

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 300**

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**Introduced by Assembly Member Caballero**

February 17, 2009

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An act to amend, repeal, and add Section 66473.7 of the Government Code, and to amend, repeal, and add Section 10910 of the Water Code, relating to subdivision map approvals.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as amended, Caballero. Subdivisions: water supply.

(1) The Subdivision Map Act prohibits approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project.

This bill would require, until January 1, 2020, the public water system, or the local agency if there is no public water system, to review, verify for accuracy, and approve, as specified, the subdivider's water savings projections attributable to voluntary demand management measures, as defined. The public water agency would be authorized to collect fees

necessary to provide the additional analysis of the voluntary demand management measures. *This bill would provide that a water supply assessment completed, as specified, satisfies the existing requirement of verifying sufficient water supply, except as specified with regard to new information or water savings projections.* Water savings projections would be authorized to be calculated using *specified data compiled or maintained by the public water system or the water savings projections adopted by the California Urban Water Conservation Council.* Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project applicant enter into ~~an~~ *a mutual* agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed, and to provide copies of the report to the project applicant, the city or county that approved the subdivision map, the California Urban Water Conservation Council, and the Department of Water Resources. The bill would also require, at the time of final inspection, that a manual providing, *among other things*, directions to the owner or occupant on the proper use of water conservation devices and systems be placed in the dwelling. By adding to the duties of the public water system, this bill would impose a state-mandated local program.

(2) Existing law requires a city or county that determines a project, as defined, is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment. If no public water system is identified, the city or county is required to prepare the water supply assessment.

This bill would require, until January 1, 2020, if the project applicant elects to include voluntary demand management measures, any city, county, or public water system preparing a water supply assessment to reduce the projected water demand for the project to an amount below the current statutory, regulatory, and ~~local ordinance~~ *local ordinance*

requirements based on the project applicant's voluntary water demand management measures, as defined. The bill would authorize the applicant to enter into ~~an~~ *a mutual* agreement with the public water system to mitigate ~~or offset the~~ water demand associated with a proposed subdivision by depositing funds in a Voluntary Water Demand Mitigation Fund, as defined. The fees paid into the Voluntary Water Demand Mitigation Fund would be prohibited from exceeding the amount necessary to offset the actual or percentage of actual water demand impacts determined according to the agreement between the applicant and the public water system. The fees would be prohibited from exceeding the amount of all capacity charges and other water service fees applicable to the subdivision, ~~and those capacity charges and other water service fees would be required to be reduced~~ *the public water system would have discretion to reduce those capacity charges* to the extent that contributions are made to the Voluntary Water Demand Mitigation Fund. The public water system would be required to expend all funds from the Voluntary Water Demand Mitigation Fund on water conservation measures that will reduce the projected demand associated with the subdivision, ~~and~~ *or on water conservation programs in any disadvantaged community. The public water system* would be prohibited from using any funds from the *Voluntary Water Conservation Mitigation Fund* to supplant funding for water conservation programs required by existing law or paid for by existing customers through water rates and surcharges. The bill would require the public water system to choose water conservation measures that are the least expensive and most ~~cost~~ *effective cost-effective* means to yield water. The bill would authorize expenditures from the fund to be made within the subdivision or elsewhere within the service area of the public water supplier, at its discretion. Water savings projections would be authorized to be calculated using *specified data compiled or maintained by the public water system or* the water savings projections adopted by the California Urban Water Conservation Council. Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project

applicant enter into ~~an~~ *a mutual* agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed. By adding to the duties of the public water system, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. The Legislature finds and declares:
- 2 (a) Current law requires an assessment of how new land use
- 3 proposals will affect water supply without recognizing the potential
- 4 benefits of evolving voluntary water conservation measures.
- 5 (b) Water conservation measures beyond those already required
- 6 by state law should be encouraged by accounting for their use
- 7 when quantifying project water demand.
- 8 (c) The amount of water demand reductions should be confirmed
- 9 by the water agencies responsible for providing water service to
- 10 new development in a cooperative approach with project
- 11 proponents and local governments that ensures projected water
- 12 savings are achieved.
- 13 (d) Water agencies and local government should provide
- 14 flexibility and encourage the development and implementation of
- 15 innovative new water conservation technology, water use
- 16 efficiency, and water management techniques to meet customer
- 17 needs throughout the differing hydrologic regions of the state.
- 18 (e) Encouraging widespread use of voluntary water conservation
- 19 measures will assist water agencies and the state in documenting
- 20 the potential water savings from new water use efficiency projects
- 21 and programs in a manner that will promote successful water
- 22 conservation strategies and discourage ineffective ones.

1 (f) There have been numerous water use efficiency technological  
2 and management developments related to landscape irrigation in  
3 recent years, and this act will promote the adoption of approaches  
4 that go beyond the state’s Model Landscape Ordinance.

5 (g) More efficient use of water statewide also will reduce the  
6 energy necessary to pump, transport, and treat water with  
7 potentially significant corresponding reductions in greenhouse gas  
8 emissions.

9 SEC. 2. Section 66473.7 of the Government Code is amended  
10 to read:

11 66473.7. (a) For the purposes of this section, the following  
12 definitions apply:

13 (1) “Subdivision” means a proposed residential development  
14 of more than 500 dwelling units, except that for a public water  
15 system that has fewer than 5,000 service connections, “subdivision”  
16 means any proposed residential development that would account  
17 for an increase of 10 percent or more in the number of the public  
18 water system’s existing service connections.

19 (2) “Sufficient water supply” means the total water supplies  
20 available during normal, ~~single-dry, and multiple-dry~~ *single dry,*  
21 *and multiple dry* years within a 20-year projection that will meet  
22 the projected demand associated with the proposed subdivision,  
23 in addition to existing and planned future uses, including, but not  
24 limited to, agricultural and industrial uses. In determining  
25 “sufficient water supply,” all of the following factors shall be  
26 considered:

27 (A) The availability of water supplies over a historical record  
28 of at least 20 years.

29 (B) The applicability of an urban water shortage contingency  
30 analysis prepared pursuant to Section 10632 of the Water Code  
31 that includes actions to be undertaken by the public water system  
32 in response to water supply shortages.

33 (C) The reduction in water supply allocated to a specific water  
34 use sector pursuant to a resolution or ordinance adopted, or a  
35 contract entered into, by the public water system, as long as that  
36 resolution, ordinance, or contract does not conflict with Section  
37 354 of the Water Code.

38 (D) The amount of water that the water supplier can reasonably  
39 rely on receiving from other water supply projects, such as  
40 conjunctive use, reclaimed water, water conservation, and water

1 transfer, including programs identified under federal, state, and  
2 local water initiatives such as CALFED and Colorado River  
3 tentative agreements, to the extent that these water supplies meet  
4 the criteria of subdivision (d).

5 (3) “Public water system” means the water supplier that is, or  
6 may become as a result of servicing the subdivision included in a  
7 tentative map pursuant to subdivision (b), a public water system,  
8 as defined in Section 10912 of the Water Code, that may supply  
9 water for a subdivision.

10 (4) “Projected demand associated with the proposed subdivision”  
11 means the anticipated water demand for the project, given current  
12 statutory, regulatory, and ~~local ordinance~~ *local ordinance*  
13 requirements, reduced by the amount of voluntary demand  
14 management measures.

15 (5) “Voluntary demand management measures” means water  
16 use efficiency measures that are permanently fixed to residential,  
17 commercial, industrial, or other real property that will reduce the  
18 subdivision’s water demand below the applicable statutory,  
19 regulatory, and ~~local ordinance~~ *local ordinance* requirements for  
20 water conservation, and may include, but are not limited to, all of  
21 the following:

22 (A) Smart irrigation controllers.

23 (B) Waterless urinals.

24 (C) Ultralow flow and dual flow toilets.

25 (D) Recycled water facilities.

26 (E) Rainwater capture and reuse facilities.

27 (F) Any other measure that will prevent the waste of water or  
28 promote the reasonable and efficient use and reuse of available  
29 water supplies by the subdivision or the public. *For the purposes*  
30 *of this chapter, water recycling shall be eligible as a water*  
31 *conservation measure.*

32 (G) Voluntary mitigation measures may include, at the  
33 applicant’s sole discretion, ~~water demand mitigation measures~~  
34 *conservation offsets* which minimize a percentage *of a project’s*  
35 *impact on the public water system*, as determined by the applicant;  
36 ~~of a project’s impact to the public water system and agreed upon~~  
37 *by the public water system.* The applicant may enter into ~~an~~ *a*  
38 *mutual* agreement with the public water system to mitigate water  
39 demand associated with a proposed subdivision by depositing  
40 funds into a Voluntary Water Demand Mitigation Fund. The fees

1 paid into the Voluntary Water Demand Mitigation Fund shall not  
2 exceed an amount necessary to offset the actual or percentage of  
3 actual water demand impacts agreed upon in the agreement between  
4 the applicant and the public water system. The fees may not exceed  
5 the amount of all capacity charges and other water service fees  
6 applicable to the subdivision. ~~All applicable capacity charges and  
7 other water service fees shall be reduced to the extent that  
8 contributions are made to the Voluntary Water Demand Mitigation  
9 Fund. This section shall not be waived or modified by contractual  
10 agreement, act, or omission of the parties. At the discretion of the  
11 public water system, the amount required for the Voluntary Water  
12 Demand Mitigation Fund may be reduced by a portion of the  
13 normally required system capacity charges that finance future  
14 water storage and distribution.~~ A tentative map that includes a  
15 subdivision may not be disapproved due to the applicant's refusal  
16 to use voluntary mitigation measures.

17 (6) "Voluntary Water Demand Mitigation Fund" means the fund  
18 used to finance water conservation and water supply augmentation  
19 measures by the public water system that mitigate *or offset* an  
20 agreed upon percentage of the projected water demand impacts  
21 from the subdivision, at the discretion of the applicant.

22 (b) (1) The legislative body of a city or county or the advisory  
23 agency, to the extent that it is authorized by local ordinance to  
24 approve, conditionally approve, or disapprove the tentative map,  
25 shall include as a condition in any tentative map that includes a  
26 subdivision a requirement that a sufficient water supply shall be  
27 available. Proof of the availability of a sufficient water supply  
28 shall be requested by the subdivision applicant or local agency, at  
29 the discretion of the local agency, and shall be based on written  
30 verification from the applicable public water system within 90  
31 days of a request. The water savings projection attributable to  
32 voluntary demand management measures shall be contained in the  
33 written verification and shall be verified for accuracy and approved  
34 by the public water system, or, if there is no public water system,  
35 the local agency. The public water agency may collect fees  
36 necessary to provide additional analysis of voluntary demand  
37 management measures required by this section, pursuant to Section  
38 66014. *A water supply assessment that is completed pursuant to  
39 Part 2.10 (commencing with Section 10910) of Division 6 of the  
40 Water Code satisfies the requirements of this section, unless the*

1 *public water agency receives new information or otherwise alters*  
2 *its water savings projections after the assessment is completed.*

3 (2) If the public water system fails to deliver the written  
4 verification as required by this section, the local agency or any  
5 other interested party may seek a writ of mandamus to compel the  
6 public water system to comply.

7 (3) If the written verification provided by the applicable public  
8 water system indicates that the public water system is unable to  
9 provide a sufficient water supply that will meet the projected  
10 demand associated with the proposed subdivision, then the local  
11 agency may make a finding, after consideration of the written  
12 verification by the applicable public water system, that additional  
13 water supplies not accounted for by the public water system are,  
14 or will be, available prior to completion of the subdivision that  
15 will satisfy the requirements of this section. This finding shall be  
16 made on the record and supported by substantial evidence.

17 (4) If the written verification is not provided by the public water  
18 system, notwithstanding the local agency or other interested party  
19 securing a writ of mandamus to compel compliance with this  
20 section, then the local agency may make a finding that sufficient  
21 water supplies are, or will be, available prior to completion of the  
22 subdivision that will satisfy the requirements of this section. This  
23 finding shall be made on the record and supported by substantial  
24 evidence.

25 (5) Water savings projections may be calculated using *water*  
26 *efficiency program data compiled or maintained by the public*  
27 *water system or the water savings projections adopted by the*  
28 *California Urban Water Conservation Council. Water savings*  
29 *projections for measures for which the California Urban Water*  
30 *Conservation Council does not have adopted findings shall be*  
31 *based on substantial evidence in the record and included in the*  
32 *water supply assessment adopted by the water supplier. If a project*  
33 *applicant proposes to use a new voluntary water reduction demand*  
34 *management measure that is not based on water savings projections*  
35 *adopted by the California Urban Water Conservation Council, the*  
36 *legislative body of a city or county or the advisory agency shall*  
37 *require the project applicant to enter into an agreement with the*  
38 *water utility to implement and monitor the actual water savings*  
39 *over time through conditions of approval for the project, which*  
40 *may include the adoption of legally enforceable mechanisms,*



1 including, but not limited to, inclusion in covenants, conditions,  
2 and restrictions. *Water budgets may also be used to monitor the*  
3 *water savings.* The public water system shall prepare a written  
4 report of the projected water demand versus the actual water use  
5 five years after the project has been fully developed. Copies of the  
6 report shall be provided to the project applicant, the city or county  
7 that approved the subdivision map, the California Urban Water  
8 Conservation Council, and the Department of Water Resources.  
9 ~~Additionally, at the time of final inspection, a manual providing~~  
10 ~~directions to the owner or occupant on the proper use of water~~  
11 ~~conservation devices and systems shall be placed in the dwelling.~~

12 (6) *Prior to the close of escrow, a builder shall give to a*  
13 *purchaser a manual of documents that shall be included in a*  
14 *maintenance manual that informs the purchaser of the existence*  
15 *of the home's unique water saving devices, including information*  
16 *regarding their benefits, maintenance requirements, and proper*  
17 *use.*

18 (c) The applicable public water system's written verification of  
19 its ability or inability to provide a sufficient water supply that will  
20 meet the projected demand associated with the proposed  
21 subdivision as required by subdivision (b) shall be supported by  
22 substantial evidence. The substantial evidence may include, but is  
23 not limited to, any of the following:

24 (1) The public water system's most recently adopted urban water  
25 management plan adopted pursuant to Part 2.6 (commencing with  
26 Section 10610) of Division 6 of the Water Code.

27 (2) A water supply assessment that was completed pursuant to  
28 Part 2.10 (commencing with Section 10910) of Division 6 of the  
29 Water Code.

30 (3) Other information relating to the sufficiency of the water  
31 supply that contains analytical information that is substantially  
32 similar to the assessment required by Section 10635 of the Water  
33 Code.

34 (d) When the written verification pursuant to subdivision (b)  
35 relies on projected water supplies that are not currently available  
36 to the public water system, to provide a sufficient water supply to  
37 the subdivision, the written verification as to those projected water  
38 supplies shall be based on all of the following elements, to the  
39 extent each is applicable:

1 (1) Written contracts or other proof of valid rights to the  
2 identified water supply that identify the terms and conditions under  
3 which the water will be available to serve the proposed subdivision.

4 (2) Copies of a capital outlay program for financing the delivery  
5 of a sufficient water supply that has been adopted by the applicable  
6 governing body.

7 (3) Securing of applicable federal, state, and local permits for  
8 construction of necessary infrastructure associated with supplying  
9 a sufficient water supply.

10 (4) Any necessary regulatory approvals that are required in order  
11 to be able to convey or deliver a sufficient water supply to the  
12 subdivision.

13 (e) If there is no public water system, the local agency shall  
14 make a written finding of sufficient water supply based on the  
15 evidentiary requirements of subdivisions (b), (c), and (d) and  
16 identify the mechanism for providing water to the subdivision.

17 (f) In making any findings or determinations under this section,  
18 a local agency, or designated advisory agency, may work in  
19 conjunction with the project applicant and the public water system  
20 to secure water supplies sufficient to satisfy the demands of the  
21 proposed subdivision. If the local agency secures water supplies  
22 pursuant to this subdivision, which supplies are acceptable to and  
23 approved by the governing body of the public water system as  
24 suitable for delivery to customers, it shall work in conjunction  
25 with the public water system to implement a plan to deliver that  
26 water supply to satisfy the long-term demands of the proposed  
27 subdivision.

28 (g) The written verification prepared under this section also  
29 shall include a description, to the extent that data is reasonably  
30 available based on published records maintained by federal and  
31 state agencies, and public records of local agencies, of the  
32 reasonably foreseeable impacts of the proposed subdivision on the  
33 availability of water resources for agricultural and industrial uses  
34 within the public water system's service area that are not currently  
35 receiving water from the public water system but are utilizing the  
36 same sources of water. To the extent that those reasonably  
37 foreseeable impacts have previously been evaluated in a document  
38 prepared pursuant to the California Environmental Quality Act  
39 (Division 13 (commencing with Section 21000) of the Public  
40 Resources Code) or the National Environmental Policy Act (P.L.

1 91-190) for the proposed subdivision, the public water system may  
2 utilize that information in preparing the written verification.

3 (h) Where a water supply for a proposed subdivision includes  
4 groundwater, the public water system serving the proposed  
5 subdivision shall evaluate, based on substantial evidence, the extent  
6 to which it or the landowner has the right to extract the additional  
7 groundwater needed to supply the proposed subdivision. Nothing  
8 in this subdivision is intended to modify state law with regard to  
9 groundwater rights.

10 (i) This section shall not apply to any residential project  
11 proposed for a site that is within an urbanized area and has been  
12 previously developed for urban uses, or where the immediate  
13 contiguous properties surrounding the residential project site are,  
14 or previously have been, developed for urban uses, or housing  
15 projects that are exclusively for very low and low-income  
16 households.

17 (j) The determinations made pursuant to this section shall be  
18 consistent with the obligation of a public water system to grant a  
19 priority for the provision of available and future water resources  
20 or services to proposed housing developments that help meet the  
21 city's or county's share of the regional housing needs for lower  
22 income households, pursuant to Section 65589.7.

23 (k) The County of San Diego shall be deemed to comply with  
24 this section if the Office of Planning and Research determines that  
25 all of the following conditions have been met:

26 (1) A regional growth management strategy that provides for a  
27 comprehensive regional strategy and a coordinated economic  
28 development and growth management program has been developed  
29 pursuant to Proposition C as approved by the voters of the County  
30 of San Diego in November 1988, which required the development  
31 of a regional growth management plan and directed the  
32 establishment of a regional planning and growth management  
33 review board.

34 (2) Each public water system, as defined in Section 10912 of  
35 the Water Code, within the County of San Diego has adopted an  
36 urban water management plan pursuant to Part 2.6 (commencing  
37 with Section 10610) of the Water Code.

38 (3) The approval or conditional approval of tentative maps for  
39 subdivisions, as defined in this section, by the County of San Diego  
40 and the cities within the county requires written communications

1 to be made by the public water system to the city or county, in a  
 2 format and with content that is substantially similar to the  
 3 requirements contained in this section, with regard to the  
 4 availability of a sufficient water supply, or the reliance on projected  
 5 water supplies to provide a sufficient water supply, for a proposed  
 6 subdivision.

7 (l) Nothing in this section shall preclude the legislative body of  
 8 a city or county, or the designated advisory agency, at the request  
 9 of the applicant, from making the determinations required in this  
 10 section earlier than required pursuant to subdivision (b).

11 (m) Nothing in this section shall be construed to create a right  
 12 or entitlement to water service or any specific level of water  
 13 service.

14 (n) Nothing in this section is intended to change existing law  
 15 concerning a public water system’s obligation to provide water  
 16 service to its existing customers or to any potential future  
 17 customers.

18 (o) Any action challenging the sufficiency of the public water  
 19 system’s written verification of a sufficient water supply shall be  
 20 governed by Section 66499.37.

21 (p) (1) For purposes of a Voluntary Water Demand Mitigation  
 22 Fund held by a public water system, the public water system shall  
 23 be required to expend all funds from the Voluntary Water Demand  
 24 Mitigation Fund on water conservation measures that will reduce  
 25 the projected demand associated with the subdivision. Water  
 26 conservation measures shall be chosen that are the least expensive,  
 27 most cost-effective means to yield water. The expenditure may be  
 28 made within the subdivision or elsewhere within the service area  
 29 of the public water supplier, at its discretion. *Moneys in the*  
 30 *Voluntary Water Demand Mitigation Fund may be directed to*  
 31 *water conservation programs in any disadvantaged community,*  
 32 *as defined in Section 75005 of the Public Resources Code.*

33 (2) The public water system shall be prohibited from using funds  
 34 from the *Voluntary Water Conservation Mitigation Fund* to  
 35 supplant funding for water conservation programs required by  
 36 existing law or paid for by existing customers through water rates  
 37 and surcharges.

38 (3) *The public water system should commit to carrying out the*  
 39 *water conservation measures funded by the Voluntary Water*  
 40 *Demand Mitigation Fund within 24 months of the sale of the last*

1 *unit of the proposed subdivision. However, the public water*  
2 *system's failure to implement the water conservation measures*  
3 *shall not result in the revocation, denial, or delay of any legislative,*  
4 *adjudicatory, ministerial, or discretionary act, permit, or approval*  
5 *necessary for the planning, use, development, construction,*  
6 *occupancy, or operation of the proposed subdivision or any*  
7 *improvement thereon. The sole remedy for the failure of a public*  
8 *water system to implement the water conservation measures shall*  
9 *be for an interested party to seek a writ of mandamus to compel*  
10 *the public water system to comply.*

11 (q) This section shall remain in effect only until January 1, 2020,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2020, deletes or extends that date.

14 SEC. 3. Section 66473.7 is added to the Government Code, to  
15 read:

16 66473.7. (a) For the purposes of this section, the following  
17 definitions apply:

18 (1) "Subdivision" means a proposed residential development  
19 of more than 500 dwelling units, except that for a public water  
20 system that has fewer than 5,000 service connections, "subdivision"  
21 means any proposed residential development that would account  
22 for an increase of 10 percent or more in the number of the public  
23 water system's existing service connections.

24 (2) "Sufficient water supply" means the total water supplies  
25 available during normal, ~~single-dry, and multiple-dry~~ *single dry,*  
26 *and multiple dry* years within a 20-year projection that will meet  
27 the projected demand associated with the proposed subdivision,  
28 in addition to existing and planned future uses, including, but not  
29 limited to, agricultural and industrial uses. In determining  
30 "sufficient water supply," all of the following factors shall be  
31 considered:

32 (A) The availability of water supplies over a historical record  
33 of at least 20 years.

34 (B) The applicability of an urban water shortage contingency  
35 analysis prepared pursuant to Section 10632 of the Water Code  
36 that includes actions to be undertaken by the public water system  
37 in response to water supply shortages.

38 (C) The reduction in water supply allocated to a specific water  
39 use sector pursuant to a resolution or ordinance adopted, or a  
40 contract entered into, by the public water system, as long as that

1 resolution, ordinance, or contract does not conflict with Section  
2 354 of the Water Code.

3 (D) The amount of water that the water supplier can reasonably  
4 rely on receiving from other water supply projects, such as  
5 conjunctive use, reclaimed water, water conservation, and water  
6 transfer, including programs identified under federal, state, and  
7 local water initiatives such as CALFED and Colorado River  
8 tentative agreements, to the extent that these water supplies meet  
9 the criteria of subdivision (d).

10 (3) “Public water system” means the water supplier that is, or  
11 may become as a result of servicing the subdivision included in a  
12 tentative map pursuant to subdivision (b), a public water system,  
13 as defined in Section 10912 of the Water Code, that may supply  
14 water for a subdivision.

15 (b) (1) The legislative body of a city or county or the advisory  
16 agency, to the extent that it is authorized by local ordinance to  
17 approve, conditionally approve, or disapprove the tentative map,  
18 shall include as a condition in any tentative map that includes a  
19 subdivision a requirement that a sufficient water supply shall be  
20 available. Proof of the availability of a sufficient water supply  
21 shall be requested by the subdivision applicant or local agency, at  
22 the discretion of the local agency, and shall be based on written  
23 verification from the applicable public water system within 90  
24 days of a request.

25 (2) If the public water system fails to deliver the written  
26 verification as required by this section, the local agency or any  
27 other interested party may seek a writ of mandamus to compel the  
28 public water system to comply.

29 (3) If the written verification provided by the applicable public  
30 water system indicates that the public water system is unable to  
31 provide a sufficient water supply that will meet the projected  
32 demand associated with the proposed subdivision, then the local  
33 agency may make a finding, after consideration of the written  
34 verification by the applicable public water system, that additional  
35 water supplies not accounted for by the public water system are,  
36 or will be, available prior to completion of the subdivision that  
37 will satisfy the requirements of this section. This finding shall be  
38 made on the record and supported by substantial evidence.

39 (4) If the written verification is not provided by the public water  
40 system, notwithstanding the local agency or other interested party

1 securing a writ of mandamus to compel compliance with this  
2 section, then the local agency may make a finding that sufficient  
3 water supplies are, or will be, available prior to completion of the  
4 subdivision that will satisfy the requirements of this section. This  
5 finding shall be made on the record and supported by substantial  
6 evidence.

7 (c) The applicable public water system's written verification of  
8 its ability or inability to provide a sufficient water supply that will  
9 meet the projected demand associated with the proposed  
10 subdivision as required by subdivision (b) shall be supported by  
11 substantial evidence. The substantial evidence may include, but is  
12 not limited to, any of the following:

13 (1) The public water system's most recently adopted urban water  
14 management plan adopted pursuant to Part 2.6 (commencing with  
15 Section 10610) of Division 6 of the Water Code.

16 (2) A water supply assessment that was completed pursuant to  
17 Part 2.10 (commencing with Section 10910) of Division 6 of the  
18 Water Code.

19 (3) Other information relating to the sufficiency of the water  
20 supply that contains analytical information that is substantially  
21 similar to the assessment required by Section 10635 of the Water  
22 Code.

23 (d) When the written verification pursuant to subdivision (b)  
24 relies on projected water supplies that are not currently available  
25 to the public water system, to provide a sufficient water supply to  
26 the subdivision, the written verification as to those projected water  
27 supplies shall be based on all of the following elements, to the  
28 extent each is applicable:

29 (1) Written contracts or other proof of valid rights to the  
30 identified water supply that identify the terms and conditions under  
31 which the water will be available to serve the proposed subdivision.

32 (2) Copies of a capital outlay program for financing the delivery  
33 of a sufficient water supply that has been adopted by the applicable  
34 governing body.

35 (3) Securing of applicable federal, state, and local permits for  
36 construction of necessary infrastructure associated with supplying  
37 a sufficient water supply.

38 (4) Any necessary regulatory approvals that are required in order  
39 to be able to convey or deliver a sufficient water supply to the  
40 subdivision.

1 (e) If there is no public water system, the local agency shall  
2 make a written finding of sufficient water supply based on the  
3 evidentiary requirements of subdivisions (c) and (d) and identify  
4 the mechanism for providing water to the subdivision.

5 (f) In making any findings or determinations under this section,  
6 a local agency, or designated advisory agency, may work in  
7 conjunction with the project applicant and the public water system  
8 to secure water supplies sufficient to satisfy the demands of the  
9 proposed subdivision. If the local agency secures water supplies  
10 pursuant to this subdivision, which supplies are acceptable to and  
11 approved by the governing body of the public water system as  
12 suitable for delivery to customers, it shall work in conjunction  
13 with the public water system to implement a plan to deliver that  
14 water supply to satisfy the long-term demands of the proposed  
15 subdivision.

16 (g) The written verification prepared under this section also  
17 shall include a description, to the extent that data is reasonably  
18 available based on published records maintained by federal and  
19 state agencies, and public records of local agencies, of the  
20 reasonably foreseeable impacts of the proposed subdivision on the  
21 availability of water resources for agricultural and industrial uses  
22 within the public water system's service area that are not currently  
23 receiving water from the public water system but are utilizing the  
24 same sources of water. To the extent that those reasonably  
25 foreseeable impacts have previously been evaluated in a document  
26 prepared pursuant to the California Environmental Quality Act  
27 (Division 13 (commencing with Section 21000) of the Public  
28 Resources Code) or the National Environmental Policy Act (P.L.  
29 91-190) for the proposed subdivision, the public water system may  
30 utilize that information in preparing the written verification.

31 (h) Where a water supply for a proposed subdivision includes  
32 groundwater, the public water system serving the proposed  
33 subdivision shall evaluate, based on substantial evidence, the extent  
34 to which it or the landowner has the right to extract the additional  
35 groundwater needed to supply the proposed subdivision. Nothing  
36 in this subdivision is intended to modify state law with regard to  
37 groundwater rights.

38 (i) This section shall not apply to any residential project  
39 proposed for a site that is within an urbanized area and has been  
40 previously developed for urban uses, or where the immediate



1 contiguous properties surrounding the residential project site are,  
2 or previously have been, developed for urban uses, or housing  
3 projects that are exclusively for very low and low-income  
4 households.

5 (j) The determinations made pursuant to this section shall be  
6 consistent with the obligation of a public water system to grant a  
7 priority for the provision of available and future water resources  
8 or services to proposed housing developments that help meet the  
9 city's or county's share of the regional housing needs for lower  
10 income households, pursuant to Section 65589.7.

11 (k) The County of San Diego shall be deemed to comply with  
12 this section if the Office of Planning and Research determines that  
13 all of the following conditions have been met:

14 (1) A regional growth management strategy that provides for a  
15 comprehensive regional strategy and a coordinated economic  
16 development and growth management program has been developed  
17 pursuant to Proposition C as approved by the voters of the County  
18 of San Diego in November 1988, which required the development  
19 of a regional growth management plan and directed the  
20 establishment of a regional planning and growth management  
21 review board.

22 (2) Each public water system, as defined in Section 10912 of  
23 the Water Code, within the County of San Diego has adopted an  
24 urban water management plan pursuant to Part 2.6 (commencing  
25 with Section 10610) of the Water Code.

26 (3) The approval or conditional approval of tentative maps for  
27 subdivisions, as defined in this section, by the County of San Diego  
28 and the cities within the county requires written communications  
29 to be made by the public water system to the city or county, in a  
30 format and with content that is substantially similar to the  
31 requirements contained in this section, with regard to the  
32 availability of a sufficient water supply, or the reliance on projected  
33 water supplies to provide a sufficient water supply, for a proposed  
34 subdivision.

35 (l) Nothing in this section shall preclude the legislative body of  
36 a city or county, or the designated advisory agency, at the request  
37 of the applicant, from making the determinations required in this  
38 section earlier than required pursuant to subdivision (b).

1 (m) Nothing in this section shall be construed to create a right  
2 or entitlement to water service or any specific level of water  
3 service.

4 (n) Nothing in this section is intended to change existing law  
5 concerning a public water system's obligation to provide water  
6 service to its existing customers or to any potential future  
7 customers.

8 (o) Any action challenging the sufficiency of the public water  
9 system's written verification of a sufficient water supply shall be  
10 governed by Section 66499.37.

11 (p) This section shall become operative on January 1, 2020.

12 SEC. 4. Section 10910 of the Water Code is amended to read:

13 10910. (a) Any city or county that determines that a project,  
14 as defined in Section 10912, is subject to the California  
15 Environmental Quality Act (Division 13 (commencing with Section  
16 21000) of the Public Resources Code) under Section 21080 of the  
17 Public Resources Code shall comply with this part.

18 (b) The city or county, at the time that it determines whether an  
19 environmental impact report, a negative declaration, or a mitigated  
20 negative declaration is required for any project subject to the  
21 California Environmental Quality Act pursuant to Section 21080.1  
22 of the Public Resources Code, shall identify any water system that  
23 is, or may become as a result of supplying water to the project  
24 identified pursuant to this subdivision, a public water system, as  
25 defined in Section 10912, that may supply water for the project.  
26 If the city or county is not able to identify any public water system  
27 that may supply water for the project, the city or county shall  
28 prepare the water assessment required by this part after consulting  
29 with any entity serving domestic water supplies whose service  
30 area includes the project site, the local agency formation  
31 commission, and any public water system adjacent to the project  
32 site.

33 (c) (1) The city or county, at the time it makes the determination  
34 required under Section 21080.1 of the Public Resources Code,  
35 shall request each public water system identified pursuant to  
36 subdivision (b) to determine whether the projected water demand  
37 associated with a proposed project was included as part of the most  
38 recently adopted urban water management plan adopted pursuant  
39 to Part 2.6 (commencing with Section 10610).

1 (2) If the projected water demand associated with the proposed  
2 project was accounted for in the most recently adopted urban water  
3 management plan, the public water system may incorporate the  
4 requested information from the urban water management plan in  
5 preparing the elements of the assessment required to comply with  
6 subdivisions (d), (e), (f), and (g).

7 (3) If the projected water demand associated with the proposed  
8 project was not accounted for in the most recently adopted urban  
9 water management plan, or the public water system has no urban  
10 water management plan, the water supply assessment for the project  
11 shall include a discussion with regard to whether the public water  
12 system's total projected water supplies available during normal,  
13 single dry, and multiple dry water years during a 20-year projection  
14 will meet the projected water demand associated with the proposed  
15 project, in addition to the public water system's existing and  
16 planned future uses, including agricultural and manufacturing uses.

17 (4) If the city or county is required to comply with this part  
18 pursuant to subdivision (b), the water supply assessment for the  
19 project shall include a discussion with regard to whether the total  
20 projected water supplies, determined to be available by the city or  
21 county for the project during normal, single dry, and multiple dry  
22 water years during a 20-year projection, will meet the projected  
23 water demand associated with the proposed project, in addition to  
24 existing and planned future uses, including agricultural and  
25 manufacturing uses.

26 (5) If an applicant elects to include voluntary demand  
27 management measures, the projected water demand shall be  
28 reduced for the project to an amount below the current statutory,  
29 regulatory, and ~~local ordinance~~ *local ordinance* requirements,  
30 based on the project applicant's voluntary water demand  
31 management measures. The public water system, or, if there is no  
32 public water system, the local agency, shall quantify the reduction  
33 of anticipated water demand attributable to the voluntary demand  
34 management measures. For purposes of this section, "voluntary  
35 water demand management measures" means water use efficiency  
36 measures that exceed current statutory, regulatory, and  
37 ~~local ordinance~~ *local ordinance* requirements, and that are  
38 permanently fixed to residential, commercial, industrial, or other  
39 real property that will reduce projected water demand, and may  
40 include, but are not limited to, all of the following:

- 1 (A) Smart irrigation controllers.
- 2 (B) Waterless urinals.
- 3 (C) Ultralow flow and dual flow toilets.
- 4 (D) Recycled water facilities.
- 5 (E) Rainwater capture and reuse facilities.
- 6 (F) Any other measure that will prevent the waste of water or
- 7 promote the reasonable and efficient use and reuse of available
- 8 water supplies by the subdivision or the public. *For the purposes*
- 9 *of this chapter, water recycling shall be eligible as a water*
- 10 *conservation measure.*
- 11 (G) Voluntary mitigation measures may include, at the
- 12 applicant’s sole discretion, ~~water demand mitigation measures~~
- 13 *conservation offsets* that reduce a project’s impact to the public
- 14 water system, as determined by the applicant *and agreed upon by*
- 15 *the public water system.* The applicant may enter into ~~an a mutual~~
- 16 agreement with the public water system to mitigate water demand
- 17 associated with a proposed subdivision by depositing funds into
- 18 a Voluntary Water Demand Mitigation Fund. The fees paid into
- 19 the Voluntary Water Demand Mitigation Fund shall not exceed
- 20 an amount necessary to offset the actual or percentage of actual
- 21 water demand impacts agreed upon in the agreement between the
- 22 applicant and the public water system. ~~The fees may not exceed~~
- 23 ~~the amount of all capacity charges and other water service fees~~
- 24 ~~applicable to the subdivision. All applicable capacity charges and~~
- 25 ~~other water service fees shall not be waived or modified by~~
- 26 ~~contractual agreement, act, or omission of the parties.~~ *water system.*
- 27 *At the discretion of the public water system, the amount required*
- 28 *for the Voluntary Water Demand Mitigation Fund may be reduced*
- 29 *by a portion of the normally required system capacity charges that*
- 30 *finance future water storage or distribution.* A project may not be
- 31 disapproved due to the applicant’s refusal to use voluntary
- 32 mitigation measures.
- 33 (6) “Voluntary Water Demand Mitigation Fund” means the fund
- 34 used to finance water conservation and water supply augmentation
- 35 measures by the public water system that ~~mitigate an agreed upon~~
- 36 *or offset a percentage of the projected water demand impacts from*
- 37 *the subdivision, at the discretion of the applicant as agreed upon*
- 38 *by the public water agency and the applicant.*
- 39 (7) Water savings projections may be calculated using *water*
- 40 *efficiency program data compiled or maintained by the public*

1 *water system or the water savings projections adopted by the*  
2 *California Urban Water Conservation Council. Water savings*  
3 *projections for measures for which the California Urban Water*  
4 *Conservation Council does not have adopted findings shall be*  
5 *based on substantial evidence in the record and included in the*  
6 *water supply assessment adopted by the water supplier. If a project*  
7 *applicant proposes to use a new voluntary water reduction demand*  
8 *management measure that is not based on water savings projections*  
9 *adopted by the California Urban Water Conservation Council, the*  
10 *legislative body of a city or county or the advisory agency shall*  
11 *require the project applicant to enter into an agreement with the*  
12 *water utility to implement and monitor the actual water savings*  
13 *over time through conditions of approval for the project, which*  
14 *may include the adoption of legally enforceable mechanisms*  
15 *including, ~~but~~ but not limited to, inclusion in covenants, conditions,*  
16 *and restrictions. *Water budgets may also be used to monitor the**  
17 *water savings. The public water system shall prepare a written*  
18 *report of the projected water demand versus the actual water use*  
19 *five years after the project has been fully developed. Copies of the*  
20 *report shall be provided to the project applicant, the city or county*  
21 *that approved the subdivision map, the California Urban Water*  
22 *Conservation Council, and the Department of Water Resources.*  
23 ~~Additionally, at the time of final inspection, a manual providing~~  
24 ~~directions to the owner or occupant on the proper use of water~~  
25 ~~conservation devices and systems shall be placed in the dwelling.~~

26 *(8) Prior to the close of escrow, a builder shall give to a*  
27 *purchaser a manual of documents that shall be included in a*  
28 *maintenance manual that informs the purchaser of the existence*  
29 *of the home's unique water saving devices, including information*  
30 *regarding their benefits, maintenance requirements, and proper*  
31 *use.*

32 (d) (1) The assessment required by this section shall include  
33 an identification of any existing water supply entitlements, water  
34 rights, or water service contracts relevant to the identified water  
35 supply for the proposed project, and a description of the quantities  
36 of water received in prior years by the public water system, or the  
37 city or county if either is required to comply with this part pursuant  
38 to subdivision (b), under the existing water supply entitlements,  
39 water rights, or water service contracts.

1 (2) An identification of existing water supply entitlements, water  
2 rights, or water service contracts held by the public water system,  
3 or the city or county if either is required to comply with this part  
4 pursuant to subdivision (b), shall be demonstrated by providing  
5 information related to all of the following:

6 (A) Written contracts or other proof of entitlement to an  
7 identified water supply.

8 (B) Copies of a capital outlay program for financing the delivery  
9 of a water supply that has been adopted by the public water system.

10 (C) Federal, state, and local permits for construction of necessary  
11 infrastructure associated with delivering the water supply.

12 (D) Any necessary regulatory approvals that are required in  
13 order to be able to convey or deliver the water supply.

14 (e) If no water has been received in prior years by the public  
15 water system, or the city or county if either is required to comply  
16 with this part pursuant to subdivision (b), under the existing water  
17 supply entitlements, water rights, or water service contracts, the  
18 public water system, or the city or county if either is required to  
19 comply with this part pursuant to subdivision (b), shall also include  
20 in its water supply assessment pursuant to subdivision (c), an  
21 identification of the other public water systems or water service  
22 contractholders that receive a water supply or have existing water  
23 supply entitlements, water rights, or water service contracts, to the  
24 same source of water as the public water system, or the city or  
25 county if either is required to comply with this part pursuant to  
26 subdivision (b), has identified as a source of water supply within  
27 its water supply assessments.

28 (f) If a water supply for a proposed project includes  
29 groundwater, the following additional information shall be included  
30 in the water supply assessment:

31 (1) A review of any information contained in the urban water  
32 management plan relevant to the identified water supply for the  
33 proposed project.

34 (2) A description of any groundwater basin or basins from which  
35 the proposed project will be supplied. For those basins for which  
36 a court or the board has adjudicated the rights to pump  
37 groundwater, a copy of the order or decree adopted by the court  
38 or the board and a description of the amount of groundwater the  
39 public water system, or the city or county if either is required to  
40 comply with this part pursuant to subdivision (b), has the legal

1 right to pump under the order or decree. For basins that have not  
2 been adjudicated, information as to whether the department has  
3 identified the basin or basins as overdrafted or has projected that  
4 the basin will become overdrafted if present management  
5 conditions continue, in the most current bulletin of the department  
6 that characterizes the condition of the groundwater basin, and a  
7 detailed description by the public water system, or the city or  
8 county if either is required to comply with this part pursuant to  
9 subdivision (b), of the efforts being undertaken in the basin or  
10 basins to eliminate the long-term overdraft condition.

11 (3) A detailed description and analysis of the amount and  
12 location of groundwater pumped by the public water system, or  
13 the city or county if either is required to comply with this part  
14 pursuant to subdivision (b), for the past five years from any  
15 groundwater basin from which the proposed project will be  
16 supplied. The description and analysis shall be based on  
17 information that is reasonably available, including, but not limited  
18 to, historic use records.

19 (4) A detailed description and analysis of the amount and  
20 location of groundwater that is projected to be pumped by the  
21 public water system, or the city or county if either is required to  
22 comply with this part pursuant to subdivision (b), from any basin  
23 from which the proposed project will be supplied. The description  
24 and analysis shall be based on information that is reasonably  
25 available, including, but not limited to, historic use records.

26 (5) An analysis of the sufficiency of the groundwater from the  
27 basin or basins from which the proposed project will be supplied  
28 to meet the projected water demand associated with the proposed  
29 project. A water supply assessment shall not be required to include  
30 the information required by this paragraph if the public water  
31 system determines, as part of the review required by paragraph  
32 (1), that the sufficiency of groundwater necessary to meet the initial  
33 and projected water demand associated with the project was  
34 addressed in the description and analysis required by paragraph  
35 (4) of subdivision (b) of Section 10631.

36 (g) (1) Subject to paragraph (2), the governing body of each  
37 public water system shall submit the assessment to the city or  
38 county not later than 90 days from the date on which the request  
39 was received. The governing body of each public water system,  
40 or the city or county if either is required to comply with this act

1 pursuant to subdivision (b), shall approve the assessment prepared  
 2 pursuant to this section at a regular or special meeting.

3 (2) Prior to the expiration of the 90-day period, if the public  
 4 water system intends to request an extension of time to prepare  
 5 and adopt the assessment, the public water system shall meet with  
 6 the city or county to request an extension of time, which shall not  
 7 exceed 30 days, to prepare and adopt the assessment.

8 (3) If the public water system fails to request an extension of  
 9 time, or fails to submit the assessment notwithstanding the  
 10 extension of time granted pursuant to paragraph (2), the city or  
 11 county may seek a writ of mandamus to compel the governing  
 12 body of the public water system to comply with the requirements  
 13 of this part relating to the submission of the water supply  
 14 assessment.

15 (h) Notwithstanding any other provision of this part, if a project  
 16 has been the subject of a water supply assessment that complies  
 17 with the requirements of this part, no additional water supply  
 18 assessment shall be required for subsequent projects that were part  
 19 of a larger project for which a water supply assessment was  
 20 completed and that has complied with the requirements of this part  
 21 and for which the public water system, or the city or county if  
 22 either is required to comply with this part pursuant to subdivision  
 23 (b), has concluded that its water supplies are sufficient to meet the  
 24 projected water demand associated with the proposed project, in  
 25 addition to the existing and planned future uses, including, but not  
 26 limited to, agricultural and industrial uses, unless one or more of  
 27 the following changes occurs:

28 (1) Changes in the project that result in a substantial increase  
 29 in water demand for the project.

30 (2) Changes in the circumstances or conditions substantially  
 31 affecting the ability of the public water system, or the city or county  
 32 if either is required to comply with this part pursuant to subdivision  
 33 (b), to provide a sufficient supply of water for the project.

34 (3) Significant new information becomes available which was  
 35 not known and could not have been known at the time when the  
 36 assessment was prepared.

37 (i) (1) For purposes of a Voluntary Water Demand Mitigation  
 38 Fund held by a public water system, the public water system shall  
 39 be required to expend all funds from the Voluntary Water Demand  
 40 Mitigation Fund on water conservation measures that will reduce



1 the projected demand associated with the subdivision. Water  
2 conservation measures shall be chosen that are the least expensive,  
3 ~~most cost-effective~~ *cost-effective* means to yield water. The  
4 expenditures may be made within the subdivision or elsewhere  
5 within the service area of the public water supplier at its discretion.  
6 *Moneys in the Voluntary Water Demand Mitigation Fund may be*  
7 *directed to water conservation programs in any disadvantaged*  
8 *community, as defined in Section 75005 of the Public Resources*  
9 *Code.*

10 (2) The public water system shall be prohibited from using funds  
11 from the *Voluntary Water Conservation Mitigation Fund* to  
12 supplant funding for water conservation programs required by  
13 existing law or paid for by existing customers through water rates  
14 and surcharges.

15 (3) *The public water system should commit to carrying out the*  
16 *water conservation measures funded by the Voluntary Water*  
17 *Demand Mitigation Fund within 24 months of the sale of the last*  
18 *unit of the proposed subdivision. However, the public water*  
19 *system's failure to implement the water conservation measures*  
20 *shall not result in the revocation, denial, or delay of any legislative,*  
21 *adjudicatory, ministerial, or discretionary act, permit, or approval*  
22 *necessary for the planning, use, development, construction,*  
23 *occupancy, or operation of the proposed subdivision or any*  
24 *improvement thereon. The sole remedy for the failure of a public*  
25 *water system to implement the water conservation measures shall*  
26 *be for an interested party to seek a writ of mandamus to compel*  
27 *the public water system to comply.*

28 (j) This section shall remain in effect only until January 1, 2020,  
29 and as of that date is repealed, unless a later enacted statute, that  
30 is enacted before January 1, 2020, deletes or extends that date.

31 SEC. 5. Section 10910 is added to the Water Code, to read:

32 10910. (a) Any city or county that determines that a project,  
33 as defined in Section 10912, is subject to the California  
34 Environmental Quality Act (Division 13 (commencing with Section  
35 21000) of the Public Resources Code) under Section 21080 of the  
36 Public Resources Code shall comply with this part.

37 (b) The city or county, at the time that it determines whether an  
38 environmental impact report, a negative declaration, or a mitigated  
39 negative declaration is required for any project subject to the  
40 California Environmental Quality Act pursuant to Section 21080.1

1 of the Public Resources Code, shall identify any water system that  
2 is, or may become as a result of supplying water to the project  
3 identified pursuant to this subdivision, a public water system, as  
4 defined in Section 10912, that may supply water for the project.  
5 If the city or county is not able to identify any public water system  
6 that may supply water for the project, the city or county shall  
7 prepare the water assessment required by this part after consulting  
8 with any entity serving domestic water supplies whose service  
9 area includes the project site, the local agency formation  
10 commission, and any public water system adjacent to the project  
11 site.

12 (c) (1) The city or county, at the time it makes the determination  
13 required under Section 21080.1 of the Public Resources Code,  
14 shall request each public water system identified pursuant to  
15 subdivision (b) to determine whether the projected water demand  
16 associated with a proposed project was included as part of the most  
17 recently adopted urban water management plan adopted pursuant  
18 to Part 2.6 (commencing with Section 10610).

19 (2) If the projected water demand associated with the proposed  
20 project was accounted for in the most recently adopted urban water  
21 management plan, the public water system may incorporate the  
22 requested information from the urban water management plan in  
23 preparing the elements of the assessment required to comply with  
24 subdivisions (d), (e), (f), and (g).

25 (3) If the projected water demand associated with the proposed  
26 project was not accounted for in the most recently adopted urban  
27 water management plan, or the public water system has no urban  
28 water management plan, the water supply assessment for the project  
29 shall include a discussion with regard to whether the public water  
30 system's total projected water supplies available during normal,  
31 single dry, and multiple dry water years during a 20-year projection  
32 will meet the projected water demand associated with the proposed  
33 project, in addition to the public water system's existing and  
34 planned future uses, including agricultural and manufacturing uses.

35 (4) If the city or county is required to comply with this part  
36 pursuant to subdivision (b), the water supply assessment for the  
37 project shall include a discussion with regard to whether the total  
38 projected water supplies, determined to be available by the city or  
39 county for the project during normal, single dry, and multiple dry  
40 water years during a 20-year projection, will meet the projected

1 water demand associated with the proposed project, in addition to  
2 existing and planned future uses, including agricultural and  
3 manufacturing uses.

4 (d) (1) The assessment required by this section shall include  
5 an identification of any existing water supply entitlements, water  
6 rights, or water service contracts relevant to the identified water  
7 supply for the proposed project, and a description of the quantities  
8 of water received in prior years by the public water system, or the  
9 city or county if either is required to comply with this part pursuant  
10 to subdivision (b), under the existing water supply entitlements,  
11 water rights, or water service contracts.

12 (2) An identification of existing water supply entitlements, water  
13 rights, or water service contracts held by the public water system,  
14 or the city or county if either is required to comply with this part  
15 pursuant to subdivision (b), shall be demonstrated by providing  
16 information related to all of the following:

17 (A) Written contracts or other proof of entitlement to an  
18 identified water supply.

19 (B) Copies of a capital outlay program for financing the delivery  
20 of a water supply that has been adopted by the public water system.

21 (C) Federal, state, and local permits for construction of necessary  
22 infrastructure associated with delivering the water supply.

23 (D) Any necessary regulatory approvals that are required in  
24 order to be able to convey or deliver the water supply.

25 (e) If no water has been received in prior years by the public  
26 water system, or the city or county if either is required to comply  
27 with this part pursuant to subdivision (b), under the existing water  
28 supply entitlements, water rights, or water service contracts, the  
29 public water system, or the city or county if either is required to  
30 comply with this part pursuant to subdivision (b), shall also include  
31 in its water supply assessment pursuant to subdivision (c), an  
32 identification of the other public water systems or water service  
33 contractholders that receive a water supply or have existing water  
34 supply entitlements, water rights, or water service contracts, to the  
35 same source of water as the public water system, or the city or  
36 county if either is required to comply with this part pursuant to  
37 subdivision (b), has identified as a source of water supply within  
38 its water supply assessments.

1 (f) If a water supply for a proposed project includes  
2 groundwater, the following additional information shall be included  
3 in the water supply assessment:

4 (1) A review of any information contained in the urban water  
5 management plan relevant to the identified water supply for the  
6 proposed project.

7 (2) A description of any groundwater basin or basins from which  
8 the proposed project will be supplied. For those basins for which  
9 a court or the board has adjudicated the rights to pump  
10 groundwater, a copy of the order or decree adopted by the court  
11 or the board and a description of the amount of groundwater the  
12 public water system, or the city or county if either is required to  
13 comply with this part pursuant to subdivision (b), has the legal  
14 right to pump under the order or decree. For basins that have not  
15 been adjudicated, information as to whether the department has  
16 identified the basin or basins as overdrafted or has projected that  
17 the basin will become overdrafted if present management  
18 conditions continue, in the most current bulletin of the department  
19 that characterizes the condition of the groundwater basin, and a  
20 detailed description by the public water system, or the city or  
21 county if either is required to comply with this part pursuant to  
22 subdivision (b), of the efforts being undertaken in the basin or  
23 basins to eliminate the long-term overdraft condition.

24 (3) A detailed description and analysis of the amount and  
25 location of groundwater pumped by the public water system, or  
26 the city or county if either is required to comply with this part  
27 pursuant to subdivision (b), for the past five years from any  
28 groundwater basin from which the proposed project will be  
29 supplied. The description and analysis shall be based on  
30 information that is reasonably available, including, but not limited  
31 to, historic use records.

32 (4) A detailed description and analysis of the amount and  
33 location of groundwater that is projected to be pumped by the  
34 public water system, or the city or county if either is required to  
35 comply with this part pursuant to subdivision (b), from any basin  
36 from which the proposed project will be supplied. The description  
37 and analysis shall be based on information that is reasonably  
38 available, including, but not limited to, historic use records.

39 (5) An analysis of the sufficiency of the groundwater from the  
40 basin or basins from which the proposed project will be supplied

1 to meet the projected water demand associated with the proposed  
2 project. A water supply assessment shall not be required to include  
3 the information required by this paragraph if the public water  
4 system determines, as part of the review required by paragraph  
5 (1), that the sufficiency of groundwater necessary to meet the initial  
6 and projected water demand associated with the project was  
7 addressed in the description and analysis required by paragraph  
8 (4) of subdivision (b) of Section 10631.

9 (g) (1) Subject to paragraph (2), the governing body of each  
10 public water system shall submit the assessment to the city or  
11 county not later than 90 days from the date on which the request  
12 was received. The governing body of each public water system,  
13 or the city or county if either is required to comply with this act  
14 pursuant to subdivision (b), shall approve the assessment prepared  
15 pursuant to this section at a regular or special meeting.

16 (2) Prior to the expiration of the 90-day period, if the public  
17 water system intends to request an extension of time to prepare  
18 and adopt the assessment, the public water system shall meet with  
19 the city or county to request an extension of time, which shall not  
20 exceed 30 days, to prepare and adopt the assessment.

21 (3) If the public water system fails to request an extension of  
22 time, or fails to submit the assessment notwithstanding the  
23 extension of time granted pursuant to paragraph (2), the city or  
24 county may seek a writ of mandamus to compel the governing  
25 body of the public water system to comply with the requirements  
26 of this part relating to the submission of the water supply  
27 assessment.

28 (h) Notwithstanding any other provision of this part, if a project  
29 has been the subject of a water supply assessment that complies  
30 with the requirements of this part, no additional water supply  
31 assessment shall be required for subsequent projects that were part  
32 of a larger project for which a water supply assessment was  
33 completed and that has complied with the requirements of this part  
34 and for which the public water system, or the city or county if  
35 either is required to comply with this part pursuant to subdivision  
36 (b), has concluded that its water supplies are sufficient to meet the  
37 projected water demand associated with the proposed project, in  
38 addition to the existing and planned future uses, including, but not  
39 limited to, agricultural and industrial uses, unless one or more of  
40 the following changes occurs:

1 (1) Changes in the project that result in a substantial increase  
2 in water demand for the project.

3 (2) Changes in the circumstances or conditions substantially  
4 affecting the ability of the public water system, or the city or county  
5 if either is required to comply with this part pursuant to subdivision  
6 (b), to provide a sufficient supply of water for the project.

7 (3) Significant new information becomes available which was  
8 not known and could not have been known at the time when the  
9 assessment was prepared.

10 (i) This section shall become operative on January 1, 2020.

11 SEC. 6. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 a local agency or school district has the authority to levy service  
14 charges, fees, or assessments sufficient to pay for the program or  
15 level of service mandated by this act, within the meaning of Section  
16 17556 of the Government Code.