

ASSEMBLY BILL

No. 224

Introduced by Assembly Member Wolk

January 29, 2007

An act to amend Section 10631 of, to add Sections 142, 10004.7, and 13248 to, and to repeal and add Part 2.8 (commencing with Section 10800) of Division 6 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 224, as introduced, Wolk. Water supply planning.

(1) Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined.

This bill would require the department, commencing in 2008, and every 2 years thereafter, to prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area, a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.

(2) Under existing law, a plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state is known as the California Water Plan. The department is required to update the plan on or before December 31, 2003, and every 5 years thereafter. Existing law requires the plan to include a discussion of specified topics.

This bill would require the department, as part of updating the plan, to include an analysis of the effect of climate change on future water supplies.

(3) Existing law requires every urban water supplier to prepare and adopt an urban water management plan with prescribed components. Existing law requires the urban water supplier to update its plan at least once every 5 years, as specified.

This bill would require the urban water supplier, as part of updating the plan, to include an analysis of the effect of climate change on future water supplies.

(4) Existing law relating to agricultural water management planning, until January 1, 1993, and thereafter only as specified, provides for the preparation and adoption of water management plans. That law defines “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes.

This bill would substantially revise existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan, as prescribed, on or before December 31, 2011. The bill would delete the definition of “agricultural water supplier” and “supplier” and would, instead, require the department to conduct a survey of entities that supply water for agricultural purposes to gather data, assess, analyze that data, and recommend the appropriate minimum size of an agricultural water supplier that should prepare an agricultural water management plan. The department would be required to report its findings and recommendations, in writing, to the Governor and the Legislature before January 1, 2009. The bill would state the intent of the Legislature to respond to the department’s report by enacting legislation defining the term “agricultural water supplier.” The bill would require every person that becomes an agricultural water supplier after December 31, 2011, to adopt an agricultural water management plan within one year after it has become an agricultural water supplier. An agricultural water supplier would be required to update the plan at least once every 5 years, and to submit the plan to prescribed entities. The bill would make an agricultural water supplier that fails to prepare, adopt, and submit a plan ineligible for funds made available pursuant to any program administered by the State Water Resources Control Board, the department, or the California Bay-Delta Authority.

The bill would repeal these provisions relating to agricultural water management planning on January 1, 2011, unless the department determines that legislation has been enacted to define the term “agricultural water supplier” for the purposes of these provisions.

(5) Under existing law, the State Water Resources Control Board and the California regional water quality control boards adopt and revise water quality control plans that establish water quality objectives to ensure the reasonable protection of beneficial uses and the prevention of nuisance.

This bill would require the state board or a regional board, for the purpose of adopting or revising a water quality control plan, to consider, as appropriate, a reasonable range of plausible hydrological, temperature, and sea level-rise scenarios resulting from climate change.

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. Section 142 is added to the Water Code, to read:
2 142. Commencing in 2008, and every two years thereafter, the
3 department shall prepare and deliver to each State Water Project
4 contractor, city, and county planning department, and each regional
5 and metropolitan planning department within the project service
6 area, a report that accurately sets forth, under a range of hydrologic
7 conditions, including those reflecting climate change projections,
8 the then-existing overall delivery capability of the project facilities
9 and the allocation of that capacity to each contractor. The range
10 of hydrologic conditions shall include the historic extended dry
11 cycle and the long-term average. The biennial report shall also
12 disclose, for each of the 10 years immediately preceding the report,
13 the total amount of project water delivered and the amount of
14 project water delivered to each contractor. The information
15 presented in each report shall be presented in a manner readily
16 understandable by the public.

17 SEC. 2. Section 10004.7 is added to the Water Code, to read:
18 10004.7. As part of updating the California Water Plan pursuant
19 to subdivision (b) of Section 10004, the department shall include
20 an analysis of the effect of climate change on future water supplies.

21 SEC. 3. Section 10631 of the Water Code is amended to read:
22 10631. A plan shall be adopted in accordance with this chapter
23 ~~and~~. *That plan* shall do all of the following:

24 (a) Describe the service area of the supplier, including current
25 and projected population, climate, and other demographic factors
26 affecting the supplier's water management planning. The projected

1 population estimates shall be based upon data from the state,
2 regional, or local service agency population projections within the
3 service area of the urban water supplier and shall be in five-year
4 increments to 20 years or as far as data is available.

5 (b) Identify and quantify, to the extent practicable, the existing
6 and planned sources of water available to the supplier over the
7 same five-year increments described in subdivision (a). If
8 groundwater is identified as an existing or planned source of water
9 available to the supplier, all of the following information shall be
10 included in the plan:

11 (1) A copy of any groundwater management plan adopted by
12 the urban water supplier, including plans adopted pursuant to Part
13 2.75 (commencing with Section 10750), or any other specific
14 authorization for groundwater management.

15 (2) A description of any groundwater basin or basins from which
16 the urban water supplier pumps groundwater. For those basins for
17 which a court or the board has adjudicated the rights to pump
18 groundwater, a copy of the order or decree adopted by the court
19 or the board and a description of the amount of groundwater the
20 urban water supplier has the legal right to pump under the order
21 or decree. For basins that have not been adjudicated, information
22 as to whether the department has identified the basin or basins as
23 overdrafted or has projected that the basin will become overdrafted
24 if present management conditions continue, in the most current
25 official departmental bulletin that characterizes the condition of
26 the groundwater basin, and a detailed description of the efforts
27 being undertaken by the urban water supplier to eliminate the
28 long-term overdraft condition.

29 (3) A detailed description and analysis of the location, amount,
30 and sufficiency of groundwater pumped by the urban water supplier
31 for the past five years. The description and analysis shall be based
32 on information that is reasonably available, including, but not
33 limited to, historic use records.

34 (4) A detailed description and analysis of the amount and
35 location of groundwater that is projected to be pumped by the
36 urban water supplier. The description and analysis shall be based
37 on information that is reasonably available, including, but not
38 limited to, historic use records.

1 (c) (1) Describe the reliability of the water supply and
2 vulnerability to seasonal or climatic shortage, to the extent
3 practicable, and provide data for each of the following:

4 (A) An average water year.

5 (B) A single dry water year.

6 (C) Multiple dry water years.

7 (2) For any water source that may not be available at a consistent
8 level of use, given specific legal, environmental, water quality, or
9 climatic factors, describe plans to supplement or replace that source
10 with alternative sources or water demand management measures,
11 to the extent practicable.

12 (d) Describe the opportunities for exchanges or transfers of
13 water on a short-term or long-term basis.

14 (e) (1) Quantify, to the extent records are available, past and
15 current water use, over the same five-year increments described
16 in subdivision (a), and projected water use, identifying the uses
17 among water use sectors, including, but not necessarily limited to,
18 all of the following uses:

19 (A) Single-family residential.

20 (B) Multifamily.

21 (C) Commercial.

22 (D) Industrial.

23 (E) Institutional and governmental.

24 (F) Landscape.

25 (G) Sales to other agencies.

26 (H) Saline water intrusion barriers, groundwater recharge, or
27 conjunctive use, or any combination thereof.

28 (I) Agricultural.

29 (2) The water use projections shall be in the same five-year
30 increments described in subdivision (a).

31 (f) Provide a description of the supplier's water demand
32 management measures. This description shall include all of the
33 following:

34 (1) A description of each water demand management measure
35 that is currently being implemented, or scheduled for
36 implementation, including the steps necessary to implement any
37 proposed measures, including, but not limited to, all of the
38 following:

39 (A) Water survey programs for single-family residential and
40 multifamily residential customers.

- 1 (B) Residential plumbing retrofit.
- 2 (C) System water audits, leak detection, and repair.
- 3 (D) Metering with commodity rates for all new connections and
- 4 retrofit of existing connections.
- 5 (E) Large landscape conservation programs and incentives.
- 6 (F) High-efficiency washing machine rebate programs.
- 7 (G) Public information programs.
- 8 (H) School education programs.
- 9 (I) Conservation programs for commercial, industrial, and
- 10 institutional accounts.
- 11 (J) Wholesale agency programs.
- 12 (K) Conservation pricing.
- 13 (L) Water conservation coordinator.
- 14 (M) Water waste prohibition.
- 15 (N) Residential ultra-low-flush toilet replacement programs.
- 16 (2) A schedule of implementation for all water demand
- 17 management measures proposed or described in the plan.
- 18 (3) A description of the methods, if any, that the supplier will
- 19 use to evaluate the effectiveness of water demand management
- 20 measures implemented or described under the plan.
- 21 (4) An estimate, if available, of existing conservation savings
- 22 on water use within the supplier's service area, and the effect of
- 23 the savings on the supplier's ability to further reduce demand.
- 24 (g) An evaluation of each water demand management measure
- 25 listed in paragraph (1) of subdivision (f) that is not currently being
- 26 implemented or scheduled for implementation. In the course of
- 27 the evaluation, first consideration shall be given to water demand
- 28 management measures, or combination of measures, that offer
- 29 lower incremental costs than expanded or additional water supplies.
- 30 This evaluation shall do all of the following:
- 31 (1) Take into account economic and noneconomic factors,
- 32 including environmental, social, health, customer impact, and
- 33 technological factors.
- 34 (2) Include a cost-benefit analysis, identifying total benefits and
- 35 total costs.
- 36 (3) Include a description of funding available to implement any
- 37 planned water supply project that would provide water at a higher
- 38 unit cost.
- 39 (4) Include a description of the water supplier's legal authority
- 40 to implement the measure and efforts to work with other relevant

1 agencies to ensure the implementation of the measure and to share
2 the cost of implementation.

3 (h) Include a description of all water supply projects and water
4 supply programs that may be undertaken by the urban water
5 supplier to meet the total projected water use as established
6 pursuant to subdivision (a) of Section 10635. The urban water
7 supplier shall include a detailed description of expected future
8 projects and programs, other than the demand management
9 programs identified pursuant to paragraph (1) of subdivision (f),
10 that the urban water supplier may implement to increase the amount
11 of the water supply available to the urban water supplier in average,
12 single-dry, and multiple-dry water years. The description shall
13 identify specific projects and include a description of the increase
14 in water supply that is expected to be available from each project.
15 The description shall include an estimate with regard to the
16 implementation timeline for each project or program.

17 (i) Describe the opportunities for development of desalinated
18 water, including, but not limited to, ocean water, brackish water,
19 and groundwater, as a long-term supply.

20 *(j) Include, as part of any update prepared pursuant to*
21 *subdivision (a) of Section 10621, an analysis of the effect of climate*
22 *change on future water supplies.*

23 ~~(j)~~

24 (k) Urban water suppliers that are members of the California
25 Urban Water Conservation Council and submit annual reports to
26 that council in accordance with the “Memorandum of
27 Understanding Regarding Urban Water Conservation in
28 California,” dated September 1991, may submit the annual reports
29 identifying water demand management measures currently being
30 implemented, or scheduled for implementation, to satisfy the
31 requirements of subdivisions (f) and (g).

32 ~~(k)~~

33 (l) Urban water suppliers that rely upon a wholesale agency for
34 a source of water shall provide the wholesale agency with water
35 use projections from that agency for that source of water in
36 five-year increments to 20 years or as far as data is available. The
37 wholesale agency shall provide information to the urban water
38 supplier for inclusion in the urban water supplier’s plan that
39 identifies and quantifies, to the extent practicable, the existing and
40 planned sources of water as required by subdivision (b), available

1 from the wholesale agency to the urban water supplier over the
2 same five-year increments, and during various water-year types
3 in accordance with subdivision (c). An urban water supplier may
4 rely upon water supply information provided by the wholesale
5 agency in fulfilling the plan informational requirements of
6 subdivisions (b) and (c).

7 SEC. 4. Part 2.8 (commencing with Section 10800) of Division
8 6 of the Water Code is repealed.

9 SEC. 5. Part 2.8 (commencing with Section 10800) is added
10 to Division 6 of the Water Code, to read:

11
12 PART 2.8. AGRICULTURAL WATER MANAGEMENT
13 PLANNING

14
15 CHAPTER 1. GENERAL DECLARATIONS AND POLICY

16
17 10800. This part shall be known and may be cited as the
18 Agricultural Water Management Planning Act.

19 10801. The Legislature finds and declares all of the following:

20 (a) The waters of the state are a limited and renewable resource.

21 (b) The California Constitution requires that water in the state
22 be used in a reasonable and beneficial way.

23 (c) Urban water districts are required to adopt water management
24 plans.

25 (d) More than three-fourths of the water used in the state is used
26 for agricultural purposes.

27 (e) The conservation of agricultural water supplies is of great
28 statewide concern.

29 (f) There is a great amount of reuse of delivered water, both
30 inside and outside the water service areas.

31 (g) Significant noncrop beneficial uses are associated with
32 agricultural water use, including streamflows and wildlife habitat.

33 (h) Significant opportunities exist in some areas, through
34 improved irrigation water management, to conserve water or to
35 reduce the quantity of highly saline or toxic drainage water.

36 (i) Changes in water management practices should be carefully
37 planned and implemented to minimize adverse effects on other
38 beneficial uses currently being served.

1 (j) Agricultural water suppliers that receive water from the
2 federal Central Valley Project are required by federal law to prepare
3 and implement water conservation plans.

4 (k) Agricultural water users applying for a permit to appropriate
5 water from the board are required to prepare and implement water
6 conservation plans.

7 10802. The Legislature finds and declares that all of the
8 following is the policy of the state:

9 (a) The conservation of water shall be pursued actively to protect
10 both the people of the state and the state's water resources.

11 (b) The conservation of agricultural water supplies shall be an
12 important criterion in public decisions with regard to water.

13 (c) Agricultural water suppliers shall be required to prepare
14 water management plans to achieve conservation of water.

15
16 CHAPTER 2. DEFINITIONS
17

18 10810. Unless the context otherwise requires, the definitions
19 set forth in this chapter govern the construction of this part.

20 10811. "Agricultural water management plan" or "plan" means
21 an agricultural water management plan prepared pursuant to this
22 part.

23 10812. "Conservation" means the use of cost-effective
24 measures that reduce evapotranspiration, evaporation, or flows to
25 unusable water bodies in order to prevent the waste, the
26 unreasonable use, or the unreasonable method of use of water.

27 10813. "Customer" means a purchaser of water from a water
28 supplier who uses water for agricultural purposes.

29 10814. "Person" means any individual, firm, association,
30 organization, partnership, business, trust, corporation, company,
31 public agency, or any agency of that entity.

32 10815. "Public agency" means any city, county, city and
33 county, special district, or other public entity.

34 10816. (a) The Legislature finds and declares that there are
35 insufficient objective data to determine the proper size of an
36 agricultural water supplier that should prepare an agricultural water
37 management plan pursuant to this part. The Legislature further
38 finds and declares that the factors that should be considered in
39 making such a determination include all of the following:

40 (1) The amount of water delivered by the supplier.

1 (2) The number of customers of the supplier.

2 (3) The supplier's technical and financial capacity to prepare a
3 plan.

4 (4) The potential contribution of the plan to the improvement
5 of the local and regional efficiency of agricultural water use.

6 (b) (1) The department shall conduct a survey of entities that
7 supply water for agricultural purposes to gather data, assess and
8 analyze that data, and recommend the appropriate minimum size
9 of an agricultural water supplier that should prepare an agricultural
10 water management plan pursuant to this part.

11 (2) It is the intent of the Legislature that, in finalizing its
12 recommendations, the department consult with those agricultural
13 water suppliers that would meet or narrowly exceed the
14 recommended threshold, as well as other interested parties.

15 (3) The department shall report its findings and
16 recommendations, in writing, to the Governor and the Legislature
17 before January 1, 2009.

18 (c) It is the intent of the Legislature to respond to the report
19 prepared pursuant to subdivision (b) by enacting legislation
20 defining the term "agricultural water supplier" for the purposes of
21 this part.

22 CHAPTER 3. AGRICULTURAL WATER MANAGEMENT PLANS

23 Article 1. General Provisions

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25
26 10820. (a) An agricultural water supplier shall prepare and
27 adopt an agricultural water management plan in the manner set
28 forth in this chapter on or before December 31, 2011.

29 (b) Every person that becomes an agricultural water supplier
30 after December 31, 2011, shall adopt an agricultural water
31 management plan within one year after the date it has become an
32 agricultural water supplier.

33 (c) A water supplier that indirectly provides water to customers
34 for agricultural purposes shall not prepare a plan pursuant to this
35 part without the consent of each agricultural water supplier that
36 directly provides that water to its customers.

37 (d) An agricultural water supplier, to the extent practicable,
38 shall coordinate the preparation of its plan with other appropriate
39 entities in the area, including, but not limited to, other water
40

1 suppliers that share a common source, water management agencies,
2 and relevant public agencies.

3 (e) An agricultural water supplier may prepare the plan with its
4 own staff, by contract, or in cooperation with public agencies.

5 10821. (a) An agricultural water supplier shall update its plan
6 at least once every five years on or before December 31, in years
7 ending in six or one.

8 (b) An agricultural water supplier required to prepare a plan
9 pursuant to this part shall notify each city or county within which
10 the supplier provides water supplies that the agricultural water
11 supplier will be preparing the plan, or reviewing the plan and
12 considering amendments or changes to the plan. The agricultural
13 water supplier may consult with, and obtain comments from, each
14 city or county that receives notice pursuant to this subdivision.

15 (c) The amendments to, or changes in, the plan shall be adopted
16 and submitted in the manner set forth in Article 3 (commencing
17 with Section 10840).

18 (d) An agricultural water supplier shall prepare and submit to
19 the department, in years ending in four and nine, a report assessing
20 progress in implementing the plan. The progress report shall
21 include a discussion of the specific water management programs
22 that have been or are planned to be implemented, any variations
23 from the adopted plan, and factors affecting the implementation
24 of the plan.

25 Article 2. Contents of Plans

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27
28 10825. (a) It is the intent of the Legislature in enacting this
29 part to allow levels of water management planning commensurate
30 with the numbers of customers served and the volume of water
31 supplied.

32 (b) This part does not require the implementation of water
33 conservation programs or practices that are not locally cost
34 effective.

35 10826. A plan shall be adopted in accordance with this chapter.
36 That plan shall do all of the following:

37 (a) Describe the agricultural water supplier and the service area,
38 including all of the following:

39 (1) History and size of the service area.

- 1 (2) Location of the service area and its water management
- 2 facilities.
- 3 (3) Terrain and soils.
- 4 (4) Climate.
- 5 (5) Operating rules and regulations.
- 6 (6) Water delivery measurements or calculations.
- 7 (7) Water rate schedules and billing.
- 8 (8) Water shortage allocation policies.
- 9 (b) Describe the quantity and quality of water resources of the
- 10 agricultural water supplier, including all of the following:
- 11 (1) Surface water supply.
- 12 (2) Groundwater supply.
- 13 (3) Other water supplies.
- 14 (4) Source water quality monitoring practices.
- 15 (5) Water uses within the agricultural water supplier's service
- 16 area, including all of the following:
- 17 (A) Agricultural.
- 18 (B) Environmental.
- 19 (C) Recreational.
- 20 (D) Municipal and industrial.
- 21 (E) Groundwater recharge.
- 22 (F) Transfers and exchanges.
- 23 (G) Other water uses.
- 24 (6) Drainage from the water supplier service area.
- 25 (7) Water accounting, including:
- 26 (A) Quantifying the water supplier's water supplies.
- 27 (B) Tabulating water uses.
- 28 (C) Overall water budget.
- 29 (8) Water supply reliability.
- 30 (c) Include an analysis of the effect of climate change on future
- 31 water supplies.
- 32 (d) Describe previous water management activities.
- 33 (e) Identify efficient water management practices, including the
- 34 use of tools and strategies that maximize resources and minimize
- 35 the need to import water from other regions.
- 36 (f) Include a cost benefit analysis of all applicable water
- 37 management practices.
- 38 (g) Develop a strategy and schedule for implementation of water
- 39 management practices that are locally cost effective, estimate the

1 budget needed for implementation, and identify the results expected
2 from full implementation of the plan.

3 10827. Agricultural water suppliers that are members of the
4 Agricultural Water Management Council, and that submit water
5 management plans to that council in accordance with the
6 “Memorandum of Understanding Regarding Efficient Water
7 Management Practices By Agricultural Water Suppliers In
8 California,” dated January 1, 1999, may submit the water
9 management plans identifying water demand management
10 measures currently being implemented, or scheduled for
11 implementation, to satisfy the requirements of Section 10826.

12 10828. (a) Agricultural water suppliers that are required to
13 submit water conservation plans to the United States Bureau of
14 Reclamation pursuant to either the Central Valley Project
15 Improvement Act (P.L. 102-575) or the Reclamation Reform Act
16 of 1982, or both, may submit those water conservation plans to
17 satisfy the requirements of Section 10826, if both of the following
18 apply:

19 (1) The agricultural water supplier has adopted and submitted
20 the water conservation plan to the United States Bureau of
21 Reclamation within the previous four years.

22 (2) The United States Bureau of Reclamation has accepted the
23 water conservation plan as adequate.

24 (b) This part does not require agricultural water suppliers that
25 are required to submit water conservation plans to the United States
26 Bureau of Reclamation pursuant to either the Central Valley Project
27 Improvement Act (P.L. 102-575) or the Reclamation Reform Act
28 of 1982, or both, to prepare and adopt water conservation plans
29 according to a schedule that is different from that required by the
30 United States Bureau of Reclamation.

31 10829. An agricultural water supplier may satisfy the
32 requirements of this part by adopting an urban water management
33 plan pursuant to Part 2.6 (commencing with Section 10610) or by
34 participation in areawide, regional, watershed, or basinwide water
35 management planning if those plans will reduce preparation costs
36 and contribute to the achievement of conservation and efficient
37 water use.

1 Article 3. Adoption and Implementation of Plans

2
3 10840. Every agricultural water supplier shall prepare its plan
4 pursuant to Article 2 (commencing with Section 10825).

5 10841. An agricultural water supplier required to prepare a
6 plan may consult with, and obtain comments from, any public
7 agency or any person who has special expertise with respect to
8 water conservation and reclamation and management methods and
9 techniques.

10 10842. Prior to adopting a plan, the agricultural water supplier
11 shall make the proposed plan available for public inspection, and
12 shall hold a public hearing on the plan. Prior to the hearing, notice
13 of the time and place of hearing shall be published within the
14 jurisdiction of the publicly owned agricultural water supplier
15 pursuant to Section 6066 of the Government Code. A privately
16 owned agricultural water supplier shall provide an equivalent notice
17 within its service area. After the hearing, the plan shall be adopted
18 as prepared or as modified during or after the hearing.

19 10843. An agricultural water supplier shall implement the plan
20 adopted pursuant to this chapter in accordance with the schedule
21 set forth in its plan, as determined by the governing body of the
22 agricultural water supplier.

23 10844. (a) An agricultural water supplier shall submit to the
24 entities identified in subdivision (b) a copy of its plan no later than
25 30 days after the adoption of the plan. Copies of amendments or
26 changes to the plans shall be submitted to the entities identified in
27 subdivision (b) within 30 days after the adoption of the
28 amendments or changes.

29 (b) An agricultural water supplier shall submit a copy of its plan
30 and amendments or changes to the plan to each of the following
31 entities:

32 (1) The department.

33 (2) Any city, county, or city and county within which the
34 agricultural water supplier provides water supplies.

35 (3) Any groundwater management entity within which
36 jurisdiction the agricultural water supplier extracts or provides
37 water supplies.

38 (4) Any urban water supplier within which jurisdiction the
39 agricultural water supplier provides water supplies.

1 (5) Any city or county library within which jurisdiction the
2 agricultural water supplier provides water supplies.

3 (6) The California State Library.

4 (7) Any local agency formation commission serving a county
5 within which the agricultural water supplier provides water
6 supplies.

7 10845. (a) Not later than 30 days after the date of adopting its
8 plan, the agricultural water supplier shall make the plan available
9 for public review on the agricultural water supplier's Internet Web
10 site.

11 (b) An agricultural water supplier that does not have an Internet
12 Web site shall submit to the department, not later than 30 days
13 after the date of adopting its plan, a copy of the adopted plan in
14 an electronic format. The department shall make the plan available
15 for public review on the department's Web site.

16 10846. (a) The department shall prepare and submit to the
17 Legislature, on or before December 31, in the years ending in seven
18 or two, a report summarizing the status of the plans adopted
19 pursuant to this part.

20 (b) The report prepared by the department shall identify the
21 outstanding elements of any plan adopted pursuant to this part.
22 The report shall include an evaluation of the effectiveness of this
23 part in promoting efficient agricultural water management
24 practices, and shall include recommendations relating to proposed
25 changes to this part, as appropriate.

26 (c) The department shall provide a copy of the report to each
27 agricultural water supplier that has submitted its plan to the
28 department. The department shall also prepare reports and provide
29 data for any legislative hearing designed to consider the
30 effectiveness of plans submitted pursuant to this part.

31 (d) This section does not authorize the department, in preparing
32 the report, to approve, disapprove, or critique individual plans
33 submitted pursuant to this part.

34
35 CHAPTER 4. MISCELLANEOUS PROVISIONS
36

37 10850. (a) Any action or proceeding to attack, review, set
38 aside, void, or annul the acts or decisions of an agricultural water
39 supplier on the grounds of noncompliance with this part shall be
40 brought pursuant to Section 1085 of the Code of Civil Procedure,

1 and the court's review of compliance or noncompliance with this
2 part shall extend to whether the plan, or portion thereof, or revision
3 thereto, substantially complies with the requirements of this part.

4 (b) An action or proceeding alleging failure to adopt a plan shall
5 be commenced within 18 months after that adoption is required
6 by this part.

7 (c) Any action or proceeding alleging that a plan, or action taken
8 pursuant to the plan, does not comply with this part shall be
9 commenced within 120 days after submitting the plan or
10 amendments to the plan to entities in accordance with Section
11 10844 or the taking of that action.

12 (d) In an action or proceeding to attack, review, set aside, void,
13 or annul the acts or decisions of an agricultural water supplier
14 made pursuant to this part at a properly noticed public hearing, the
15 issues raised shall be limited to those raised in the public hearing,
16 or in written correspondence delivered to the agricultural water
17 supplier prior to, or at, the public hearing, except if the court finds
18 either of the following:

19 (1) The issue could not have been raised at the public hearing
20 by a person exercising reasonable diligence.

21 (2) The body conducting the public hearing prevented the issue
22 from being raised at the public hearing.

23 10851. The California Environmental Quality Act (Division
24 13 (commencing with Section 21000) of the Public Resources
25 Code) does not apply to the preparation and adoption of plans
26 pursuant to this part. This part does not exempt projects for
27 implementation of the plan or for expanded or additional water
28 supplies from the California Environmental Quality Act (Division
29 13 (commencing with Section 21000) of the Public Resources
30 Code).

31 10852. (a) The adoption of an agriculture water management
32 plan in accordance with this part satisfies any requirements of state
33 statute, regulation, or order, including those of the board, for the
34 preparation of water management plans.

35 (b) This part does not affect any authority granted to the board
36 by provisions other than this part to obtain water conservation
37 information not generated by this part.

38 10853. An agricultural water supplier that does not prepare,
39 adopt, and submit its agricultural water management plan in
40 accordance with this part is ineligible to receive funds made

1 available pursuant to any program administered by the board, the
2 department, or the California Bay-Delta Authority until the
3 agricultural water management plan is submitted pursuant to this
4 part.

5 10854. This part shall remain in effect only until January 1,
6 2011, and as of that date is repealed, unless the department
7 determines that legislation has been enacted to implement
8 legislative intent described in subdivision (c) of Section 10816.
9 Upon making that determination, the director shall notify, in
10 writing, the Secretary of State with regard to that determination.

11 SEC. 6. Section 13248 is added to the Water Code, to read:

12 13248. For the purpose of preparing or revising a state water
13 quality control plan or a regional water quality control plan, the
14 state board or the regional board shall consider, as appropriate, a
15 reasonable range of plausible hydrological, temperature, and sea
16 level-rise scenarios resulting from climate change.