (b) *The department may revise the boundaries of groundwater*  
 25 *basins identified in subdivision (a) based on its own investigations*  
 26 *or information provided by others.*

27 ~~(b)~~

28 (c) The department shall report its findings to the Governor and  
 29 the Legislature not later than January 1, 2012, and thereafter in  
 30 years ending in 5 or 0.

31 *SEC. 15. The provisions of this act are severable. If any*  
 32 *provision of this act or its application is held invalid, that invalidity*  
 33 *shall not affect other provisions or applications that can be given*  
 34 *effect without the invalid provision or application.*

35 *SEC. 16. No reimbursement is required by this act pursuant*  
 36 *to Section 6 of Article XIII B of the California Constitution for*  
 37 *certain costs that may be incurred by a local agency or school*  
 38 *district because, in that regard, this act creates a new crime or*  
 39 *infraction, eliminates a crime or infraction, or changes the penalty*  
 40 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*  
 2 *the meaning of Section 6 of Article XIII B of the California*  
 3 *Constitution.*

4 *However, if the Commission on State Mandates determines that*  
 5 *this act contains other costs mandated by the state, reimbursement*  
 6 *to local agencies and school districts for those costs shall be made*  
 7 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 8 *4 of Title 2 of the Government Code.*

9 *SEC. 17. The Legislature finds and declares that Section 5 of*  
 10 *this act, which adds Section 10730.8 to the Water Code, imposes*  
 11 *a limitation on the public's right of access to the meetings of public*  
 12 *bodies or the writings of public officials and agencies within the*  
 13 *meaning of Section 3 of Article I of the California Constitution.*  
 14 *Pursuant to that constitutional provision, the Legislature makes*  
 15 *the following findings to demonstrate the interest protected by this*  
 16 *limitation and the need for protecting that interest:*

17 *In order to allow this act to fully accomplish its goals, it is*  
 18 *necessary to protect proprietary information submitted pursuant*  
 19 *to this act as confidential. Therefore, it is in the state's interest to*  
 20 *limit public access to this information.*

21 ~~SECTION 1. (a) The Legislature finds and declares as follows:~~

22 ~~(1) The people of the state have a primary interest in the~~  
 23 ~~protection, management, and reasonable beneficial use of the water~~  
 24 ~~resources of the state, both surface and underground, and that the~~  
 25 ~~integrated management of the state's water resources is essential~~  
 26 ~~to meeting its water management goals.~~

27 ~~(2) Groundwater provides a significant portion of California's~~  
 28 ~~water supply. Groundwater accounts for more than one-third of~~  
 29 ~~the water used by Californians in an average year and more than~~  
 30 ~~one-half of the water used by Californians in a drought year when~~  
 31 ~~other sources are unavailable.~~

32 ~~(3) Excessive groundwater pumping can cause overdraft, failed~~  
 33 ~~wells, deteriorated water quality, environmental damage, and~~  
 34 ~~irreversible land subsidence that damages infrastructure and~~  
 35 ~~diminishes the capacity of aquifers to store water for the future.~~

36 ~~(4) When properly managed, groundwater resources will help~~  
 37 ~~protect communities, farms, and the environment against prolonged~~  
 38 ~~dry periods and climate change, preserving water supplies for~~  
 39 ~~existing and potential beneficial use.~~

1 ~~(5) Failure to manage groundwater to prevent long-term~~  
 2 ~~overdraft infringes on groundwater rights.~~

3 ~~(6) Groundwater resources are most effectively managed at the~~  
 4 ~~local or regional level.~~

5 ~~(7) Groundwater management will not be effective unless local~~  
 6 ~~actions to sustainably manage groundwater basins and subbasins~~  
 7 ~~are taken.~~

8 ~~(8) Local and regional agencies need to have the necessary~~  
 9 ~~support and authority to manage groundwater sustainably.~~

10 ~~(9) In those circumstances where a local groundwater~~  
 11 ~~management agency is not managing its groundwater sustainably,~~  
 12 ~~the state needs to protect the resource until it is determined that a~~  
 13 ~~local groundwater management agency can sustainably manage~~  
 14 ~~the groundwater basin or subbasin.~~

15 ~~(10) Information on the amount of groundwater extraction,~~  
 16 ~~natural and artificial recharge, and groundwater evaluations are~~  
 17 ~~critical for effective management of groundwater.~~

18 ~~(b) It is therefore the intent of the Legislature to do all of the~~  
 19 ~~following:~~

20 ~~(1) To provide local and regional agencies the authority to~~  
 21 ~~sustainably manage groundwater.~~

22 ~~(2) To provide that if no local groundwater agency or agencies~~  
 23 ~~provide sustainable groundwater management for a groundwater~~  
 24 ~~basin or subbasin, the state has the authority to develop and~~  
 25 ~~implement a sustainable groundwater management plan until the~~  
 26 ~~time the local groundwater management agency or agencies can~~  
 27 ~~assume management of the basin or subbasin.~~

28 ~~(3) To require the development and reporting of those data~~  
 29 ~~necessary to support sustainable groundwater management,~~  
 30 ~~including those data that help describe the basin's geology, the~~  
 31 ~~short- and long-term trends of the basin's water balance, and other~~  
 32 ~~measures of sustainability, and those data necessary to resolve~~  
 33 ~~disputes regarding sustainable yield, beneficial uses, and water~~  
 34 ~~rights.~~

35 ~~(4) To respect overlying and other proprietary rights to~~  
 36 ~~groundwater.~~

37 ~~SEC. 2.—Section 65350.5 is added to the Government Code, to~~  
 38 ~~read:~~

39 ~~65350.5.—Before the adoption of or any substantial amendment~~  
 40 ~~to a city or county's general plan, the planning agency shall review~~

1 and, if necessary, revise the land use, conservation, open space,  
2 or any other element as appropriate to address all of the following:

3 (a) ~~Any adoption of, or update to, a groundwater management~~  
4 ~~plan by a groundwater management agency or local agency~~  
5 ~~pursuant to Part 2.74 (commencing with Section 10720) or Part~~  
6 ~~2.75 (commencing with Section 10750) of the Water Code or other~~  
7 ~~provisions of law or a court order, judgment, or decree, or the State~~  
8 ~~Water Resources Control Board if it has adopted a groundwater~~  
9 ~~management plan pursuant to Section 10747.~~

10 (b) ~~Any limitation on pumping of groundwater by a local~~  
11 ~~groundwater management agency.~~

12 (c) ~~An adjudication of water rights.~~

13 ~~SEC. 3. Section 65352 of the Government Code is amended~~  
14 ~~to read:~~

15 ~~65352. (a) Before action is taken by a legislative body to adopt~~  
16 ~~or substantially amend a general plan, the planning agency shall~~  
17 ~~refer the proposed action to all of the following entities:~~

18 (1) ~~A city or county, within or abutting the area covered by the~~  
19 ~~proposal, and any special district that may be significantly affected~~  
20 ~~by the proposed action, as determined by the planning agency.~~

21 (2) ~~An elementary, high school, or unified school district within~~  
22 ~~the area covered by the proposed action.~~

23 (3) ~~The local agency formation commission.~~

24 (4) ~~An areawide planning agency whose operations may be~~  
25 ~~significantly affected by the proposed action, as determined by the~~  
26 ~~planning agency.~~

27 (5) ~~A federal agency, if its operations or lands within its~~  
28 ~~jurisdiction may be significantly affected by the proposed action,~~  
29 ~~as determined by the planning agency.~~

30 (6) (A) ~~The branches of the United States Armed Forces that~~  
31 ~~have provided the Office of Planning and Research with a~~  
32 ~~California mailing address pursuant to subdivision (d) of Section~~  
33 ~~65944 if the proposed action is within 1,000 feet of a military~~  
34 ~~installation, or lies within special use airspace, or beneath a~~  
35 ~~low-level flight path, as defined in Section 21098 of the Public~~  
36 ~~Resources Code, and if the United States Department of Defense~~  
37 ~~provides electronic maps of low-level flight paths, special use~~  
38 ~~airspace, and military installations at a scale and in an electronic~~  
39 ~~format that is acceptable to the Office of Planning and Research.~~

1 ~~(B) Within 30 days of a determination by the Office of Planning~~  
 2 ~~and Research that the information provided by the Department of~~  
 3 ~~Defense is sufficient and in an acceptable scale and format, the~~  
 4 ~~office shall notify cities, counties, and cities and counties of the~~  
 5 ~~availability of the information on the Internet. Cities, counties, and~~  
 6 ~~cities and counties shall comply with subparagraph (A) within 30~~  
 7 ~~days of receiving this notice from the office.~~

8 ~~(7) A public water system, as defined in Section 116275 of the~~  
 9 ~~Health and Safety Code, with 3,000 or more service connections,~~  
 10 ~~that serves water to customers within the area covered by the~~  
 11 ~~proposal. The public water system shall have at least 45 days to~~  
 12 ~~comment on the proposed plan, in accordance with subdivision~~  
 13 ~~(b), and to provide the planning agency with the information set~~  
 14 ~~forth in Section 65352.5.~~

15 ~~(8) A groundwater management agency or local agency that has~~  
 16 ~~adopted a groundwater management plan or sustainable~~  
 17 ~~groundwater management plan, or that otherwise manages~~  
 18 ~~groundwater pursuant to other provisions of law or a court order,~~  
 19 ~~judgment, or decree, or the State Water Resources Control Board~~  
 20 ~~if it has adopted a groundwater management plan pursuant to~~  
 21 ~~Section 10747 of the Water Code, that includes territory within~~  
 22 ~~the planning area of the proposed general plan.~~

23 ~~(9) The Bay Area Air Quality Management District, for a~~  
 24 ~~proposed action within the boundaries of the district.~~

25 ~~(10) A California Native American tribe, that is on the contact~~  
 26 ~~list maintained by the Native American Heritage Commission and~~  
 27 ~~that has traditional lands located within the city or county's~~  
 28 ~~jurisdiction.~~

29 ~~(11) The Central Valley Flood Protection Board, for a proposed~~  
 30 ~~action within the boundaries of the Sacramento and San Joaquin~~  
 31 ~~Drainage District, as set forth in Section 8501 of the Water Code.~~

32 ~~(b) An entity that receives a proposed general plan or~~  
 33 ~~amendment of a general plan pursuant to this section shall have~~  
 34 ~~45 days from the date the referring agency mails it or delivers it~~  
 35 ~~to comment unless a longer period is specified by the planning~~  
 36 ~~agency.~~

37 ~~(e) (1) This section is directory, not mandatory, and the failure~~  
 38 ~~to refer a proposed action to the entities specified in this section~~  
 39 ~~does not affect the validity of the action, if adopted.~~

1 ~~(2) To the extent that the requirements of this section conflict~~  
2 ~~with the requirements of Chapter 4.4 (commencing with Section~~  
3 ~~65919), the requirements of Chapter 4.4 shall prevail.~~

4 SEC. 4. ~~Section 65352.5 of the Government Code is amended~~  
5 ~~to read:~~

6 ~~65352.5.—(a) The Legislature finds and declares that it is vital~~  
7 ~~that there be close coordination and consultation between~~  
8 ~~California’s water supply agencies and California’s land use~~  
9 ~~approval agencies to ensure that proper water supply planning~~  
10 ~~occurs to accommodate projects that will result in increased~~  
11 ~~demands on water supplies.~~

12 ~~(b) It is, therefore, the intent of the Legislature to provide a~~  
13 ~~standardized process for determining the adequacy of existing and~~  
14 ~~planned future water supplies to meet existing and planned future~~  
15 ~~demands on these water supplies.~~

16 ~~(c) Upon receiving, pursuant to Section 65352, notification of~~  
17 ~~a city’s or a county’s proposed action to adopt or substantially~~  
18 ~~amend a general plan, a public water system, as defined in Section~~  
19 ~~116275 of the Health and Safety Code, with 3,000 or more service~~  
20 ~~connections, shall provide the planning agency with the following~~  
21 ~~information, as is appropriate and relevant:~~

22 ~~(1) The current version of its urban water management plan,~~  
23 ~~adopted pursuant to Part 2.6 (commencing with Section 10610)~~  
24 ~~of Division 6 of the Water Code.~~

25 ~~(2) The current version of its capital improvement program or~~  
26 ~~plan, as reported pursuant to Section 31144.73 of the Water Code.~~

27 ~~(3) A description of the source or sources of the total water~~  
28 ~~supply currently available to the water supplier by water right or~~  
29 ~~contract, taking into account historical data concerning wet, normal,~~  
30 ~~and dry runoff years.~~

31 ~~(4) A description of the quantity of surface water that was~~  
32 ~~purveyed by the water supplier in each of the previous five years.~~

33 ~~(5) A description of the quantity of groundwater that was~~  
34 ~~purveyed by the water supplier in each of the previous five years.~~

35 ~~(6) A description of all proposed additional sources of water~~  
36 ~~supplies for the water supplier, including the estimated dates by~~  
37 ~~which these additional sources should be available and the~~  
38 ~~quantities of additional water supplies that are being proposed.~~

1 ~~(7) A description of the total number of customers currently~~  
 2 ~~served by the water supplier, as identified by the following~~  
 3 ~~categories and by the amount of water served to each category:~~

4 ~~(A) Agricultural users.~~

5 ~~(B) Commercial users.~~

6 ~~(C) Industrial users.~~

7 ~~(D) Residential users.~~

8 ~~(8) Quantification of the expected reduction in total water~~  
 9 ~~demand, identified by each customer category set forth in paragraph~~  
 10 ~~(7), associated with future implementation of water use reduction~~  
 11 ~~measures identified in the water supplier's urban water~~  
 12 ~~management plan.~~

13 ~~(9) Any additional information that is relevant to determining~~  
 14 ~~the adequacy of existing and planned future water supplies to meet~~  
 15 ~~existing and planned future demands on these water supplies.~~

16 ~~(d) Upon receiving, pursuant to Section 65352, notification of~~  
 17 ~~a city's or a county's proposed action to adopt or substantially~~  
 18 ~~amend a general plan, a local agency that has adopted a~~  
 19 ~~groundwater management plan, or that otherwise manages~~  
 20 ~~groundwater pursuant to other provisions of law or a court order,~~  
 21 ~~judgment, or decree, or the State Water Resources Control Board~~  
 22 ~~if it has adopted a groundwater management plan pursuant to~~  
 23 ~~Section 10747 of the Water Code, shall provide the planning~~  
 24 ~~agency with maps of recharge basins, percolation ponds, and any~~  
 25 ~~other information that is appropriate and relevant.~~

26 ~~SEC. 5.— Section 113 is added to the Water Code, to read:~~

27 ~~113. (a) It is the policy of the state that groundwater resources~~  
 28 ~~be managed sustainably.~~

29 ~~(b) Sustainable groundwater management mean the management~~  
 30 ~~of a groundwater basin to provide for multiple long-term benefits~~  
 31 ~~without resulting in or aggravating conditions that cause significant~~  
 32 ~~economic, social, or environmental impacts such as long-term~~  
 33 ~~overdraft, land subsidence, ecosystem degradation, depletions from~~  
 34 ~~surface water bodies, and water quality degradation, in order to~~  
 35 ~~protect the resource for future generations.~~

36 ~~SEC. 6.— Part 2.74 (commencing with Section 10720) is added~~  
 37 ~~to Division 6 of the Water Code, to read:~~

~~PART 2.74. SUSTAINABLE GROUNDWATER  
MANAGEMENT~~

~~CHAPTER 1. GENERAL PROVISIONS~~

~~10720. This part may be known, and may be cited, as the Sustainable Groundwater Management Act.~~

~~10721. In enacting this part, it is the intent of the Legislature to do all of the following:~~

~~(a) To provide for the sustainable management of groundwater basins:~~

~~(b) To provide local groundwater agencies with the authority and assistance necessary to sustainably manage groundwater.~~

~~(c) To provide that if no local groundwater agency or agencies provide sustainable groundwater management for a groundwater basin or subbasin, the state has the authority to develop and implement a sustainable groundwater management plan until the time the local groundwater management agency or agencies can assume management of the basin or subbasin.~~

~~10722. This part applies to all groundwater basins in the state.~~

~~CHAPTER 2. DEFINITIONS~~

~~10725. Unless the context otherwise requires, the following definitions govern the construction of this part:~~

~~(a) "Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.~~

~~(b) "Groundwater basin" means any basin or subbasin identified in the department's Bulletin No. 118, dated September 1975, and any amendments to that bulletin.~~

~~(c) "Groundwater extraction facility" means a device or method for the extraction of groundwater within a groundwater basin.~~

~~(d) "Groundwater management agency" means one or more local agencies formed to develop and implement the provisions of this part.~~

~~(e) "Groundwater recharge" means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.~~

- 1 (f) “Local agency” means a local public agency that has water  
 2 management or land use responsibilities within the groundwater  
 3 basin.
- 4 (g) “Overdraft” means the condition of the groundwater basin  
 5 where the average annual amount of water extracted exceeds the  
 6 average annual supply of water to groundwater.
- 7 (h) “Recharge area” means the area that supplies water to an  
 8 aquifer in a groundwater basin and includes multiple wellhead  
 9 protection areas.
- 10 (i) “Sustainable groundwater management” means the  
 11 management of a groundwater basin to provide for multiple  
 12 long-term benefits without resulting in or aggravating conditions  
 13 that cause significant economic, social, or environmental impacts  
 14 such as long-term overdraft, land subsidence, ecosystem  
 15 degradation, depletions from surface water bodies, and water  
 16 quality degradation, in order to protect the resource for present  
 17 and future generations.
- 18 (j) “Sustainable groundwater management plan” or “plan” means  
 19 a document that describes the activities intended to be included in  
 20 a groundwater management program.
- 21 (k) “Sustainable groundwater management program” or  
 22 “program” means a coordinated and ongoing activity undertaken  
 23 for the benefit of a groundwater basin, or a portion of a  
 24 groundwater basin, pursuant to a groundwater management plan  
 25 adopted pursuant to this part.
- 26 (l) “Sustainable yield” means the average annual quantity of  
 27 groundwater that can be withdrawn over a specified planning  
 28 timeframe from a groundwater basin without resulting in or  
 29 aggravating conditions of sustainable groundwater management.
- 30 (m) “Water budget” means an accounting of the total  
 31 groundwater and surface entering and leaving a basin including  
 32 the changes in the amount of water stored.
- 33 (n) “Watermaster” means a watermaster appointed by a court  
 34 or pursuant to other provisions of law.
- 35 (o) “Wellhead protection area” means the surface and subsurface  
 36 area surrounding a water well or well field that supplies a public  
 37 water system through which contaminants are reasonably likely  
 38 to migrate toward the water well or well field.

1                   ~~CHAPTER 2.5. BASIN AND SUBBASIN PRIORITY~~

2  
3     ~~10726. (a) Pursuant to Section 10933, the department shall~~  
4 ~~categorize each basin and subbasin as one of the following~~  
5 ~~priorities:~~

- 6     ~~(1) High priority.~~  
7     ~~(2) Medium priority.~~  
8     ~~(3) Low priority.~~  
9     ~~(4) Very low priority.~~

10    ~~(b) (1) No later than January 1, 2018, the Department of Fish~~  
11 ~~and Wildlife, in collaboration with the department, shall identify~~  
12 ~~those basins and subbasins where species and ecosystems are~~  
13 ~~vulnerable to existing or future groundwater conditions.~~

14    ~~(2) The department shall revise the priorities for those basins~~  
15 ~~and subbasins identified in paragraph (1) as appropriate.~~

16  
17                   ~~CHAPTER 3. GROUNDWATER MANAGEMENT AGENCY FORMATION~~

18  
19     ~~10730. It is the intent of the Legislature that the groundwater~~  
20 ~~subbasin, or basin when no subbasin is defined, as identified by~~  
21 ~~Bulletin 118, is the most appropriate geographic boundary for~~  
22 ~~groundwater management.~~

23     ~~10730.1. Any local agency or combination of local agencies~~  
24 ~~may establish a groundwater management agency.~~

25     ~~10730.2. Before establishing a groundwater management~~  
26 ~~agency, and after publication of notice pursuant to Section 6066~~  
27 ~~of the Government Code, the local agency or agencies shall hold~~  
28 ~~a public hearing in the county or counties overlying the subbasin~~  
29 ~~or basin to discuss requirements of this part.~~

30     ~~10730.3. The groundwater management agency shall be formed~~  
31 ~~and managed to provide that the interests of all beneficial uses and~~  
32 ~~users of groundwater, as well as those responsible for implementing~~  
33 ~~sustainable groundwater management plans, are appropriately~~  
34 ~~considered. These interests include, but are not limited to, all of~~  
35 ~~the following:~~

- 36     ~~(a) Holders of overlying groundwater rights, including:~~  
37     ~~(1) Agricultural users.~~  
38     ~~(2) Domestic well owners.~~  
39     ~~(b) Municipal well operators.~~  
40     ~~(c) Local land use planning agencies.~~

1 ~~(d) Environmental users of groundwater.~~  
 2 ~~(e) Surface water users, if there is a hydrologic connection~~  
 3 ~~between surface and groundwater bodies.~~

4 ~~(f) \_\_\_\_\_.~~

5 ~~10730.4. The groundwater management agency shall establish~~  
 6 ~~and maintain a list of persons interested in receiving notices~~  
 7 ~~regarding plan preparation, meeting announcements, and~~  
 8 ~~availability of draft plans, maps, and other relevant documents.~~  
 9 ~~Any person may request, in writing, to be placed on the list of~~  
 10 ~~interested persons.~~

11 ~~10730.5. A combination of local agencies may form a~~  
 12 ~~groundwater management agency by using any of the following~~  
 13 ~~methods:~~

14 ~~(a) A joint powers agreement.~~

15 ~~(b) A memorandum of agreement or other legal agreement.~~

16 ~~10730.6. (a) A local agency may request a change to the~~  
 17 ~~boundaries of a groundwater basin or subbasin to the department~~  
 18 ~~in order to form groundwater management agencies.~~

19 ~~(b) The department shall establish procedures and standards for~~  
 20 ~~local agencies and groundwater management agencies regarding~~  
 21 ~~the determination and modification of basin and subbasin~~  
 22 ~~boundaries for the implementation of this part.~~

23 ~~10730.7. A groundwater management agency shall inform the~~  
 24 ~~state board of the formation of the groundwater management~~  
 25 ~~agency and its intent to undertake sustainable groundwater~~  
 26 ~~management. The notification shall include the following~~  
 27 ~~information:~~

28 ~~(a) The service area boundaries, the basin or subbasin the agency~~  
 29 ~~is managing, and the other groundwater management agencies~~  
 30 ~~operating within the subbasin.~~

31 ~~(b) A copy of the resolution forming the new agency.~~

32 ~~(c) A copy of the bylaws, ordinances, and new authorities.~~

33

34 ~~CHAPTER 4. SUSTAINABLE GROUNDWATER MANAGEMENT~~  
 35 ~~PLANS~~

36

37 ~~10735. (a) A sustainable groundwater management plan shall~~  
 38 ~~be developed by a groundwater management agency to meet the~~  
 39 ~~requirements of this part.~~

1 ~~(b) A sustainable groundwater management plan shall~~  
2 ~~encompass an entire basin or subbasin. If more than one~~  
3 ~~groundwater management agency is managing within a basin or~~  
4 ~~subbasin, the agencies shall jointly develop a plan to ensure all~~  
5 ~~agencies are coordinated and a common set of objectives to address~~  
6 ~~the management of the basin or subbasin are in place.~~

7 ~~(c) A sustainable groundwater management plan shall describe~~  
8 ~~how the groundwater management agency will achieve sustainable~~  
9 ~~groundwater management in the basin or subbasin within the~~  
10 ~~following timeframes:~~

11 ~~(1) For basins and subbasins identified by the department as~~  
12 ~~high and medium priority, a sustainable groundwater management~~  
13 ~~plan shall be completed and submitted to the department by January~~  
14 ~~1, 2020. The plan shall be designed to achieve sustainable~~  
15 ~~groundwater management within 20 years of the plan's adoption,~~  
16 ~~with progress reports submitted to the department and the board~~  
17 ~~every five years.~~

18 ~~(2) For basins and subbasins identified by the department as~~  
19 ~~low or very low priority, sustainable groundwater management~~  
20 ~~plans may be submitted to the department.~~

21 ~~(d) The department, in consultation with the board, shall~~  
22 ~~establish the minimum standards for development of sustainable~~  
23 ~~groundwater management plans, which shall include:~~

24 ~~(1) An identification of the geographic boundaries, physical~~  
25 ~~characteristics of the basin, and mapping of those features that~~  
26 ~~affect groundwater management.~~

27 ~~(2) Identification of physical interactions of impacts across~~  
28 ~~subbasin boundaries.~~

29 ~~(3) A water budget and sustainable yield of the subbasin.~~

30 ~~(4) Data identifying the extent of the impacts and measurable~~  
31 ~~objectives to reduce the impacts associated with long-term~~  
32 ~~overdraft, water quality, subsidence, surface water flows, and~~  
33 ~~groundwater dependent ecosystems in the subbasin.~~

34 ~~(5) Interim milestones and final targets with measurable~~  
35 ~~objectives that demonstrate progress toward achieving sustainable~~  
36 ~~groundwater management.~~

37 ~~(6) Descriptions of management objectives to achieve~~  
38 ~~sustainability in the groundwater basin or subbasin, including~~  
39 ~~monitoring and management actions.~~

1 ~~(e) The department, in consultation with the board, shall~~  
2 ~~establish a process to certify a groundwater management plan~~  
3 ~~which was in place before January 1, 2015, and has been~~  
4 ~~established by local agencies or through adjudication, if the plan~~  
5 ~~substantially meets the purposes and goals of this part. The~~  
6 ~~department in consultation with the board, shall identify~~  
7 ~~amendments or additions necessary to certify a groundwater~~  
8 ~~management plan which was in place before January 1, 2015,~~  
9 ~~under this subdivision wherever feasible. Final certification shall~~  
10 ~~be provided by the board.~~

11 ~~10736. Before initiating the plan development, a groundwater~~  
12 ~~management agency preparing a groundwater management plan~~  
13 ~~shall convene a scoping session of all interested parties, including,~~  
14 ~~but not limited to, those described in Section 10730.3.~~

15 ~~10737. (a) A local agency shall do the following to meet this~~  
16 ~~part:~~

17 ~~(1) Prepare and implement a sustainable groundwater~~  
18 ~~management plan that includes basin management objectives for~~  
19 ~~the groundwater basin that is subject to the plan. The plan shall~~  
20 ~~include components relating to the monitoring and management~~  
21 ~~of groundwater levels within the groundwater basin, groundwater~~  
22 ~~quality degradation, inelastic land surface subsidence, changes in~~  
23 ~~surface flow and surface water quality that directly affect~~  
24 ~~groundwater levels or quality or are caused by groundwater~~  
25 ~~pumping in the basin, and a description of how recharge areas~~  
26 ~~identified in the plan substantially contribute to the replenishment~~  
27 ~~of the groundwater basin. For purposes of implementing this~~  
28 ~~paragraph, all of the following shall apply:~~

29 ~~(A) The local agency shall prepare a plan to work cooperatively~~  
30 ~~with other public entities whose service area or boundary overlies~~  
31 ~~the groundwater basin.~~

32 ~~(B) The local agency shall prepare a map that details the area~~  
33 ~~of the groundwater basin, as defined in the department's Bulletin~~  
34 ~~No. 118, and the area of the local agency, that will be subject to~~  
35 ~~the plan, as well as the boundaries of other local agencies that~~  
36 ~~overlie the basin in which the agency is developing a groundwater~~  
37 ~~management plan.~~

38 ~~(C) The groundwater management plan shall include a map~~  
39 ~~identifying the recharge areas for the groundwater basin. The local~~  
40 ~~agency shall provide the map to the appropriate local planning~~

1 agencies after adoption of the groundwater management plan and  
 2 shall notify the department and all persons on the list established  
 3 and maintained pursuant to Section 10730.4. For purposes of this  
 4 subparagraph, “map identifying the recharge areas” means a map  
 5 that identifies, or maps that identify, the current recharge areas  
 6 that substantially contribute to the replenishment of the  
 7 groundwater basin.

8 ~~(2) Adopt monitoring protocols that are designed to detect~~  
 9 ~~changes in groundwater levels, groundwater quality, inelastic~~  
 10 ~~surface subsidence for basins for which subsidence has been~~  
 11 ~~identified as a potential problem, and flow and quality of surface~~  
 12 ~~water that directly affect groundwater levels or quality or are~~  
 13 ~~caused by groundwater pumping in the basin. The monitoring~~  
 14 ~~protocols shall be designed to generate information that promotes~~  
 15 ~~efficient and effective groundwater management.~~

16 ~~(b) Upon the adoption of a groundwater management plan in~~  
 17 ~~accordance with this part, the local agency shall submit a copy of~~  
 18 ~~the plan to the department, in an electronic format approved by~~  
 19 ~~the department, if practicable. The department shall make available~~  
 20 ~~to the public copies of the plan received pursuant to this part.~~

21 ~~10738. In addition to the elements required under Section~~  
 22 ~~10737, a sustainable groundwater management plan shall include~~  
 23 ~~provisions for the following components. If one or more elements~~  
 24 ~~are not relevant to the specific basin or subbasin, the plan shall~~  
 25 ~~explain why that element is unnecessary.~~

26 ~~(a) Controlling of saline water intrusion.~~

27 ~~(b) Identifying and managing wellhead protection areas and~~  
 28 ~~recharge areas.~~

29 ~~(c) Regulating the migration of contaminated groundwater.~~

30 ~~(d) Administering a well abandonment and well destruction~~  
 31 ~~program.~~

32 ~~(e) Mitigating or avoiding conditions of overdraft.~~

33 ~~(f) Replenishing groundwater extracted by water producers.~~

34 ~~(g) Regulating groundwater extractions.~~

35 ~~(h) Monitoring and reporting, including, but not limited to,~~  
 36 ~~reasonable requirements for monitoring and reporting by persons~~  
 37 ~~or entities that extract groundwater or divert water to underground~~  
 38 ~~storage, of groundwater extractions, levels, and storage.~~

39 ~~(i) Facilitating conjunctive use operations.~~

40 ~~(j) Establishing well construction policies.~~

1 ~~(k) Constructing and operating by the local agency of~~  
2 ~~groundwater contamination cleanup, recharge, storage,~~  
3 ~~conservation, water recycling, and extraction projects.~~

4 ~~(l) Developing relationships with state and federal regulatory~~  
5 ~~agencies.~~

6 ~~(m) Reviewing land use plans and coordination with land use~~  
7 ~~planning agencies to assess activities that create a reasonable risk~~  
8 ~~of groundwater contamination.~~

9 ~~(n) Establishing and implementing a dispute resolution~~  
10 ~~processes.~~

11 10739. ~~Upon adoption of a plan, a copy of the plan shall be~~  
12 ~~provided to the following:~~

13 ~~(a) \_\_\_\_\_.~~

14  
15 ~~CHAPTER 5. GROUNDWATER MANAGEMENT AGENCY POWERS~~  
16 ~~AND AUTHORITIES~~  
17

18 10740. ~~In addition to other powers granted by law, a~~  
19 ~~groundwater management agency that meets the requirements of~~  
20 ~~Chapter 3 (commencing with Section 10730) may do all of the~~  
21 ~~following:~~

22 ~~(a) Develop a sustainable groundwater plan pursuant to this~~  
23 ~~part.~~

24 ~~(b) Establish a program for the monitoring, measuring, and~~  
25 ~~reporting on groundwater conditions.~~

26 ~~(c) Require reports on groundwater extraction.~~

27 ~~(d) Establish a system for allocating groundwater based on~~  
28 ~~sustainable yield of the basin and manage pumping with public~~  
29 ~~notice and sound technical studies.~~

30 ~~(e) Establish and collect fees for the management of~~  
31 ~~groundwater.~~

32 ~~(f) Establish a system for the approval of local voluntary~~  
33 ~~transfers within a basin or subbasin.~~

34 10741. ~~Commencing January 1, 2018, the groundwater~~  
35 ~~management agency shall prepare an annual report and provide~~  
36 ~~public notice of the annual report. The report shall include a~~  
37 ~~summary of the agency's characterization of the basin, water~~  
38 ~~budget, sustainable yield, and status of the groundwater~~  
39 ~~management plan development or implementation, and associated~~  
40 ~~data.~~

CHAPTER 6. ~~TECHNICAL ASSISTANCE~~

1  
2  
3 10742. ~~The department shall provide technical assistance to~~  
4 ~~groundwater management agencies and develop and manage~~  
5 ~~statewide groundwater information. This shall include, but is not~~  
6 ~~limited to, the following:~~

7 (a) ~~Developing of best management practices and guidelines to~~  
8 ~~assist groundwater agencies in the development and~~  
9 ~~implementation of sustainable groundwater management plans.~~

10 (b) ~~Reporting on statewide groundwater basin characterization.~~

11 (c) ~~Initiating a subsidence monitoring and assessment program~~  
12 ~~in coordination with the United States Geological Survey.~~

CHAPTER 7. ~~ENFORCEMENT~~

13  
14  
15  
16 10745. ~~If, by January 1, 2018, a local agency or agencies has~~  
17 ~~not initiated a sustainable groundwater management plan for a~~  
18 ~~groundwater basin that the department has determined is a high-~~  
19 ~~or medium-priority basin pursuant to Section 10726, the department~~  
20 ~~shall:~~

21 (a) ~~Contact those local agencies that are authorized by law to~~  
22 ~~provide water service or whose land use jurisdiction overlays the~~  
23 ~~groundwater basin and offer to assist in the establishment of a local~~  
24 ~~groundwater management agency.~~

25 (b) ~~If, within 60 days of the department's initial notice pursuant~~  
26 ~~to subdivision (a), a local agency or agencies has not agreed to~~  
27 ~~establish a local groundwater management agency, the department~~  
28 ~~shall refer the matter to the board, indicating the priority the~~  
29 ~~department gives to the establishment of sustainable groundwater~~  
30 ~~management of the subbasin.~~

31 10746. (a) ~~Each groundwater agency that is required to~~  
32 ~~complete a groundwater management plan pursuant to paragraph~~  
33 ~~(1) of subdivision (c) of Section 10735 shall submit the plan to the~~  
34 ~~department for review by January 1, 2020, and shall a submit~~  
35 ~~progress report every 5 years thereafter.~~

36 (b) ~~Upon receipt of the plan on or before January 1, 2020, or~~  
37 ~~the progress report, the department shall provide a selected review~~  
38 ~~and analysis of the sustainable groundwater management plan, or~~  
39 ~~progress report, and shall submit a report of compliance to the~~  
40 ~~state board.~~

1 10747. (a) The board, after written notice and public hearing,  
 2 may initiate a process to have a qualified third party develop a  
 3 groundwater management plan for the basin or subbasin, including  
 4 monitoring and reporting, restrictions on groundwater extraction,  
 5 and the collection of fees, for a groundwater basin based on either  
 6 of the following:

7 (1) The groundwater basin has been identified as a high- or  
 8 medium-priority basin by the department and a local agency has  
 9 not initiated the development of a sustainable groundwater  
 10 management plan on or before January 1, 2018.

11 (2) The groundwater basin has been identified as a high- or  
 12 medium-priority basin by the department and the board finds that  
 13 the sustainable groundwater management plan submitted on or  
 14 before January 1, 2020, fails to meet the standards and requirements  
 15 of this part.

16 (b) The board may adopt and enforce the sustainable  
 17 groundwater management plan developed pursuant to subdivision  
 18 (a).

19 10748. The board, after written notice and public hearing, may  
 20 initiate enforcement of a sustainable groundwater management  
 21 plan adopted by the groundwater management agency, including  
 22 monitoring and reporting, restrictions on groundwater extraction,  
 23 and the collection of fees, for a groundwater basin if the  
 24 groundwater basin has been identified as a high- or  
 25 medium-priority basin by the department and the groundwater  
 26 management agency has not made progress to meet its five-year  
 27 milestone and measurable objectives identified in its plan.

28 10749. Before adoption or enforcement of a sustainable  
 29 groundwater management plan pursuant to Section 10747 or 10748,  
 30 respectively, the board shall identify the measures necessary to  
 31 bring the plan or the plan's implementation into compliance with  
 32 this part and allow the groundwater management agency to correct  
 33 the deficiencies within a reasonable period of time. The department  
 34 shall provide technical assistance as needed for this purpose.

35 10749.5. The board, in consultation with the department, shall  
 36 make all reasonable efforts to transfer management of a  
 37 groundwater basin back to local agencies in compliance with this  
 38 part at the earliest feasible date.

39 SEC. 7. Section 10750.11 is added to the Water Code, to read:

1 10750.11.— Commencing January 1, 2015, a new plan shall not  
 2 be adopted and an existing plan shall not be renewed pursuant to  
 3 this part. A plan adopted before January 1, 2015, shall remain in  
 4 effect until a sustainable groundwater management plan is adopted  
 5 pursuant to Part 2.74 (commencing with Section 10720):

6 ~~SEC. 8.— Section 10927 of the Water Code is amended to read:~~

7 10927. Any of the following entities may assume responsibility  
 8 for monitoring and reporting groundwater elevations in all or a  
 9 part of a basin or subbasin in accordance with this part:

10 (a) A watermaster or water management engineer appointed by  
 11 a court or pursuant to statute to administer a final judgment  
 12 determining rights to groundwater.

13 (b) (1) A groundwater management agency with statutory  
 14 authority to manage groundwater pursuant to its principal act that  
 15 is monitoring groundwater elevations in all or a part of a  
 16 groundwater basin or subbasin on or before January 1, 2010.

17 (2) A water replenishment district established pursuant to  
 18 Division 18 (commencing with Section 60000). This part does not  
 19 expand or otherwise affect the authority of a water replenishment  
 20 district relating to monitoring groundwater elevations.

21 (3) A groundwater management agency with statutory authority  
 22 to manage groundwater pursuant to Part 2.74 (commencing with  
 23 Section 10720):

24 (e) A local agency that is managing all or part of a groundwater  
 25 basin or subbasin pursuant to Part 2.75 (commencing with Section  
 26 10750) and that was monitoring groundwater elevations in all or  
 27 a part of a groundwater basin or subbasin on or before January 1,  
 28 2010, or a local agency or county that is managing all or part of a  
 29 groundwater basin or subbasin pursuant to any other legally  
 30 enforceable groundwater management plan with provisions that  
 31 are substantively similar to those described in that part and that  
 32 was monitoring groundwater elevations in all or a part of a  
 33 groundwater basin or subbasin on or before January 1, 2010.

34 (d) A local agency that is managing all or part of a groundwater  
 35 basin or subbasin pursuant to an integrated regional water  
 36 management plan prepared pursuant to Part 2.2 (commencing with  
 37 Section 10530) that includes a groundwater management  
 38 component that complies with the requirements of Section 10753.7.

39 (e) A local agency that has been collecting and reporting  
 40 groundwater elevations and that does not have an adopted

1 ~~groundwater management plan, if the local agency adopts a~~  
 2 ~~groundwater management plan in accordance with Part 2.75~~  
 3 ~~(commencing with Section 10750) by January 1, 2014. The~~  
 4 ~~department may authorize the local agency to conduct the~~  
 5 ~~monitoring and reporting of groundwater elevations pursuant to~~  
 6 ~~this part on an interim basis, until the local agency adopts a~~  
 7 ~~groundwater management plan in accordance with Part 2.75~~  
 8 ~~(commencing with Section 10750) or until January 1, 2014,~~  
 9 ~~whichever occurs first.~~

10 ~~(f) A county that is not managing all or a part of a groundwater~~  
 11 ~~basin or subbasin pursuant to a legally enforceable groundwater~~  
 12 ~~management plan with provisions that are substantively similar to~~  
 13 ~~those described in Part 2.75 (commencing with Section 10750).~~

14 ~~(g) A voluntary cooperative groundwater monitoring association~~  
 15 ~~formed pursuant to Section 10935.~~

16 ~~SEC. 9. Section 10933 of the Water Code is amended to read:~~

17 ~~10933. (a) On or before January 1, 2012, the department shall~~  
 18 ~~commence to identify the extent of monitoring of groundwater~~  
 19 ~~elevations that is being undertaken within each basin and subbasin.~~

20 ~~(b) The department shall prioritize groundwater basins and~~  
 21 ~~subbasins for the purpose of implementing this section and Part~~  
 22 ~~2.74 (commencing with Section 10720). The department shall~~  
 23 ~~review available groundwater data and update the groundwater~~  
 24 ~~basins and subbasins in 2020 and every five years thereafter. In~~  
 25 ~~prioritizing the basins and subbasins, the department shall, to the~~  
 26 ~~extent data are available, consider all of the following:~~

27 ~~(1) The population overlying the basin or subbasin.~~

28 ~~(2) The rate of current and projected growth of the population~~  
 29 ~~overlying the basin or subbasin.~~

30 ~~(3) The number of public supply wells that draw from the basin~~  
 31 ~~or subbasin.~~

32 ~~(4) The total number of wells that draw from the basin or~~  
 33 ~~subbasin.~~

34 ~~(5) The irrigated acreage overlying the basin or subbasin.~~

35 ~~(6) The degree to which persons overlying the basin or subbasin~~  
 36 ~~rely on groundwater as their primary source of water.~~

37 ~~(7) Any documented impacts on the groundwater within the~~  
 38 ~~basin or subbasin, including overdraft, subsidence, saline intrusion,~~  
 39 ~~and other water quality degradation.~~

- 1 ~~(8) Any other information determined to be relevant by the~~  
2 ~~department.~~
- 3 ~~(e) If the department determines that all or part of a basin or~~  
4 ~~subbasin is not being monitored pursuant to this part, the~~  
5 ~~department shall do all of the following:~~
- 6 ~~(1) Attempt to contact all well owners within the area not being~~  
7 ~~monitored.~~
- 8 ~~(2) Determine if there is an interest in establishing any of the~~  
9 ~~following:~~
- 10 ~~(A) A groundwater management plan pursuant to Part 2.75~~  
11 ~~(commencing with Section 10750).~~
- 12 ~~(B) An integrated regional water management plan pursuant to~~  
13 ~~Part 2.2 (commencing with Section 10530) that includes a~~  
14 ~~groundwater management component that complies with the~~  
15 ~~requirements of Section 10753.7.~~
- 16 ~~(C) A voluntary groundwater monitoring association pursuant~~  
17 ~~to Section 10935.~~
- 18 ~~(d) If the department determines that there is sufficient interest~~  
19 ~~in establishing a plan or association described in paragraph (2) of~~  
20 ~~subdivision (e), or if the county agrees to perform the groundwater~~  
21 ~~monitoring functions in accordance with this part, the department~~  
22 ~~shall work cooperatively with the interested parties to comply with~~  
23 ~~the requirements of this part within two years.~~
- 24 ~~(e) If the department determines, with regard to a basin or~~  
25 ~~subbasin, that there is insufficient interest in establishing a plan~~  
26 ~~or association described in paragraph (2) of subdivision (e), and~~  
27 ~~if the county decides not to perform the groundwater monitoring~~  
28 ~~and reporting functions of this part, the department shall do all of~~  
29 ~~the following:~~
- 30 ~~(1) Identify any existing monitoring wells that overlie the basin~~  
31 ~~or subbasin that are owned or operated by the department or any~~  
32 ~~other state or federal agency.~~
- 33 ~~(2) Determine whether the monitoring wells identified pursuant~~  
34 ~~to paragraph (1) provide sufficient information to demonstrate~~  
35 ~~seasonal and long-term trends in groundwater elevations.~~
- 36 ~~(3) If the department determines that the monitoring wells~~  
37 ~~identified pursuant to paragraph (1) provide sufficient information~~  
38 ~~to demonstrate seasonal and long-term trends in groundwater~~  
39 ~~elevations, the department shall not perform groundwater~~  
40 ~~monitoring functions pursuant to Section 10933.5.~~

**SB 1168**

— 72 —

1     ~~(4) If the department determines that the monitoring wells~~  
2 ~~identified pursuant to paragraph (1) provide insufficient~~  
3 ~~information to demonstrate seasonal and long-term trends in~~  
4 ~~groundwater elevations, the department shall perform groundwater~~  
5 ~~monitoring functions pursuant to Section 10933.5.~~  
6     ~~SEC. 10. If the Commission on State Mandates determines~~  
7 ~~that this act contains costs mandated by the state, reimbursement~~  
8 ~~to local agencies and school districts for those costs shall be made~~  
9 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
10 ~~4 of Title 2 of the Government Code.~~

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