

Proposed Conference Report No. 1
September 9, 2009

AMENDED IN SENATE JULY 9, 2009

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CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 49

Introduced by Assembly Members Feuer and Huffman

December 1, 2008

~~An act relating to water.~~ *An act to amend and repeal Section 10631.5 of, to add Part 2.55 (commencing with Section 10608) 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 49, as amended, Feuer. ~~Water conservation.~~ *Water conservation: urban and agricultural water management planning.*

(1) Existing law requires the Department of Water Resources to convene an independent technical panel to provide information to the department and the Legislature on new demand management measures, technologies, and approaches. "Demand management measures" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

This bill would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. The state would be required to make incremental progress towards this goal by reducing per capita water use by at least 10% on or before December 31, 2015. The bill would require each urban retail water supplier to develop urban water use targets and an interim urban water use target, in accordance with specified requirements. The bill would require agricultural water suppliers to implement efficient water management practices. The bill would require the department, in consultation with other state agencies, to develop a single standardized water use reporting form. The bill, with certain exceptions, would condition eligibility for certain water management grants or loans to urban water suppliers, beginning July 1, 2016, and agricultural water suppliers, beginning July 1, 2013, on the implementation of water conservation requirements established by the bill. The bill would repeal on July 1, 2016, an existing requirement that conditions eligibility for certain water management grants or loans to an urban water supplier on the implementation of certain water demand management measures.

(2) Existing law, until January 1, 1993, and thereafter only as specified, requires certain agricultural water suppliers to prepare and adopt water management plans.

This bill would substantially revise existing law relating to agricultural water management planning to require agricultural water suppliers to prepare and adopt agricultural water management plans with specified components on or before December 31, 2012, and update those plans on or before December 31, 2015, and on or before December 31 every 5 years thereafter. An agricultural water supplier that becomes an agricultural water supplier after December 31, 2012, would be required to prepare and adopt an agricultural water management plan within one year after becoming an agricultural water supplier. The agricultural water supplier would be required to notify each city or county within which the supplier provides water supplies with regard to the preparation or review of the plan. The bill would require the agricultural water supplier to submit copies of the plan to the department and other specified entities. The bill would provide that an agricultural water supplier is ineligible to receive specified state funds if the supplier does not prepare, adopt, and submit the plan in accordance with the requirements established by the bill.

(3) The provisions of the bill would only become operative if AB 39, SB 12, SB 229, and SB 458 of the 2009–10 Regular Session of the

Legislature, relating to water use and resource management, are enacted and become effective on or before January 1, 2010.

~~Existing law requires the Department of Water Resources to undertake or administer various programs related to water conservation.~~

~~This bill would state the intent of the Legislature to enact legislation to establish a 20% water efficiency requirement for the year 2020 for agricultural and urban water users.~~

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

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

1 *SECTION 1. Part 2.55 (commencing with Section 10608) is*
2 *added to Division 6 of the Water Code, to read:*

3
4 *PART 2.55. SUSTAINABLE WATER USE AND DEMAND*
5 *REDUCTION*

6
7 *Chapter 1. General Declarations and Policy*

8
9 *10608. The Legislature finds and declares all of the following:*

10 *(a) Water is a public resource that the California Constitution*
11 *protects against waste and unreasonable use.*

12 *(b) Growing population, climate change, and the need to protect*
13 *and grow California’s economy while protecting and restoring*
14 *our fish and wildlife habitats make it essential that the state*
15 *manage its water resources as efficiently as possible.*

16 *(c) Diverse regional water supply portfolios will increase water*
17 *supply reliability and reduce dependence on the Delta.*

18 *(d) Reduced water use through conservation provides significant*
19 *energy and environmental benefits, and can help protect water*
20 *quality, improve streamflows, and reduce greenhouse gas*
21 *emissions.*

22 *(e) The success of state and local water conservation programs*
23 *to increase efficiency of water use is best determined on the basis*
24 *of measurable outcomes related to water use or efficiency.*

25 *(f) Improvements in technology and management practices offer*
26 *the potential for increasing water efficiency in California over*
27 *time, providing an essential water management tool to meet the*
28 *need for water for urban, agricultural, and environmental uses.*

- 1 (g) *The Governor has called for a 20 percent per capita*
- 2 *reduction in urban water use statewide by 2020.*
- 3 (h) *The factors used to formulate water use efficiency targets*
- 4 *can vary significantly from location to location based on factors*
- 5 *including weather, patterns of urban and suburban development,*
- 6 *and past efforts to enhance water use efficiency.*
- 7 (i) *Per capita water use is a valid measure of a water provider’s*
- 8 *efforts to reduce urban water use within its service area. However,*
- 9 *per capita water use is less useful for measuring relative water*
- 10 *use efficiency between different water providers. Differences in*
- 11 *weather, historical patterns of urban and suburban development,*
- 12 *and density of housing in a particular location need to be*
- 13 *considered when assessing per capita water use as a measure of*
- 14 *efficiency.*
- 15 10608.4. *It is the intent of the Legislature, by the enactment of*
- 16 *this part, to do all of the following:*
- 17 (a) *Require all water suppliers to increase the efficiency of use*
- 18 *of this essential resource.*
- 19 (b) *Establish a framework to meet the state targets for urban*
- 20 *water conservation identified in this part and called for by the*
- 21 *Governor.*
- 22 (c) *Measure increased efficiency of urban water use on a per*
- 23 *capita basis.*
- 24 (d) *Establish a method or methods for urban retail water*
- 25 *suppliers to determine targets for achieving increased water use*
- 26 *efficiency by the year 2020, in accordance with the Governor’s*
- 27 *goal of a 20-percent reduction.*
- 28 (e) *Establish consistent water use efficiency planning and*
- 29 *implementation standards for urban water suppliers and*
- 30 *agricultural water suppliers.*
- 31 (f) *Promote urban water conservation standards that are*
- 32 *consistent with the California Urban Water Conservation Council’s*
- 33 *adopted best management practices and the requirements for*
- 34 *demand management in Section 10631.*
- 35 (g) *Establish standards that recognize and provide credit to*
- 36 *water suppliers that made substantial capital investments in urban*
- 37 *water conservation since the drought of the early 1990s.*
- 38 (h) *Recognize and account for the investment of urban retail*
- 39 *water suppliers in providing recycled water for beneficial uses.*

1 (i) Require implementation of specified efficient water
2 management practices for agricultural water suppliers.

3 (j) Support the economic productivity of California's
4 agricultural, commercial, and industrial sectors.

5 (k) Advance regional water resources management.

6 10608.8. (a) Water use efficiency measures adopted and
7 implemented pursuant to this part are water conservation measures
8 subject to the protections provided under Section 1011.

9 (b) This part does not limit or otherwise affect the application
10 of Chapter 3.5 (commencing with Section 11340), Chapter 4
11 (commencing with Section 11370), Chapter 4.5 (commencing with
12 Section 11400), and Chapter 5 (commencing with Section 11500)
13 of Part 1 of Division 3 of Title 2 of the Government Code.

14 (c) This part does not require a reduction in the total water used
15 in the agricultural or urban sectors, because other factors,
16 including, but not limited to, changes in agricultural economics
17 or population growth may have greater effects on water use. This
18 part does not limit the economic productivity of California's
19 agricultural, commercial, or industrial sectors.

20 (d) The requirements of this part do not apply to an agricultural
21 water supplier that is a party to the Quantification Settlement
22 Agreement, as defined in subdivision (a) of Section 1 of Chapter
23 617 of the Statutes of 2002, during the period within which the
24 Quantification Settlement Agreement remains in effect. After the
25 expiration of the Quantification Settlement Agreement, to the extent
26 conservation water projects implemented as part of the
27 Quantification Settlement Agreement remain in effect, the
28 conserved water created as part of those projects shall be credited
29 against the obligations of the agricultural water supplier pursuant
30 to this part.

31
32 Chapter 2. Definitions

33
34 10608.12. Unless the context otherwise requires, the following
35 definitions govern the construction of this part:

36 (a) "Agricultural water supplier" means a water supplier, either
37 publicly or privately owned, providing water to 10,000 or more
38 irrigated acres, excluding recycled water. "Agricultural water
39 supplier" includes a supplier or contractor for water, regardless

1 of the basis of right, that distributes or sells water for ultimate
2 resale to customers.

3 (b) “Base daily per capita water use” means any of the
4 following:

5 (1) The urban retail water supplier’s estimate of its average
6 gross daily water use per capita, reported in gallons per capita
7 per day and calculated over a continuous 10-year period ending
8 no earlier than December 31, 2004, and no later than December
9 31, 2010.

10 (2) For an urban retail water supplier that meets at least 10
11 percent of its 2008 measured retail water demand through recycled
12 water that is delivered within the service area of an urban retail
13 water supplier or its urban wholesale water supplier, the urban
14 retail water supplier may extend the calculation described in
15 paragraph (1) up to an additional five years to a maximum of a
16 continuous 15-year period ending no earlier than December 31,
17 2004, and no later than December 31, 2010.

18 (3) For the purposes of Section 10608.22, the urban retail water
19 supplier’s estimate of its average gross daily water use per capita,
20 reported in gallons per capita per day and calculated over a
21 continuous five-year period ending no earlier than December 31,
22 2007, and no later than December 31, 2010.

23 (c) “Baseline commercial, industrial, and institutional water
24 use” means an urban retail water supplier’s base daily per capita
25 water use for commercial, industrial, and institutional users.

26 (d) “Commercial water user” means a water user that provides
27 or distributes a product or service.

28 (e) “Compliance daily per capita water use” means the gross
29 daily water use per capita during the final year of the reporting
30 period, reported in gallons per capita per day.

31 (f) “Disadvantaged community” means a community with an
32 annual median household income that is less than 80 percent of
33 the statewide annual median household income.

34 (g) “Gross water use” means the total volume of water, whether
35 treated or untreated, entering the distribution system of an urban
36 retail water supplier, excluding all of the following:

37 (1) Recycled water that is delivered within the service area of
38 an urban retail water supplier or its urban wholesale water
39 supplier.

1 (2) *The net volume of water that the urban retail water supplier*
2 *places into long-term storage.*

3 (3) *The volume of water the urban retail water supplier conveys*
4 *for use by another urban water supplier.*

5 (4) *The volume of water delivered for agricultural use, except*
6 *as otherwise provided in subdivision (f) of Section 10608.24.*

7 (h) *“Industrial water user” means a water user that is primarily*
8 *a manufacturer or processor of materials as defined by the North*
9 *American Industry Classification System code sectors 31 to 33,*
10 *inclusive.*

11 (i) *“Institutional water user” means a water user dedicated to*
12 *public service. This type of user includes, among other things,*
13 *higher education institutions, schools, courts, churches, hospitals,*
14 *and government facilities.*

15 (j) *“Interim urban water use target” means the midpoint*
16 *between the urban retail water supplier’s base daily per capita*
17 *water use and the urban retail water supplier’s urban water use*
18 *target for 2020.*

19 (k) *“Locally cost effective” means that the present value of the*
20 *local benefits of implementing an agricultural efficiency water*
21 *management practice is greater than or equal to the present value*
22 *of the local cost of implementing that measure.*

23 (l) *“Process water” means water used for producing a product*
24 *or product content, including, but not limited to, continuous*
25 *manufacturing processes. Process water uses, include, but are not*
26 *limited to, water used for testing and maintaining equipment used*
27 *in producing a product or product content, and water used in*
28 *combined heat and power facilities used in producing a product*
29 *or product content. Process water does not mean incidental water*
30 *uses not related to the production of a product or product content,*
31 *including, but not limited to, water used for restrooms,*
32 *landscaping, air conditioning, heating, kitchens, and laundry.*

33 (m) *“Recycled water” means recycled water, as defined in*
34 *subdivision (n) of Section 13050, that is used to offset potable*
35 *demand, including recycled water supplied for direct use and*
36 *indirect potable reuse, that meet the following requirements, where*
37 *applicable:*

38 (1) *For groundwater recharge, including recharge through*
39 *spreading basins, water supplies that are all of the following:*

40 (A) *Metered.*

1 (B) *Developed through planned investment by the urban water*
2 *supplier or a wastewater treatment agency.*

3 (C) *Treated to a minimum tertiary level.*

4 (D) *Delivered within the service area of an urban retail water*
5 *supplier or its urban wholesale water supplier that helps an urban*
6 *retail water supplier meet its urban water use target.*

7 (2) *For reservoir augmentation, water supplies that meet the*
8 *criteria of paragraph (1) and are conveyed through a distribution*
9 *system constructed specifically for recycled water.*

10 (n) *“Regional water resources management” means any of the*
11 *following alternative sources of water:*

12 (1) *The capture and reuse of stormwater or rainwater.*

13 (2) *The use of recycled water.*

14 (3) *The desalination of brackish groundwater.*

15 (4) *The conjunctive use of surface water and groundwater in a*
16 *manner that is consistent with the safe yield of the groundwater*
17 *basin.*

18 (o) *“Reporting period” means the years for which an urban*
19 *retail water supplier reports compliance with the urban water use*
20 *targets.*

21 (p) *“Urban retail water supplier” means a water supplier, either*
22 *publicly or privately owned, that directly provides potable*
23 *municipal water to more than 3,000 end users or that supplies*
24 *more than 3,000 acre-feet of potable water annually at retail for*
25 *municipal purposes.*

26 (q) *“Urban water use target” means the urban retail water*
27 *supplier’s targeted future daily per capita water use.*

28 (r) *“Urban wholesale water supplier,” means a water supplier,*
29 *either publicly or privately owned, that provides more than 3,000*
30 *acre-feet of water annually at wholesale for potable municipal*
31 *purposes.*

32

33 Chapter 3. Urban Retail Water Suppliers

34

35 10608.16. (a) *The state shall achieve a 20-percent reduction*
36 *in urban per capita water use in California on or before December*
37 *31, 2020.*

38 (b) *The state shall make incremental progress towards the state*
39 *target specified in subdivision (a) by reducing per capita water*
40 *use by at least 10 percent on or before December 31, 2015.*

1 10608.20. (a) (1) Each urban retail water supplier shall
2 develop urban water use targets and an interim urban water use
3 target by December 31, 2010. Urban retail water suppliers may
4 elect to determine and report progress toward achieving these
5 targets on an individual or regional basis, as provided in
6 subdivision (a) of Section 10608.28, and may determine the targets
7 on a fiscal year or calendar year basis.

8 (2) It is the intent of the Legislature that the urban water use
9 targets described in subdivision (a) cumulatively result in a
10 20-percent reduction from the baseline daily per capita water use
11 by 2020.

12 (b) An urban retail water supplier shall adopt one of the
13 following methods for determining its urban water use target
14 pursuant to subdivision (a):

15 (1) Eighty percent of the urban retail water supplier's baseline
16 per capita daily water use.

17 (2) The per capita daily water use that is estimated using the
18 sum of the following performance standards:

19 (A) For indoor residential water use, 55 gallons per capita daily
20 water use as a provisional standard. Upon completion of the
21 department's 2016 report to the Legislature pursuant to Section
22 10608.42, this standard may be adjusted by the Legislature by
23 statute.

24 (B) For landscape irrigated through dedicated or residential
25 meters or connections, water efficiency equivalent to the standards
26 of the Model Water Efficient Landscape Ordinance set forth in
27 Chapter 2.7 (commencing with Section 490) of Division 2 of Title
28 23 of the California Code of Regulations, as in effect the later of
29 the year of the landscape's installation or 1992. An urban retail
30 water supplier using the approach specified in this subparagraph
31 shall use satellite imagery, site visits, or other best available
32 technology to develop an accurate estimate of landscaped areas.

33 (C) For commercial, industrial, and institutional uses, a
34 10-percent reduction in water use from the baseline commercial,
35 industrial, and institutional water use by 2020.

36 (3) Ninety-five percent of the applicable state hydrologic region
37 target, as set forth in the state's draft 20x2020 Water Conservation
38 Plan (dated April 30, 2009). If the service area of an urban water
39 supplier includes more than one hydrologic region, the supplier

1 shall apportion its service area to each region based on population
2 or area.

3 (c) An urban retail water supplier shall include in its urban
4 water management plan required pursuant to Part 2.6
5 (commencing with Section 10610) due in 2010 the baseline daily
6 per capita water use, urban water use target, interim urban water
7 use target, and compliance daily per capita water use, along with
8 the bases for determining those estimates, including references to
9 supporting data.

10 (d) When calculating per capita values for the purposes of this
11 chapter, an urban retail water supplier shall determine population
12 using federal, state, and local population reports and projections.

13 (e) An urban retail water supplier may update its 2020 urban
14 water use target in its 2015 urban water management plan required
15 pursuant to Part 2.6 (commencing with Section 10610).

16 (f) (1) The department shall, through a public process and in
17 consultation with the California Urban Water Conservation
18 Council, develop technical methodologies for the consistent
19 implementation of this part, including, but not limited to,
20 methodologies for calculating base daily per capita water use,
21 baseline commercial, industrial, and institutional water use,
22 compliance daily per capita water use, gross water use, service
23 area population, indoor residential water use, and landscaped
24 area, and criteria for adjustments pursuant to subdivisions (d) and
25 (e) of Section 10608.24. The department shall post these
26 methodologies on its Internet Web site, and make written copies
27 available, by October 1, 2010. An urban retail water supplier shall
28 use the methods developed by the department in compliance with
29 this part.

30 (2) An urban retail water supplier shall be granted an extension
31 to July 1, 2011, for adoption of an urban water management plan
32 pursuant to Part 2.6 (commencing with Section 10610) due in 2010
33 to allow use of technical methodologies developed by the
34 department under paragraph (1). An urban retail water supplier
35 that adopts an urban water management plan due in 2010 that
36 does not use the methodologies developed by the department shall
37 amend the plan by July 1, 2011, in order to be in compliance with
38 this part.

39 10608.22. Notwithstanding the method adopted by an urban
40 retail water supplier pursuant to Section 10608.20, an urban retail

1 water supplier's per capita daily water use reduction shall be no
2 less than 5 percent of base daily per capita water use as defined
3 in paragraph (3) of subdivision (b) of Section 10608.12. This
4 section does not apply to an urban retail water supplier with a
5 base daily per capita water use at or below 100 gallons per capita
6 per day.

7 10608.24. (a) Each urban retail water supplier shall meet its
8 interim urban water use target by December 31, 2015.

9 (b) Each urban retail water supplier shall meet its urban water
10 use target by December 31, 2020.

11 (c) An urban retail water supplier's compliance daily per capita
12 water use shall be the measure of progress toward achievement
13 of its urban water use target.

14 (d) (1) When determining compliance daily per capita water
15 use, an urban retail water supplier may consider the following
16 factors:

17 (A) Differences in evapotranspiration and rainfall in the baseline
18 period compared to the compliance reporting period.

19 (B) Substantial changes to commercial or industrial water use
20 resulting from increased business output and economic
21 development that have occurred during the reporting period.

22 (C) Substantial changes to institutional water use resulting from
23 fire suppression services or other extraordinary events, or from
24 new or expanded operations, that have occurred during the
25 reporting period.

26 (2) If the urban retail water supplier elects to adjust its estimate
27 of compliance daily per capita water use due to one or more of
28 the factors described in paragraph (1), it shall provide the basis
29 for, and data supporting, the adjustment in the report required by
30 Section 10608.40.

31 (e) When determining gross water use, an urban retail water
32 supplier that has a substantial percentage of industrial water use
33 in its service area, may exclude process water in order to avoid a
34 disproportionate burden on another customer sector.

35 (f) (1) An urban retail water supplier that includes agricultural
36 water use in an urban water management plan pursuant to Part
37 2.6 (commencing with Section 10610) may include the agricultural
38 water use in determining gross water use. An urban retail water
39 supplier that includes agricultural water use in determining gross
40 water use and develops its urban water use target pursuant to

1 paragraph (2) of subdivision (b) of Section 10608.20 shall use a
 2 water efficient standard for agricultural irrigation of 100 percent
 3 of reference evapotranspiration multiplied by the crop coefficient
 4 for irrigated acres.

5 (2) An urban retail water supplier, that is also an agricultural
 6 water supplier, is not subject to the requirements of Chapter 4
 7 (commencing with Section 10608.48), if the agricultural water use
 8 is incorporated into its urban water use target pursuant to
 9 paragraph (1).

10 10608.26. (a) In complying with this part, an urban retail
 11 water supplier shall conduct at least one public hearing to
 12 accomplish all of the following:

13 (1) Allow community input regarding the urban retail water
 14 supplier's implementation plan for complying with this part.

15 (2) Consider the economic impacts of the urban retail water
 16 supplier's implementation plan for complying with this part.

17 (3) Adopt a method, pursuant to subdivision (b) of Section
 18 10608.20, for determining its urban water use target.

19 (b) In complying with this part, an urban retail water supplier
 20 shall avoid placing a disproportionate burden on any customer
 21 sector.

22 (c) For an urban retail water supplier that supplies water to a
 23 Department of Defense military installation, the urban retail water
 24 supplier's implementation plan for complying with this part shall
 25 consider the Department of Defense military installation's
 26 requirements under federal Executive Order 13423.

27 (d) (1) An urban retail water supplier shall not require
 28 customers to undertake changes in product formulation, operations,
 29 or equipment that would reduce process water use, but may provide
 30 technical assistance and financial incentives to those customers
 31 to implement efficiency measures for process water.

32 (2) This part shall not be construed, or enforced so as, to
 33 interfere with the requirements of Section 110105 of the Health
 34 and Safety Code, or any requirement or standard for the protection
 35 of public health, public safety, or worker safety established by
 36 federal, state, or local governments or recommended by recognized
 37 standard setting organizations or trade associations.

38 10608.28. (a) An urban retail water supplier may meet its
 39 urban water use target within its retail service area, or through
 40 mutual agreement, by any of the following:

- 1 (1) *Through an urban wholesale water supplier.*
- 2 (2) *Through a regional agency authorized to plan and implement*
- 3 *water conservation, including, but not limited to, an agency*
- 4 *established under the Bay Area Water Supply and Conservation*
- 5 *Agency Act (Division 31 (commencing with Section 81300)).*
- 6 (3) *Through a regional water management group.*
- 7 (4) *By an integrated regional water management funding area.*
- 8 (5) *By hydrologic region.*
- 9 (6) *Through other appropriate geographic scales for which*
- 10 *computation methods have been developed by the department.*
- 11 (b) *An urban retail water supplier may meet its urban water*
- 12 *use target entirely through efficiency gains in its residential water*
- 13 *use sector, entirely through efficiency gains in its landscape water*
- 14 *use sector, entirely through efficiency gains in its commercial,*
- 15 *institutional, and industrial sector, or through any combination*
- 16 *among these sectors.*
- 17 10608.32. *All costs incurred pursuant to this part by a water*
- 18 *utility regulated by the Public Utilities Commission may be*
- 19 *recoverable in rates subject to review and approval by the Public*
- 20 *Utilities Commission, and may be recorded in a memorandum*
- 21 *account and reviewed for reasonableness by the Public Utilities*
- 22 *Commission.*
- 23 10608.36. *Urban wholesale water suppliers shall include in*
- 24 *the urban water management plans required pursuant to Part 2.6*
- 25 *(commencing with Section 10610) an assessment of their present*
- 26 *and proposed future measures, programs, and policies to help*
- 27 *achieve the water use reductions required by this part.*
- 28 10608.40. *Urban water retail suppliers shall report to the*
- 29 *department on their progress in meeting their urban water use*
- 30 *targets as part of their urban water management plans submitted*
- 31 *pursuant to Section 10631. The data shall be reported using a*
- 32 *standardized form developed pursuant to Section 10608.52.*
- 33 10608.42. *The department shall review the 2015 urban water*
- 34 *management plans and report to the Legislature by December 31,*
- 35 *2016, on progress towards achieving a 20-percent reduction in*
- 36 *urban water use by 2020. The report may include recommendations*
- 37 *on changes to water efficiency standards or urban water use targets*
- 38 *in order to achieve the 20-percent reduction and to reflect updated*
- 39 *efficiency information and technology changes.*

1 10608.43. The department shall, in conjunction with the
2 California Urban Water Conservation Council, by April 1, 2010,
3 convene a representative task force consisting of academic experts,
4 urban retail water suppliers, environmental organizations,
5 commercial water users, industrial water users, and institutional
6 water users to develop alternative best management practices for
7 commercial, industrial, and institutional users and an assessment
8 of the potential statewide reduction in water use in the commercial,
9 industrial, and institutional sectors that would result from
10 implementation of these best management practices. The task force
11 shall submit a report to the Legislature by April 1, 2012, that shall
12 include a review of multiple sectors within commercial, industrial,
13 and institutional users and that shall establish water use efficiency
14 standards for commercial, industrial, and institutional users among
15 various sectors of water use. The report shall include, but not be
16 limited to, the following:

17 (a) Appropriate metrics for evaluating commercial, industrial,
18 and institutional water use.

19 (b) Evaluation of water demands for manufacturing processes,
20 goods, and cooling.

21 (c) Evaluation of public infrastructure necessary for delivery
22 of recycled water to the commercial, industrial, and institutional
23 sectors.

24 (d) Evaluation of institutional and economic barriers to
25 increased recycled water use within the commercial, industrial,
26 and institutional sectors.

27 (e) Identification of technically feasible best management
28 practices to achieve more efficient water use statewide in the
29 commercial, industrial, and institutional sectors that is consistent
30 with the public interest and reflects past investments in water use
31 efficiency.

32 10608.44. Each state agency shall reduce water use on facilities
33 it operates to support urban retail water suppliers in meeting the
34 target identified in Section 10608.16.

35

36 Chapter 4. Agricultural Water Suppliers

37

38 10608.48. (a) On or before July 31, 2012, an agricultural
39 water supplier shall implement efficient water management
40 practices pursuant to subdivisions (b) and (c).

1 (b) Agricultural water suppliers shall implement all of the
2 following critical efficient management practices:

3 (1) Measure the volume of water delivered to customers with
4 sufficient accuracy to comply with subdivision (a) of Section 531.10
5 and to implement volumetric pricing pursuant to paragraph (4).

6 (2) Designate a water conservation coordinator who will
7 develop and implement the water management plan and prepare
8 progress reports.

9 (3) Provide for the availability of water management services
10 to water users. These services may include, but are not limited to,
11 all of the following:

12 (A) On-farm irrigation and drainage system evaluations.

13 (B) Normal year and real-time irrigation scheduling and crop
14 evapotranspiration information.

15 (C) Surface water, groundwater, and drainage water quantity
16 and quality data.

17 (D) Agricultural water management educational programs and
18 materials for farmers, staff, and the public.

19 (4) Adopt a pricing structure for water customers based at least
20 in part on quantity delivered.

21 (5) Evaluate the policies of agencies that provide the supplier
22 with water to identify the potential for institutional changes to
23 allow more flexible water deliveries and storage.

24 (6) Evaluate and improve the efficiencies of the supplier's
25 pumps.

26 (c) Agricultural water suppliers shall implement additional
27 efficient management practices, including, but not limited to,
28 practices to accomplish all of the following, if the measures are
29 locally cost effective and technically feasible:

30 (1) Facilitate alternative land use for lands with exceptionally
31 high water duties or whose irrigation contributes to significant
32 problems, including drainage.

33 (2) Facilitate use of available recycled water that otherwise
34 would not be used beneficially, meets all health and safety criteria,
35 and does not harm crops or soils.

36 (3) Facilitate the financing of capital improvements for on-farm
37 irrigation systems.

38 (4) Implement an incentive pricing structure that promotes one
39 or more of the following goals:

40 (A) More efficient water use at the farm level.

- 1 (B) *Conjunctive use of groundwater.*
2 (C) *Appropriate increase of groundwater recharge.*
3 (D) *Reduction in problem drainage.*
4 (E) *Improved management of environmental resources.*
5 (F) *Effective management of all water sources throughout the*
6 *year by adjusting seasonal pricing structures based on current*
7 *conditions.*
8 (5) *Expand line or pipe distribution systems, and construct*
9 *regulatory reservoirs to increase distribution system flexibility*
10 *and capacity, decrease maintenance, and reduce seepage.*
11 (6) *Increase flexibility in water ordering by, and delivery to,*
12 *water customers within operational limits.*
13 (7) *Construct and operate supplier spill and tailwater recovery*
14 *systems.*
15 (8) *Increase planned conjunctive use of surface and groundwater*
16 *within the supplier service area.*
17 (9) *Automate canal control structures.*
18 (10) *Facilitate or promote customer pump testing and*
19 *evaluation.*
20 (d) *Agricultural water suppliers shall include in the agricultural*
21 *water management plans required pursuant to Part 2.8*
22 *(commencing with Section 10800) a report on which efficient water*
23 *management practices have been implemented and are planned*
24 *to be implemented, an estimate of the water savings that have*
25 *occurred since the last report, and an estimate of the water savings*
26 *estimated to occur five and 10 years in the future. If an agricultural*
27 *water supplier determines that an efficient water management*
28 *practice is not locally cost effective or technically feasible, the*
29 *supplier shall submit information documenting that determination.*
30 (e) *The data shall be reported using a standardized form*
31 *developed pursuant to Section 10608.52.*
32 (f) *An agricultural water supplier may meet the requirements*
33 *of subdivisions (d) and (e) by submitting to the department a water*
34 *conservation plan submitted to the United States Bureau of*
35 *Reclamation that meets the requirements described in Section*
36 *10828.*
37 (g) *On or before December 31, 2013, December 31, 2016, and*
38 *December 31, 2021, the department, in consultation with the board,*
39 *shall submit to the Legislature a report on the agricultural efficient*
40 *water management practices that have been implemented and are*

1 *planned to be implemented and an assessment of the manner in*
2 *which the implementation of those efficient water management*
3 *practices has affected and will affect agricultural operations,*
4 *including estimated water savings, if any.*

5 *(h) The department may update the efficient water management*
6 *practices required pursuant to subdivisions (b) and (c), in*
7 *consultation with the Agricultural Water Management Council,*
8 *the United States Bureau of Reclamation, and the board. All*
9 *efficient water management practices for agricultural water use*
10 *pursuant to this chapter shall be adopted or revised by the*
11 *department only after the department conducts public hearings to*
12 *allow participation of the diverse geographical areas and interests*
13 *of the state.*

14
15 *Chapter 5. Sustainable Water Management*

16
17 *10608.50. (a) The department, in consultation with the board,*
18 *shall promote implementation of regional water resource*
19 *management practices through increased incentives and removal*
20 *of barriers consistent with state and federal law. Potential changes*
21 *may include, but are not limited to, all of the following:*

22 *(1) Revisions to the requirements for urban and agricultural*
23 *water management plans.*

24 *(2) Revisions to the requirements for integrated regional water*
25 *management plans.*

26 *(3) Revisions to the eligibility for state water management grants*
27 *and loans.*

28 *(4) Revisions to state or local permitting requirements that*
29 *increase water supply opportunities, but do not weaken water*
30 *quality protection under state and federal law.*

31 *(5) Increased funding for research, feasibility studies, and*
32 *project construction.*

33 *(6) Expanding technical and educational support for local land*
34 *use and water management agencies.*

35 *(b) No later than January 1, 2011, and updated as part of the*
36 *California Water Plan, the department, in consultation with the*
37 *board, and with public input, shall propose new statewide targets,*
38 *or review and update existing statewide targets, for regional water*
39 *resources management practices, including, but not limited to,*

1 recycled water, brackish groundwater desalination, and infiltration
2 and direct use of urban stormwater runoff.

3

4

Chapter 5.5. Standardized Data Collection

5

6 10608.52. (a) The department, in consultation with the board,
7 the California Bay-Delta Authority or its successor agency, the
8 State Department of Public Health, and the Public Utilities
9 Commission, shall develop a single standardized water use
10 reporting form to meet the water use information needs of each
11 agency, including the needs of urban water suppliers that elect to
12 determine and report progress toward achieving targets on a
13 regional basis as provided in subdivision (a) of Section 10608.28.

14 (b) At a minimum, the form shall be developed to accommodate
15 information sufficient to assess an urban water supplier's
16 compliance with conservation targets pursuant to Section 10608.24
17 and an agricultural water supplier's compliance with
18 implementation of efficient water management practices pursuant
19 to subdivision (a) of Section 10608.48. The form shall
20 accommodate reporting by urban water suppliers on an individual
21 or regional basis as provided in subdivision (a) of Section
22 10608.28.

23

24

Chapter 6. Funding Provisions

25

26 10608.56. (a) Beginning July 1, 2016, the terms of, and
27 eligibility for, a water management grant or loan made to urban
28 retail water suppliers and awarded or administered by the
29 department, board, or California Bay-Delta Authority or its
30 successor agency shall be conditioned on the implementation of
31 Chapter 3 (commencing with Section 10608.16).

32 (b) Beginning July 1, 2013, the terms of, and eligibility for, a
33 water management grant or loan made to agricultural water
34 suppliers and awarded or administered by the department, board,
35 or California Bay-Delta Authority or its successor agency shall
36 be conditioned on the implementation of Chapter 4 (commencing
37 with Section 10608.48).

38 (c) Notwithstanding subdivision (a), the department shall
39 determine that an urban retail water supplier is eligible for a water
40 management grant or loan even though the supplier has not met

1 *the per capita reductions required pursuant to Section 10608.24,*
2 *if the urban retail water supplier has submitted to the department*
3 *for approval a schedule, financing plan, and budget, to be included*
4 *in the grant or loan agreement, for achieving the per capita*
5 *reductions. The supplier may request grant or loan funds to achieve*
6 *the per capita reductions to the extent the request is consistent*
7 *with the eligibility requirements applicable to the water*
8 *management funds.*

9 *(d) Notwithstanding subdivision (b), the department shall*
10 *determine that an agricultural water supplier is eligible for a water*
11 *management grant or loan even though the supplier is not*
12 *implementing all of the efficient water management practices*
13 *described in Section 10608.48, if the agricultural water supplier*
14 *has submitted to the department for approval a schedule, financing*
15 *plan, and budget, to be included in the grant or loan agreement,*
16 *for implementation of the efficient water management practices.*
17 *The supplier may request grant or loan funds to implement the*
18 *efficient water management practices to the extent the request is*
19 *consistent with the eligibility requirements applicable to the water*
20 *management funds.*

21 *(e) Notwithstanding subdivision (a), the department shall*
22 *determine that an urban retail water supplier is eligible for a water*
23 *management grant or loan even though the supplier has not met*
24 *the per capita reductions required pursuant to Section 10608.24,*
25 *if the urban retail water supplier has submitted to the department*
26 *for approval documentation demonstrating that their entire service*
27 *area qualifies as a disadvantaged community.*

28 *10608.60. (a) It is the intent of the Legislature that funds made*
29 *available by Section 75026 of the Public Resources Code should*
30 *be expended, consistent with Division 43 (commencing with Section*
31 *75001) of the Public Resources Code and upon appropriation by*
32 *the Legislature, for grants to implement this part. In the allocation*
33 *of funding, it is the intent of the Legislature that the department*
34 *give consideration to disadvantaged communities to assist in*
35 *implementing the requirements of this part.*

36 *(b) It is the intent of the Legislature that funds made available*
37 *by Section 75041 of the Public Resources Code should be expended*
38 *consistent with Division 43 (commencing with Section 75001) of*
39 *the Public Resources Code and, upon appropriation by the*
40 *Legislature, for direct expenditures to implement this part.*

1 Chapter 7. *Quantifying Agricultural Water Use Efficiency*

2
3 10608.64. *The department, in consultation with the Agricultural*
4 *Water Management Council, academic experts, and other*
5 *stakeholders, shall develop a methodology for quantifying the*
6 *efficiency of agricultural water use. Alternatives to be assessed*
7 *shall include, but not be limited to, determination of efficiency*
8 *levels based on crop type or irrigation system distribution*
9 *uniformity. On or before December 31, 2011, the department shall*
10 *report to the Legislature on a proposed methodology and a plan*
11 *for implementation. The plan shall include the estimated*
12 *implementation costs and the types of data needed to support the*
13 *methodology.*

14 SEC. 2. *Section 10631.5 of the Water Code is amended to read:*

15 10631.5. (a) (1) Beginning January 1, 2009, the terms of, and
16 eligibility for, a water management grant or loan made to an urban
17 water supplier and awarded or administered by the department,
18 state board, or California Bay-Delta Authority or its successor
19 agency shall be conditioned on the implementation of the water
20 demand management measures described in Section 10631, as
21 determined by the department pursuant to subdivision (b).

22 (2) For the purposes of this section, water management grants
23 and loans include funding for programs and projects for surface
24 water or groundwater storage, recycling, desalination, water
25 conservation, water supply reliability, and water supply
26 augmentation. This section does not apply to water management
27 projects funded by the *federal* American Recovery and
28 Reinvestment Act of 2009 (Public Law 111-5).

29 (3) Notwithstanding paragraph (1), the department shall
30 determine that an urban water supplier is eligible for a water
31 management grant or loan even though the supplier is not
32 implementing all of the water demand management measures
33 described in Section 10631, if the urban water supplier has
34 submitted to the department for approval a schedule, financing
35 plan, and budget, to be included in the grant or loan agreement,
36 for implementation of the water demand management measures.
37 The supplier may request grant or loan funds to implement the
38 water demand management measures to the extent the request is
39 consistent with the eligibility requirements applicable to the water
40 management funds.

1 (4) (A) Notwithstanding paragraph (1), the department shall
2 determine that an urban water supplier is eligible for a water
3 management grant or loan even though the supplier is not
4 implementing all of the water demand management measures
5 described in Section 10631, if an urban water supplier submits to
6 the department for approval documentation demonstrating that a
7 water demand management measure is not locally cost effective.
8 If the department determines that the documentation submitted by
9 the urban water supplier fails to demonstrate that a water demand
10 management measure is not locally cost effective, the department
11 shall notify the urban water supplier and the agency administering
12 the grant or loan program within 120 days that the documentation
13 does not satisfy the requirements for an exemption, and include
14 in that notification a detailed statement to support the
15 determination.

16 (B) For purposes of this paragraph, “not locally cost effective”
17 means that the present value of the local benefits of implementing
18 a water demand management measure is less than the present value
19 of the local costs of implementing that measure.

20 (b) (1) The department, in consultation with the state board and
21 the California Bay-Delta Authority or its successor agency, and
22 after soliciting public comment regarding eligibility requirements,
23 shall develop eligibility requirements to implement the requirement
24 of paragraph (1) of subdivision (a). In establishing these eligibility
25 requirements, the department shall do both of the following:

26 (A) Consider the conservation measures described in the
27 Memorandum of Understanding Regarding Urban Water
28 Conservation in California, and alternative conservation approaches
29 that provide equal or greater water savings.

30 (B) Recognize the different legal, technical, fiscal, and practical
31 roles and responsibilities of wholesale water suppliers and retail
32 water suppliers.

33 (2) (A) For the purposes of this section, the department shall
34 determine whether an urban water supplier is implementing all of
35 the water demand management measures described in Section
36 10631 based on either, or a combination, of the following:

37 (i) Compliance on an individual basis.

38 (ii) Compliance on a regional basis. Regional compliance shall
39 require participation in a regional conservation program consisting
40 of two or more urban water suppliers that achieves the level of

1 conservation or water efficiency savings equivalent to the amount
2 of conservation or savings achieved if each of the participating
3 urban water suppliers implemented the water demand management
4 measures. The urban water supplier administering the regional
5 program shall provide participating urban water suppliers and the
6 department with data to demonstrate that the regional program is
7 consistent with this clause. The department shall review the data
8 to determine whether the urban water suppliers in the regional
9 program are meeting the eligibility requirements.

10 (B) The department may require additional information for any
11 determination pursuant to this section.

12 (3) The department shall not deny eligibility to an urban water
13 supplier in compliance with the requirements of this section that
14 is participating in a multiagency water project, or an integrated
15 regional water management plan, developed pursuant to Section
16 75026 of the Public Resources Code, solely on the basis that one
17 or more of the agencies participating in the project or plan is not
18 implementing all of the water demand management measures
19 described in Section 10631.

20 (c) In establishing guidelines pursuant to the specific funding
21 authorization for any water management grant or loan program
22 subject to this section, the agency administering the grant or loan
23 program shall include in the guidelines the eligibility requirements
24 developed by the department pursuant to subdivision (b).

25 (d) Upon receipt of a water management grant or loan
26 application by an agency administering a grant and loan program
27 subject to this section, the agency shall request an eligibility
28 determination from the department with respect to the requirements
29 of this section. The department shall respond to the request within
30 60 days of the request.

31 (e) The urban water supplier may submit to the department
32 copies of its annual reports and other relevant documents to assist
33 the department in determining whether the urban water supplier
34 is implementing or scheduling the implementation of water demand
35 management activities. In addition, for urban water suppliers that
36 are signatories to the Memorandum of Understanding Regarding
37 Urban Water Conservation in California and submit biennial reports
38 to the California Urban Water Conservation Council in accordance
39 with the memorandum, the department may use these reports to

1 assist in tracking the implementation of water demand management
2 measures.

3 (f) *This section shall remain in effect only until July 1, 2016,*
4 *and as of that date is repealed, unless a later enacted statute, that*
5 *is enacted before July 1, 2016, deletes or extends that date.*

6 *SEC. 3. Part 2.8 (commencing with Section 10800) of Division*
7 *6 of the Water Code is repealed.*

8 *SEC. 4. Part 2.8 (commencing with Section 10800) is added*
9 *to Division 6 of the Water Code, to read:*

10

11

PART 2.8. AGRICULTURAL WATER MANAGEMENT
PLANNING

12

13

14

Chapter 1. General Declarations and Policy

15

16

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

18

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

19

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

20

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

22

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

24

(d) The conservation of agricultural water supplies is of great
25 *statewide concern.*

26

(e) There is a great amount of reuse of delivered water, both
27 *inside and outside the water service areas.*

28

(f) Significant noncrop beneficial uses are associated with
29 *agricultural water use, including streamflows and wildlife habitat.*

30

(g) Significant opportunities exist in some areas, through
31 *improved irrigation water management, to conserve water or to*
32 *reduce the quantity of highly saline or toxic drainage water.*

33

(h) Changes in water management practices should be carefully
34 *planned and implemented to minimize adverse effects on other*
35 *beneficial uses currently being served.*

36

(i) Agricultural water suppliers that receive water from the
37 *Central Valley Project are required by federal law to prepare and*
38 *implement water conservation plans.*

1 (j) Agricultural water users applying for a permit to appropriate
2 water from the board are required to prepare and implement water
3 conservation plans.

4 10802. The Legislature finds and declares that all of the
5 following are the policies of the state:

6 (a) The conservation of water shall be pursued actively to
7 protect both the people of the state and the state’s water resources.

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

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

12

13 Chapter 2. Definitions

14

15 10810. Unless the context otherwise requires, the definitions
16 set forth in this chapter govern the construction of this part.

17 10811. “Agricultural water management plan” or “plan”
18 means an agricultural water management plan prepared pursuant
19 to this part.

20 10812. “Agricultural water supplier” has the same meaning
21 as defined in Section 10608.12.

22 10813. “Customer” means a purchaser of water from a water
23 supplier who uses water for agricultural purposes.

24 10814. “Person” means any individual, firm, association,
25 organization, partnership, business, trust, corporation, company,
26 public agency, or any agency of that entity.

27 10815. “Public agency” means any city, county, city and
28 county, special district, or other public entity.

29 10816. “Urban water supplier” has the same meaning as set
30 forth in Section 10617.

31 10817. “Water conservation” means the efficient management
32 of water resources for beneficial uses, preventing waste, or
33 accomplishing additional benefits with the same amount of water.

34

35 Chapter 3. Agricultural Water Management Plans

36

37 Article 1. General Provisions

38

39 10820. (a) An agricultural water supplier shall prepare and
40 adopt an agricultural water management plan in the manner set

1 *forth in this chapter on or before December 31, 2012, and shall*
2 *update that plan on December 31, 2015, and on or before*
3 *December 31 every five years thereafter.*

4 *(b) Every supplier that becomes an agricultural water supplier*
5 *after December 31, 2012, shall prepare and adopt an agricultural*
6 *water management plan within one year after the date it has*
7 *become an agricultural water supplier.*

8 *(c) A water supplier that indirectly provides water to customers*
9 *for agricultural purposes shall not prepare a plan pursuant to this*
10 *part without the consent of each agricultural water supplier that*
11 *directly provides that water to its customers.*

12 *10821. (a) An agricultural water supplier required to prepare*
13 *a plan pursuant to this part shall notify each city or county within*
14 *which the supplier provides water supplies that the agricultural*
15 *water supplier will be preparing the plan or reviewing the plan*
16 *and considering amendments or changes to the plan. The*
17 *agricultural water supplier may consult with, and obtain comments*
18 *from, each city or county that receives notice pursuant to this*
19 *subdivision.*

20 *(b) The amendments to, or changes in, the plan shall be adopted*
21 *and submitted in the manner set forth in Article 3 (commencing*
22 *with Section 10840).*

23

24 *Article 2. Contents of Plans*

25

26 *10825. (a) It is the intent of the Legislature in enacting this*
27 *part to allow levels of water management planning commensurate*
28 *with the numbers of customers served and the volume of water*
29 *supplied.*

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

33 *10826. An agricultural water management plan shall be*
34 *adopted in accordance with this chapter. The plan shall do all of*
35 *the following:*

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

38 *(1) Size of the service area.*

39 *(2) Location of the service area and its water management*
40 *facilities.*

- 1 (3) *Terrain and soils.*
- 2 (4) *Climate.*
- 3 (5) *Operating rules and regulations.*
- 4 (6) *Water delivery measurements or calculations.*
- 5 (7) *Water rate schedules and billing.*
- 6 (8) *Water shortage allocation policies.*
- 7 (b) *Describe the quantity and quality of water resources of the*
- 8 *agricultural water supplier, including all of the following:*
- 9 (1) *Surface water supply.*
- 10 (2) *Groundwater supply.*
- 11 (3) *Other water supplies.*
- 12 (4) *Source water quality monitoring practices.*
- 13 (5) *Water uses within the agricultural water supplier’s service*
- 14 *area, including all of the following:*
- 15 (A) *Agricultural.*
- 16 (B) *Environmental.*
- 17 (C) *Recreational.*
- 18 (D) *Municipal and industrial.*
- 19 (E) *Groundwater recharge.*
- 20 (F) *Transfers and exchanges.*
- 21 (G) *Other water uses.*
- 22 (6) *Drainage from the water supplier’s service area.*
- 23 (7) *Water accounting, including all of the following:*
- 24 (A) *Quantifying the water supplier’s water supplies.*
- 25 (B) *Tabulating water uses.*
- 26 (C) *Overall water budget.*
- 27 (8) *Water supply reliability.*
- 28 (c) *Include an analysis, based on available information, of the*
- 29 *effect of climate change on future water supplies.*
- 30 (d) *Describe previous water management activities.*
- 31 (e) *Include in the plan the water use efficiency information*
- 32 *required pursuant to Section 10608.48.*
- 33 *10827. Agricultural water suppliers that are members of the*
- 34 *Agricultural Water Management Council, and that submit water*
- 35 *management plans to that council in accordance with the*
- 36 *“Memorandum of Understanding Regarding Efficient Water*
- 37 *Management Practices By Agricultural Water Suppliers In*
- 38 *California,” dated January 1, 1999, may submit the water*
- 39 *management plans identifying water demand management*

1 *measures currently being implemented, or scheduled for*
2 *implementation, to satisfy the requirements of Section 10826.*

3 *10828. (a) Agricultural water suppliers that are required to*
4 *submit water conservation plans to the United States Bureau of*
5 *Reclamation pursuant to either the Central Valley Project*
6 *Improvement Act (Public Law 102-575) or the Reclamation Reform*
7 *Act of 1982, or both, may submit those water conservation plans*
8 *to satisfy the requirements of Section 10826, if both of the following*
9 *apply:*

10 *(1) The agricultural water supplier has adopted and submitted*
11 *the water conservation plan to the United States Bureau of*
12 *Reclamation within the previous four years.*

13 *(2) The United States Bureau of Reclamation has accepted the*
14 *water conservation plan as adequate.*

15 *(b) This part does not require agricultural water suppliers that*
16 *are required to submit water conservation plans to the United*
17 *States Bureau of Reclamation pursuant to either the Central Valley*
18 *Project Improvement Act (Public Law 102-575) or the Reclamation*
19 *Reform Act of 1982, or both, to prepare and adopt water*
20 *conservation plans according to a schedule that is different from*
21 *that required by the United States Bureau of Reclamation.*

22 *10829. An agricultural water supplier may satisfy the*
23 *requirements of this part by adopting an urban water management*
24 *plan pursuant to Part 2.6 (commencing with Section 10610) or by*
25 *participation in areawide, regional, watershed, or basinwide water*
26 *management planning if those plans meet or exceed the*
27 *requirements of this part.*

28

29 *Article 3. Adoption and Implementation of Plans*

30

31 *10840. Every agricultural water supplier shall prepare its plan*
32 *pursuant to Article 2 (commencing with Section 10825).*

33 *10841. Prior to adopting a plan, the agricultural water supplier*
34 *shall make the proposed plan available for public inspection, and*
35 *shall hold a public hearing on the plan. Prior to the hearing, notice*
36 *of the time and place of hearing shall be published within the*
37 *jurisdiction of the publicly owned agricultural water supplier*
38 *pursuant to Section 6066 of the Government Code. A privately*
39 *owned agricultural water supplier shall provide an equivalent*

1 notice within its service area. After the hearing, the plan shall be
2 adopted as prepared or as modified during or after the hearing.

3 10842. An agricultural water supplier shall implement the plan
4 adopted pursuant to this chapter in accordance with the schedule
5 set forth in its plan, as determined by the governing body of the
6 agricultural water supplier.

7 10843. (a) An agricultural water supplier shall submit to the
8 entities identified in subdivision (b) a copy of its plan no later than
9 30 days after the adoption of the plan. Copies of amendments or
10 changes to the plans shall be submitted to the entities identified
11 in subdivision (b) within 30 days after the adoption of the
12 amendments or changes.

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

16 (1) The department.

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

19 (3) Any groundwater management entity within which
20 jurisdiction the agricultural water supplier extracts or provides
21 water supplies.

22 (4) Any urban water supplier within which jurisdiction the
23 agricultural water supplier provides water supplies.

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

26 (6) The California State Library.

27 (7) Any local agency formation commission serving a county
28 within which the agricultural water supplier provides water
29 supplies.

30 10844. (a) Not later than 30 days after the date of adopting
31 its plan, the agricultural water supplier shall make the plan
32 available for public review on the agricultural water supplier's
33 Internet Web site.

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

39 10845. (a) The department shall prepare and submit to the
40 Legislature, on or before December 31, 2013, and thereafter in

1 *the years ending in six and years ending in one, a report*
2 *summarizing the status of the plans adopted pursuant to this part.*

3 *(b) The report prepared by the department shall identify the*
4 *outstanding elements of any plan adopted pursuant to this part.*
5 *The report shall include an evaluation of the effectiveness of this*
6 *part in promoting efficient agricultural water management*
7 *practices and recommendations relating to proposed changes to*
8 *this part, as appropriate.*

9 *(c) The department shall provide a copy of the report to each*
10 *agricultural water supplier that has submitted its plan to the*
11 *department. The department shall also prepare reports and provide*
12 *data for any legislative hearing designed to consider the*
13 *effectiveness of plans submitted pursuant to this part.*

14 *(d) This section does not authorize the department, in preparing*
15 *the report, to approve, disapprove, or critique individual plans*
16 *submitted pursuant to this part.*

17

18 *Chapter 4. Miscellaneous Provisions*

19

20 *10850. (a) Any action or proceeding to attack, review, set*
21 *aside, void, or annul the acts or decisions of an agricultural water*
22 *supplier on the grounds of noncompliance with this part shall be*
23 *brought pursuant to Section 1085 of the Code of Civil Procedure,*
24 *and the court's review of compliance or noncompliance with this*
25 *part shall extend to whether the plan, or portion thereof, or revision*
26 *thereto, substantially complies with the requirements of this part.*

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

30 *(c) Any action or proceeding alleging that a plan, or action*
31 *taken pursuant to the plan, does not comply with this part shall*
32 *be commenced within 120 days after submitting the plan or*
33 *amendments to the plan to entities in accordance with Section*
34 *10844 or the taking of that action.*

35 *(d) In an action or proceeding to attack, review, set aside, void,*
36 *or annul the acts or decisions of an agricultural water supplier*
37 *made pursuant to this part at a properly noticed public hearing,*
38 *the issues raised shall be limited to those raised in the public*
39 *hearing, or in written correspondence delivered to the agricultural*

1 water supplier prior to, or at, the public hearing, except if the
 2 court finds either of the following:

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

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

7 10851. The California Environmental Quality Act (Division
 8 13 (commencing with Section 21000) of the Public Resources
 9 Code) does not apply to the preparation and adoption of plans
 10 pursuant to this part. This part does not exempt projects for
 11 implementation of the plan or for expanded or additional water
 12 supplies from the California Environmental Quality Act.

13 10852. An agricultural water supplier that does not prepare,
 14 adopt, and submit its agricultural water management plan in
 15 accordance with this part is ineligible to receive funds made
 16 available pursuant to any program administered by the board, the
 17 department, or the California Bay-Delta Authority or its successor
 18 agency, or participate in any drought assistance program
 19 administered by the state, until the agricultural water management
 20 plan is submitted pursuant to this part.

21 10853. It is the intent of the Legislature to appropriate funds
 22 to agricultural water suppliers that provide water to less than
 23 25,000 irrigated acres, excluding recycled water, to help these
 24 suppliers meet the requirements of this part. The department shall
 25 provide technical or financial assistance to agricultural water
 26 suppliers that provide water to less than 25,000 irrigated acres,
 27 excluding recycled water, to implement the requirements of this
 28 part.

29 SEC. 5. This act shall only become operative if Assembly Bill
 30 39, Senate Bill 12, Senate Bill 229, and Senate Bill 458 of the
 31 2009–10 Regular Session of the Legislature, relating to water use
 32 and resources management, are enacted and become effective on
 33 or before January 1, 2010.

34 ~~SECTION 1. It is the intent of the Legislature to enact~~
 35 ~~legislation to establish a 20-percent water efficiency requirement~~
 36 ~~for the year 2020 for agricultural and urban water users.~~

- 1 _____
- 2 **CORRECTIONS:**
- 3 **Heading—Amended date.**
- 4 _____

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