

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1739**

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**Introduced by Assembly Member Dickinson  
(Coauthor: Assembly Member Rendon)**

February 14, 2014

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An act to ~~add Section 10750.3 to~~ amend Section 65302.2 of, and to add Section 56878 to, the Government Code, and to amend Section 10795.4 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Dickinson. Groundwater basin management: sustainability.

*(1) Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin.*

*This bill would require a sustainable groundwater management plan to be adopted, except as provided, for each high or medium priority groundwater basin by any groundwater management agency, defined as a special district authorized to provide water for beneficial uses or with specific authority to conduct groundwater management, a city, a county, a city and county, or certain joint powers authorities. This bill would require a sustainable groundwater management plan to meet*

*certain requirements, including, but not limited to, that the plan contain sustainable groundwater management objectives to achieve sustainable groundwater management in the groundwater basin within 20 years of the implementation of the plan but would allow the department to grant an extension beyond 20 years to 30 years based on groundwater basin circumstances, and that the plan contain the components required of a groundwater management plan seeking the above-described state funds. This bill would require a sustainable groundwater management plan to be submitted by the groundwater management agency to the department for technical review.*

*This bill, as of an unspecified date or as of a date adopted by the groundwater management agency, whichever is earlier, would prohibit the extraction of groundwater within a groundwater basin for new commercial, multifamily residential, or industrial development, except for the use of a single-family domestic well, unless the groundwater basin has a sustainable groundwater management plan. This bill would authorize a groundwater management agency to establish, assume, or cooperatively manage well permitting programs to provide essential management information to implement a sustainable groundwater management plan and basin management objectives, and to regulate the pumping of groundwater. This bill would require the process for developing or revising a sustainable groundwater management plan, or revising a groundwater management plan to meet sustainable groundwater management plan requirements, to meet specified requirements for public notification, hearing, and protest.*

*(2) Existing law provides that moneys in the Local Groundwater Assistance Fund, upon appropriation by the Legislature, are authorized to be used by the Department of Water Resources to assist local public agencies to conduct groundwater studies, to carry out groundwater monitoring and management activities, and to assist in the development of groundwater management plans.*

*This bill would authorize the department to use moneys in the fund, upon appropriation, to conduct groundwater studies or to carry out groundwater monitoring and management activities described in paragraph (1).*

*(3) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission and governs the procedures for the formation, change of organization, and reorganization of cities and special districts.*

*This bill would authorize the local agency formation commission to provide special technical assistance and an expedited timeline to facilitate the formation of a local and regional groundwater management agency if there is no local and regional groundwater management agency existing in a defined groundwater basin.*

*(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.*

*This bill would require a city or county, upon the adoption or revision of its general plan, to reference as a source document any sustainable groundwater management plan or groundwater management plan for a groundwater basin or subbasin within the jurisdiction of the city or county. By imposing a new requirement on a city or county, this bill would impose a state-mandated local program.*

*(5) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law, the Groundwater Quality Monitoring Act of 2001, requires the State Water Resources Control Board to integrate existing monitoring programs and design new program elements, as necessary, to establish a comprehensive monitoring program capable of assessing each groundwater basin in the state through direct and other statistically reliable sampling approaches. The act requires the state board, in establishing the comprehensive monitoring program, to prioritize groundwater basins that supply drinking water.~~

~~This bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to develop thresholds for the sustainable management of the priority groundwater basins.~~

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

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

1 SECTION 1. Section 56878 is added to the Government Code,  
2 to read:

3 56878. If there is no local and regional groundwater  
4 management agency existing in a groundwater basin, as defined  
5 in subdivision (b) of Section 10720 of the Water Code, the  
6 commission may provide special technical assistance and an  
7 expedited timeline to facilitate the formation of a local and regional  
8 groundwater management agency.

9 SEC. 2. Section 65302.2 of the Government Code is amended  
10 to read:

11 65302.2. (a) Upon the adoption, or revision, of a city or  
12 county’s general plan, on or after January 1, 1996, the city or  
13 county shall utilize as a source document any urban water  
14 management plan submitted to the city or county by a water  
15 agency.

16 (b) Upon the adoption, or revision, of a city or county’s general  
17 plan, the city or county shall utilize as a source document the  
18 following plans for a groundwater basin or subbasin within the  
19 jurisdiction of the city or county:

20 (1) A sustainable groundwater management plan adopted  
21 pursuant to Part 2.74 (commencing with Section 10720) of Division  
22 6 of the Water Code.

23 (2) A groundwater management plan adopted pursuant to Part  
24 2.75 (commencing with Section 10750) of Division 6 of the Water  
25 Code.

26 SEC. 3. Part 2.74 (commencing with Section 10720) is added  
27 to Division 6 of the Water Code, to read:

28

29 PART 2.74. GROUNDWATER SUSTAINABILITY

30

31 10720. Unless the context otherwise requires, the following  
32 definitions govern the construction of this part:

33 (a) “Bulletin No. 118” means the department’s bulletin entitled  
34 “California’s Ground Water,” dated September 1975, and any  
35 amendments to that bulletin.

1 (b) “Groundwater” means all water beneath the surface of the  
2 earth within the zone below the water table in which the soil is  
3 completely saturated with water, but does not include water that  
4 flows in known and definite channels.

5 (c) “Groundwater basin” means any groundwater basin or  
6 subbasin identified in Bulletin No. 118 that the department  
7 identifies as a high or medium priority groundwater basin as part  
8 of the California Statewide Groundwater Elevation Monitoring  
9 Program in accordance with Sections 10933 and 12924.

10 (d) “Groundwater management agency” means a special district  
11 authorized to provide water for beneficial uses or with specific  
12 authority to conduct groundwater management, a city, a county,  
13 a city and county, or a joint powers authority comprised of any or  
14 all of the these.

15 (e) “Groundwater management program” means a coordinated  
16 and ongoing activity undertaken for the benefit of a groundwater  
17 basin, or a portion of a groundwater basin, based on the best  
18 available science, monitoring, forecasting, and use of technological  
19 resources, pursuant to a sustainable groundwater management  
20 plan.

21 (f) “Recharge” means the augmentation of groundwater, by  
22 natural or artificial means, with surface water or recycled water.

23 (g) “Sustainable groundwater management” means the  
24 management and use of groundwater in a manner that can be  
25 maintained during the planning and implementation horizon  
26 without resulting in a significant adverse overdraft-related  
27 environmental, social, or economic effect, as determined by the  
28 groundwater management agency.

29 10725. (a) A sustainable groundwater management plan shall  
30 be adopted for each groundwater basin by any overlying  
31 groundwater management agency. A sustainable groundwater  
32 management plan shall meet the following requirements:

33 (1) Include the components set forth in Section 10753.7.

34 (2) Be adopted on or before January 1, 2020, and updated every  
35 five years thereafter.

36 (3) Contain sustainable groundwater management objectives  
37 to achieve sustainable groundwater management in the  
38 groundwater basin within 20 years of the implementation of the  
39 plan, include an analysis demonstrating how the objectives will  
40 achieve sustainable groundwater management, and identify the

1 *parties responsible for achieving the objectives. The department*  
2 *may grant an extension beyond the 20-year sustainability timeframe*  
3 *if necessary based on groundwater basin circumstances, but in no*  
4 *case may a sustainable management plan contemplate that more*  
5 *than 30 years are required to achieve sustainable groundwater*  
6 *management.*

7 *(4) Provide a planning and implementation horizon of at least*  
8 *50 years.*

9 *(5) Annually submit a performance report comparing the status*  
10 *of the groundwater basin to the sustainable groundwater*  
11 *management objectives.*

12 *(6) Provide summaries of monitoring data regularly to the*  
13 *department for the California Statewide Groundwater Elevation*  
14 *Monitoring Program and locally to the groundwater basin*  
15 *stakeholders through an Internet Web site or similar method.*

16 *(b) A sustainable groundwater management plan shall not be*  
17 *required for a groundwater basin, or a portion of a groundwater*  
18 *basin, that is subject to groundwater management pursuant to*  
19 *other provisions of law or a court order, judgment, or decree.*

20 *(c) If multiple sustainable groundwater management plans cover*  
21 *different portions of a groundwater basin, each sustainable*  
22 *groundwater management plan shall not conflict with or impede*  
23 *sustainable groundwater management relating to the other*  
24 *sustainable groundwater management plans in the groundwater*  
25 *basin.*

26 *(d) (1) A groundwater management agency may incorporate*  
27 *into a sustainable groundwater management plan a neighboring*  
28 *area overlying the groundwater basin not already covered by*  
29 *another sustainable groundwater management plan.*

30 *(2) A groundwater basin boundary, as defined in Bulletin No.*  
31 *118, may be adjusted by a groundwater management agency, in*  
32 *consultation with adjacent groundwater basin groundwater*  
33 *management agencies and the department, to address hydrologic*  
34 *conditions and other features of the subbasin based on a technical*  
35 *analysis supporting the boundary adjustment.*

36 *10726. The process for developing or revising a sustainable*  
37 *groundwater management plan, or revising a groundwater*  
38 *management plan adopted pursuant to Part 2.75(commencing with*  
39 *Section 10750) to meet the requirements of this part, shall meet*

1 *the requirements on a local agency for public notification, hearing,*  
2 *and protest set forth in Sections 10753.2 to 10753.6, inclusive.*

3 *10730. (a) A sustainable groundwater management plan shall*  
4 *be submitted by the groundwater management agency to the*  
5 *department for technical review.*

6 *(b) The department shall subject the sustainable groundwater*  
7 *management plan to technical review for adequacy and do one of*  
8 *the following:*

9 *(1) Approve the sustainable groundwater management plan.*

10 *(2) Conditionally approve the sustainable groundwater*  
11 *management plan.*

12 *(3) Determine the sustainable groundwater management plan*  
13 *to be inadequate and allow six months for resubmission of the*  
14 *sustainable groundwater management plan with revisions.*

15 *10735. A groundwater management agency may do all of the*  
16 *following:*

17 *(a) Enter into a joint powers authority, participate in a*  
18 *memorandum of understanding among existing agencies,*  
19 *participate in an integrated regional water management planning*  
20 *group, any of which may include a locally authorized watermaster,*  
21 *or establish another form of appropriate local or regional*  
22 *sustainable groundwater management entity.*

23 *(b) Raise funds for the purposes of this chapter.*

24 *(c) Regulate the pumping of groundwater.*

25 *(d) Establish, assume, or cooperatively manage well permitting*  
26 *programs to provide essential management information to*  
27 *implement a sustainable groundwater management plan and basin*  
28 *management objectives. The well permitting program may include,*  
29 *but is not limited to, information about the location, depth, water*  
30 *quality, construction, and production of a well and shall ensure*  
31 *that well abandonment standards are enforced.*

32 *(e) Enforce the agency's sustainable groundwater management*  
33 *plan.*

34 *10740. (a) As of \_\_\_\_ date or as of the date adopted by the*  
35 *groundwater management agency, whichever is earlier, a person*  
36 *or entity shall not extract groundwater within a groundwater basin*  
37 *for new commercial, multifamily residential, or industrial*  
38 *development, unless a groundwater basin has a sustainable*  
39 *groundwater management plan.*

1 (b) This section does not apply to the use of a single-family  
2 domestic well.

3 SEC. 4. Section 10795.4 of the Water Code is amended to read:

4 10795.4. Upon appropriation by the Legislature, the money in  
5 the fund may be used by the department to assist local public  
6 agencies by awarding grants to those agencies to conduct  
7 groundwater studies or to carry out groundwater monitoring and  
8 management activities in accordance with Part 2.75 (commencing  
9 with Section 10750), Part 2.74 (commencing with Section 10720),  
10 or other authority pursuant to which local public agencies manage  
11 groundwater resources, or both, any combination of these including  
12 the development of groundwater management plans, as provided  
13 for in subdivision (a) of Section 10753.7.

14 SEC. 5. If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.

19 SECTION 1. ~~Section 10750.3 is added to the Water Code, to~~  
20 ~~read:~~

21 ~~10750.3. The state board, in consultation with the department,~~  
22 ~~shall develop thresholds for the sustainable management of the~~  
23 ~~priority groundwater basins listed pursuant to the Groundwater~~  
24 ~~Quality Monitoring Act of 2001 (Part 2.76 (commencing with~~  
25 ~~Section 10780)), as that list may be amended.~~