

AMENDED IN SENATE MAY 21, 2002

AMENDED IN SENATE MAY 14, 2002

AMENDED IN SENATE MAY 1, 2002

**SENATE BILL**

**No. 1938**

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**Introduced by Senator Machado**

February 22, 2002

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An act to amend Section 10753.4 of, to amend and renumber Sections 10753.7, 10753.8, and 10753.9 of, and to add Section 10753.7 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1938, as amended, Machado. Groundwater management: state funding.

Existing law authorizes a local agency to prepare and implement a groundwater management plan.

This bill would require a local agency that elects to develop a groundwater management plan to make available to the public a written statement describing the manner in which interested parties would be allowed to participate in the development of that plan. ~~The bill would also require a groundwater management plan to contain the components described below in order to qualify as a groundwater management plan under state law.~~ The bill would also require a local agency, for the purposes of ~~seeking~~ *qualifying as a groundwater management plan under certain provisions of law, or, with certain exceptions, for the purposes of receiving* state funds for the construction of groundwater projects or projects that directly affect groundwater levels or quality, ~~excluding programs receiving funding under the Groundwater Management Assistance Act of 2000,~~ to prepare and implement a

~~groundwater management plan that includes certain basin management objectives and components relating to the regulation of groundwater levels, groundwater quality degradation, land surface subsidence, and changes in surface flow and surface water quality that directly affects groundwater levels or quality, and to impose certain monitoring protocols. The bill would require the local agency to submit a copy of the plan to the Department of Water Resources which would be required to make copies available to the public.~~

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

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

- 1 SECTION 1. The Legislature finds and declares the
- 2 following:
- 3 (a) Groundwater constitutes a major source of water for use by
- 4 the state’s citizens in many urban and rural areas. It is in the interest
- 5 of those citizens, and of benefit to California’s economy, that
- 6 groundwater resources be protected and managed to optimize the
- 7 available water supply.
- 8 (b) Protection and management include, but are not limited to,
- 9 protection of recharge areas and source areas from contamination,
- 10 protection of groundwater quality, artificial recharge, planned
- 11 variation of pumping, and conjunctive management of both
- 12 surface water and groundwater to optimize supplies.
- 13 (c) Groundwater is a crucial component of California’s water
- 14 supply and provides about 30 percent of California’s agricultural
- 15 and urban demand in an average year, and 40 percent or more in
- 16 dry years.
- 17 (d) California has 515 groundwater basins and subbasins, many
- 18 of which are the sole source of water supply for irrigation and
- 19 drinking water and significant number of groundwater basins have
- 20 been impaired by pollution or are threatened with impairment.
- 21 (e) A significant number of the state’s groundwater basins are
- 22 poorly understood, making proper management difficult.
- 23 (f) The preparation of groundwater management plans enables
- 24 local agencies to address issues related to groundwater recharge
- 25 and storage, which are crucial components for effective
- 26 management of California’s water supply.



1 (g) It is the intent of the Legislature to encourage local agencies  
2 to work cooperatively to manage groundwater resources within  
3 their jurisdictions. The preparation of certain basin management  
4 objectives will assist local agencies in optimizing local resources  
5 while protecting groundwater and surface water resources. The  
6 preparation of basin management objectives also will facilitate an  
7 understanding of the basin or subbasin, thereby allowing local  
8 agencies, individually and cooperatively, to meet local, regional,  
9 and state water needs through conjunctive management, while  
10 ensuring that no particular water supply is jeopardized.

11 SEC. 2. Section 10753.4 of the Water Code is amended to  
12 read:

13 10753.4. (a) The local agency shall prepare a groundwater  
14 management plan within two years of the date of the adoption of  
15 the resolution of intention. If the plan is not adopted within two  
16 years, the resolution of intention expires, and no plan may be  
17 adopted except pursuant to a new resolution of intention adopted  
18 in accordance with this chapter.

19 (b) For the purposes of carrying out this part, the local agency  
20 shall make available to the public a written statement describing  
21 the manner in which interested parties may participate in  
22 developing the groundwater management plan. The local agency  
23 may appoint, and consult with, a technical advisory committee  
24 consisting of interested parties for the purposes of carrying out this  
25 part.

26 SEC. 3. Section 10753.7 of the Water Code is amended and  
27 renumbered to read:

28 10753.8. A groundwater management plan may include  
29 components relating to all of the following:

- 30 (a) The control of saline water intrusion.
- 31 (b) Identification and management of wellhead protection  
32 areas and recharge areas.
- 33 (c) Regulation of the migration of contaminated groundwater.
- 34 (d) The administration of a well abandonment and well  
35 destruction program.
- 36 (e) Mitigation of conditions of overdraft.
- 37 (f) Replenishment of groundwater extracted by water  
38 producers.
- 39 (g) Monitoring of groundwater levels and storage.
- 40 (h) Facilitating conjunctive use operations.



- 1 (i) Identification of well construction policies.  
2 (j) The construction and operation by the local agency of  
3 groundwater contamination cleanup, recharge, storage,  
4 conservation, water recycling, and extraction projects.  
5 (k) The development of relationships with state and federal  
6 regulatory agencies.  
7 (l) The review of land use plans and coordination with land use  
8 planning agencies to assess activities which create a reasonable  
9 risk of groundwater contamination.

10 SEC. 4. Section 10753.7 is added to the Water Code, to read:  
11 10753.7. (a) For the purposes of qualifying as a groundwater  
12 management plan under this part, a plan shall contain the  
13 components that are set forth in this section. In addition to the  
14 requirements of a specific funding program, any local agency  
15 seeking state funds for the construction of groundwater projects or  
16 projects that directly affect groundwater levels or quality,  
17 excluding programs that are funded under Part 2.78 (commencing  
18 with Section 10795), shall do all of the following:

19 (1) Prepare and implement a groundwater management plan  
20 that includes basin management objectives for the groundwater  
21 basin that is subject to the plan. The plan shall include components  
22 relating to the regulation of groundwater levels within the  
23 groundwater basin, groundwater quality degradation, *inelastic*  
24 land surface subsidence, and changes in surface flow and surface  
25 water quality that directly ~~affects~~ *affect* groundwater levels or  
26 quality *or are caused by groundwater pumping in the basin*.

27 (2) For the purposes of carrying out paragraph (1), a local  
28 agency shall work cooperatively with other public entities whose  
29 service areas ~~overlay~~ *overlie* the groundwater basin.

30 (3) For the purposes of carrying out paragraph (1), the local  
31 agency shall prepare a map that details the area of the groundwater  
32 basin, as defined in the department's Bulletin No. 118, and the area  
33 of the local agency, that will be subject to the plan, as well as the  
34 boundaries of other local agencies that ~~overlay~~ *overlie* the basin in  
35 which the agency is developing a groundwater management plan.

36 (4) The local agency shall impose monitoring protocols that are  
37 designed to detect changes in groundwater levels, groundwater  
38 quality, *inelastic* surface subsidence for basins for which  
39 subsidence has been identified as a potential problem, and flow  
40 and quality of surface water that directly ~~affects~~ *affect*



1 groundwater levels or quality *or are caused by groundwater*  
2 *pumping in the basin*. The monitoring protocols shall be designed  
3 to generate information that promotes efficient and effective  
4 groundwater management.

5 ~~(b) (1) (A) No local agency is eligible for state funds for the~~  
6 *(b) (1) (A) A local agency may receive state funds for the*  
7 construction of groundwater projects or for other projects that  
8 directly ~~affects~~ *affect* groundwater levels or quality ~~unless if~~ it  
9 prepares and implements a groundwater management plan that  
10 meets the requirements of subdivision (a).

11 *(B) Notwithstanding subparagraph (A), a local agency that*  
12 *develops a groundwater management plan under the authority of*  
13 *any provision of law other than this part may receive state funds*  
14 *for the construction of groundwater projects or for other projects*  
15 *that directly affect groundwater levels or quality if the*  
16 *groundwater management plan includes all of the components*  
17 *described in Section 10753.8.*

18 *(C) Subparagraph (A) does not apply to proposals for funding*  
19 *under Part 2.78 (commencing with Section 10795).*

20 (2) Upon the adoption of a groundwater management plan in  
21 accordance with this part, the local agency shall submit a copy of  
22 the plan to the department. The department shall make available  
23 to the public copies of the plan received pursuant to this part.

24 SEC. 5. Section 10753.8 of the Water Code is amended and  
25 renumbered to read:

26 10753.9. (a) A local agency shall adopt rules and regulations  
27 to implement and enforce a groundwater management plan  
28 adopted pursuant to this part.

29 (b) Nothing in this part shall be construed as authorizing the  
30 local agency to make a binding determination of the water rights  
31 of any person or entity.

32 (c) Nothing in this part shall be construed as authorizing the  
33 local agency to limit or suspend extractions unless the local agency  
34 has determined through study and investigation that groundwater  
35 replenishment programs or other alternative sources of water  
36 supply have proved insufficient or infeasible to lessen the demand  
37 for groundwater.

38 SEC. 6. Section 10753.9 of the Water Code is amended and  
39 renumbered to read:



1 10753.10. In adopting rules and regulations pursuant to  
2 Section 10753.8, the local agency shall consider the potential  
3 impact of those rules and regulations on business activities,  
4 including agricultural operations, and to the extent practicable and  
5 consistent with the protection of the groundwater resources,  
6 minimize any adverse impacts on those business activities.

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