

AMENDED IN SENATE JUNE 15, 2010
AMENDED IN ASSEMBLY MAY 28, 2010
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AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2304

**Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Eng and Ruskin)**

February 19, 2010

An act to amend Sections 10752, 10753.5, and 10753.7 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as amended, Huffman. Groundwater management plans: components.

Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a second hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings.

This bill would require the local agency, upon written request, to provide ~~specified information relating to a copy of~~ the proposed groundwater management plan to an interested person. The bill would require the local agency to provide each of those interested persons

with a specified notice at least 30 days prior to the commencement of the second hearing to determine whether to adopt the plan. *The bill would also authorize an interested person to contact the Department of Water Resources for, and would also authorize the department to provide, specified information relating to groundwater management plans.*

Existing law requires a local agency seeking specified state funds to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin.

This bill would add to the list of components that are required to be included in a groundwater management plan for the specified funding purposes a map identifying the recharge areas, as defined, for the groundwater basin.

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. Section 10752 of the Water Code is amended to
- 2 read:
- 3 10752. Unless the context otherwise requires, the following
- 4 definitions govern the construction of this part:
- 5 (a) "Groundwater" means all water beneath the surface of the
- 6 earth within the zone below the water table in which the soil is
- 7 completely saturated with water, but does not include water which
- 8 flows in known and definite channels.
- 9 (b) "Groundwater basin" means any basin or subbasin identified
- 10 in the department's Bulletin No. 118, dated September 1975, and
- 11 any amendments to that bulletin, but does not include a basin in
- 12 which the average well yield, excluding domestic wells that supply
- 13 water to a single-unit dwelling, is less than 100 gallons per minute.
- 14 (c) "Groundwater extraction facility" means a device or method
- 15 for the extraction of groundwater within a groundwater basin.
- 16 (d) "Groundwater management plan" or "plan" means a
- 17 document that describes the activities intended to be included in
- 18 a groundwater management program.
- 19 (e) "Groundwater management program" or "program" means
- 20 a coordinated and ongoing activity undertaken for the benefit of

1 a groundwater basin, or a portion of a groundwater basin, pursuant
2 to a groundwater management plan adopted pursuant to this part.

3 (f) “Groundwater recharge” means the augmentation of
4 groundwater, by natural or artificial means, with surface water or
5 recycled water.

6 (g) “Local agency” means a local public agency that provides
7 water service to all or a portion of its service area, and includes a
8 joint powers authority formed by local public agencies that provide
9 water service.

10 (h) “Recharge area” means the area that supplies water to an
11 aquifer in a groundwater basin and includes multiple wellhead
12 protection areas.

13 (i) “Watermaster” means a watermaster appointed by a court
14 or pursuant to other provisions of law.

15 (j) “Wellhead protection area” means the surface and subsurface
16 area surrounding a water well or well field that supplies a public
17 water system through which contaminants are reasonably likely
18 to migrate toward the water well or well field.

19 SEC. 2. Section 10753.5 of the Water Code is amended to read:

20 10753.5. (a) After a groundwater management plan is prepared,
21 the local agency shall hold a second hearing to determine whether
22 to adopt the plan. Notice of the hearing shall be given pursuant to
23 Section 6066 of the Government Code. The notice shall include a
24 summary of the plan and shall state that copies of the plan may be
25 obtained for the cost of reproduction at the office of the local
26 agency.

27 (b) At the second hearing, the local agency shall consider
28 protests to the adoption of the plan. At any time prior to the
29 conclusion of the second hearing, any landowner within the local
30 agency may file a written protest or withdraw a protest previously
31 filed.

32 (c) (1) Upon receipt of a written request prior to the
33 commencement of the second hearing, the local agency shall
34 provide an interested person with ~~information about~~ *a copy of* the
35 proposed groundwater management plan and maps identifying
36 recharge areas that are prepared pursuant to this part.

37 (2) At least 30 days prior to the commencement of the second
38 hearing, the local agency shall provide notice of the date, time,
39 and place of the second hearing, either by mail or electronically,

1 to each interested person who requests information pursuant to
2 paragraph (1) prior to that date.

3 *(3) An interested person may contact the department, either*
4 *directly or through its Internet Web site, to obtain information*
5 *regarding which local agency has jurisdiction to develop a*
6 *groundwater management plan or map in the area in which the*
7 *person is interested. The department may provide whatever*
8 *information is readily available to it, including information it has*
9 *collected pursuant to Section 10928, and may post that information*
10 *on its Internet Web site consistent with Section 10930.*

11 SEC. 3. Section 10753.7 of the Water Code is amended to read:

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

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

28 (2) For purposes of implementing paragraph (1), the local agency
29 shall prepare a plan to involve other agencies that enables the local
30 agency to work cooperatively with other public entities whose
31 service area or boundary overlies the groundwater basin.

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

38 (4) (A) For purposes of implementing paragraph (1), the
39 groundwater management plan shall include a map identifying the
40 recharge areas for the groundwater basin.

1 (B) The local agency shall provide the map required pursuant
2 to subparagraph (A) to the appropriate local planning agencies
3 after adoption of the groundwater management plan.

4 (C) For purposes of this paragraph, “map identifying the
5 recharge areas” means a map that identifies, or maps that identify,
6 the current recharge areas that substantially contribute to the
7 replenishment of the groundwater basin. The map shall include a
8 description of how the recharge areas substantially contribute to
9 the replenishment of the groundwater basin.

10 (5) The local agency shall adopt monitoring protocols that are
11 designed to detect changes in groundwater levels, groundwater
12 quality, inelastic surface subsidence for basins for which
13 subsidence has been identified as a potential problem, and flow
14 and quality of surface water that directly affect groundwater levels
15 or quality or are caused by groundwater pumping in the basin. The
16 monitoring protocols shall be designed to generate information
17 that promotes efficient and effective groundwater management.

18 (6) Local agencies that are located in areas outside the
19 groundwater basins delineated on the latest edition of the
20 department’s groundwater basin and subbasin map shall prepare
21 groundwater management plans incorporating the components in
22 this subdivision, and shall use geologic and hydrologic principles
23 appropriate to those areas.

24 (b) (1) (A) A local agency may receive state funds for the
25 construction of groundwater projects or for other projects that
26 directly affect groundwater levels or quality if it prepares and
27 implements, participates in, or consents to be subject to, a
28 groundwater management plan, a basinwide management plan, or
29 other integrated regional water management program or plan that
30 meets, or is in the process of meeting, the requirements of
31 subdivision (a). A local agency with an existing groundwater
32 management plan that meets the requirements of subdivision (a),
33 or a local agency that completes an ~~upgrade~~ *update* of its plan to
34 meet the requirements of subdivision (a) within one year of
35 applying for funds, shall be given priority consideration for state
36 funds administered by the department over local agencies that are
37 in the process of developing a groundwater management plan. The
38 department shall withhold funds from the project until the ~~upgrade~~
39 *update* of the groundwater management plan is complete.

1 (B) Notwithstanding subparagraph (A), a local agency that
2 manages groundwater under any other provision of existing law
3 that meets the requirements of subdivision (a), or that completes
4 an ~~upgrade~~ *update* of its plan to meet the requirements of
5 subdivision (a) within one year of applying for funding, shall be
6 eligible for funding administered by the department. The
7 department shall withhold funds from a project until the ~~upgrade~~
8 *update* of the groundwater management plan is complete.

9 (C) Notwithstanding subparagraph (A), a local agency that
10 conforms to the requirements of an adjudication of water rights in
11 the groundwater basin is in compliance with subdivision (a). For
12 purposes of this subparagraph, an “adjudication” includes an
13 adjudication under Section 2101, an administrative adjudication,
14 and an adjudication in state or federal court.

15 (D) Subparagraphs (A) and (B) do not apply to proposals for
16 funding under Part 2.78 (commencing with Section 10795), or to
17 funds authorized or appropriated prior to September 1, 2002.

18 (E) A local agency may request state funds to map groundwater
19 recharge areas pursuant to paragraph (4) of subdivision (a) to the
20 extent that the request for state funds is consistent with eligibility
21 requirements that are applicable to the use of the requested funds.

22 (2) Upon the adoption of a groundwater management plan in
23 accordance with this part, the local agency shall submit a copy of
24 the plan to the department, in an electronic format, if practicable,
25 approved by the department. The department shall make available
26 to the public copies of the plan received pursuant to this part.