

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN SENATE AUGUST 4, 2014

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AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1739

Introduced by Assembly Member Dickinson
(Principal coauthor: Senator Pavley)
(Coauthor: Assembly Member Rendon)

February 14, 2014

An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 348, 1120, 1552, 1831, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, to add Part 5.2 (commencing with Section 5200) to Division 2 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 management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term ~~water supply~~ reliability and

multiple economic, social, ~~or~~ and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) Existing law authorizes local agencies 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, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill, *with certain exceptions*, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being ~~renewed, except for a low- or very low priority basin.~~ *renewed.*

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability

plan or coordinated groundwater sustainability ~~plans of a groundwater sustainability agency, plans,~~ with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. ~~This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter.~~ This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater ~~pumping,~~ *extraction,* and to impose certain fees.

This bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon ~~completion~~ *adoption*. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop ~~guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs~~ *certain guidelines*. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative

~~plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives of these provisions as a functional equivalent. This bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. provisions.~~ This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would require the department to adopt a schedule of fees to recover costs incurred.

This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the board to designate a basin as a probationary basin, if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.

~~Existing~~

(4) *Existing* law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund

are available, upon appropriation by the Legislature, for, *among other things*, the administration of the ~~board's~~ *State Water Resource Control Board's* water rights program.

This bill would provide that the money in the Water Rights Fund is available for expenditure, upon appropriation by the Legislature, for the purpose of state board enforcement of the provisions of this bill. This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund for the purpose of administering the above-described provisions: by the board for this bill.

Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of ~~the above-described provisions:~~ *any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.*

(5) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the State Water Resources Control Board a prescribed statement of diversion and use. Existing law subjects a person to civil liability if that person fails to file, as required, a diversion and use statement for a diversion or use that occurs after January 1, 2009, tampers with any measuring device, or makes a material misstatement in connection with the filing of a diversion or use statement. Existing law provides that the making of any willful misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would establish groundwater reporting requirements to the board or certain other entity for a person extracting groundwater in an area within a basin that is not within the management area of a groundwater sustainability agency or a probationary basin. This bill would require each report to be accompanied by a specified fee. This bill would apply the above-described criminal and civil liability provisions to a report or measuring device required by this reporting requirement. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law authorizes the board or the Department of Water Resources to adopt emergency regulations providing for the filing of reports of water diversion or use that are required to be filed.

This bill would authorize the board or the department to adopt emergency regulations providing for the filing of reports of water extraction.

~~(4)~~

(6) 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, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order ~~of~~ *or interim plan* by the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

~~(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins~~

identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency:

(6)

(7) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7)

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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. (a) The Legislature finds and declares as follows:

2 (1) The people of the state have a primary interest in the
3 protection, management, and reasonable beneficial use of the water
4 resources of the state, both surface and underground, and that the
5 integrated management of the state’s water resources is essential
6 to meeting its water management goals.

7 (2) Groundwater provides a significant portion of California’s
8 water supply. Groundwater accounts for more than one-third of
9 the water used by Californians in an average year and more than
10 one-half of the water used by Californians in a drought year when
11 other sources are unavailable.

12 (3) Excessive groundwater ~~pumping~~ extraction can cause
13 overdraft, failed wells, deteriorated water quality, environmental
14 damage, and irreversible land subsidence that damages
15 infrastructure and diminishes the capacity of aquifers to store water
16 for the future.

1 (4) When properly managed, groundwater resources will help
2 protect communities, farms, and the environment against prolonged
3 dry periods and climate change, preserving water supplies for
4 existing and potential beneficial use.

5 (5) Failure to manage groundwater to prevent long-term
6 overdraft infringes on groundwater rights.

7 (6) Groundwater resources are most effectively managed at the
8 local or regional level.

9 (7) Groundwater management will not be effective unless local
10 actions to sustainably manage groundwater basins and subbasins
11 are taken.

12 (8) Local and regional agencies need to have the necessary
13 support and authority to manage groundwater sustainably.

14 (9) In those circumstances where a local groundwater
15 management agency is not managing its groundwater sustainably,
16 the state needs to protect the resource until it is determined that a
17 local groundwater management agency can sustainably manage
18 the groundwater basin or subbasin.

19 (10) Information on the amount of groundwater extraction,
20 natural and artificial recharge, and groundwater evaluations are
21 critical for effective management of groundwater.

22 (11) Sustainable groundwater management in California depends
23 upon creating more opportunities for robust conjunctive
24 management of surface water *and groundwater* resources. Climate
25 change will intensify the need to recalibrate and reconcile surface
26 *water* and groundwater management strategies.

27 (b) It is therefore the intent of the Legislature to do all of the
28 following:

29 (1) To provide local and regional agencies the authority to
30 sustainably manage groundwater.

31 (2) To provide that if no local groundwater agency or agencies
32 provide sustainable groundwater management for a groundwater
33 basin or subbasin, the state has the authority to develop and
34 implement a ~~groundwater sustainability~~ *an interim* plan until the
35 time the local groundwater ~~management sustainability~~ agency or
36 agencies can assume management of the basin or subbasin.

37 (3) To require the development and reporting of those data
38 necessary to support sustainable groundwater management,
39 including those data that help describe the basin's geology, the
40 short- and long-term trends of the basin's water balance, and other

1 measures of sustainability, and those data necessary to resolve
2 disputes regarding sustainable yield, beneficial uses, and water
3 rights.

4 (4) To respect overlying and other proprietary rights to
5 groundwater.

6 SEC. 2. Section 65350.5 is added to the Government Code, to
7 read:

8 65350.5. Before the adoption or any substantial amendment
9 of a city's or county's general plan, the planning agency shall
10 review and consider all of the following:

11 (a) An adoption of, or update to, a groundwater sustainability
12 plan or groundwater management plan pursuant to Part 2.74
13 (commencing with Section 10720) or Part 2.75 (commencing with
14 Section 10750) of Division 6 of the Water Code or groundwater
15 management court order, judgment, or decree.

16 (b) An adjudication of water rights.

17 (c) An order *or interim plan* by the State Water Resources
18 Control Board pursuant to Chapter 11 (commencing with Section
19 10735) of Part 2.74 of Division 6 of the Water Code.

20 SEC. 3. Section 65352 of the Government Code is amended
21 to read:

22 65352. (a) Before a legislative body takes action to adopt or
23 substantially amend a general plan, the planning agency shall refer
24 the proposed action to all of the following entities:

25 (1) A city or county, within or abutting the area covered by the
26 proposal, and any special district that may be significantly affected
27 by the proposed action, as determined by the planning agency.

28 (2) An elementary, high school, or unified school district within
29 the area covered by the proposed action.

30 (3) The local agency formation commission.

31 (4) An areawide planning agency whose operations may be
32 significantly affected by the proposed action, as determined by the
33 planning agency.

34 (5) A federal agency, if its operations or lands within its
35 jurisdiction may be significantly affected by the proposed action,
36 as determined by the planning agency.

37 (6) (A) The branches of the United States Armed Forces that
38 have provided the Office of Planning and Research with a
39 California mailing address pursuant to subdivision (d) of Section
40 65944, if the proposed action is within 1,000 feet of a military

1 installation, or lies within special use airspace, or beneath a
2 low-level flight path, as defined in Section 21098 of the Public
3 Resources Code, and if the United States Department of Defense
4 provides electronic maps of low-level flight paths, special use
5 airspace, and military installations at a scale and in an electronic
6 format that is acceptable to the Office of Planning and Research.

7 (B) Within 30 days of a determination by the Office of Planning
8 and Research that the information provided by the Department of
9 Defense is sufficient and in an acceptable scale and format, the
10 office shall notify cities, counties, and cities and counties of the
11 availability of the information on the Internet. Cities, counties, and
12 cities and counties shall comply with subparagraph (A) within 30
13 days of receiving this notice from the office.

14 (7) A public water system, as defined in Section 116275 of the
15 Health and Safety Code, with 3,000 or more service connections,
16 that serves water to customers within the area covered by the
17 proposal. The public water system shall have at least 45 days to
18 comment on the proposed plan, in accordance with subdivision
19 (b), and to provide the planning agency with the information set
20 forth in Section 65352.5.

21 (8) Any groundwater sustainability agency that has adopted a
22 groundwater sustainability plan pursuant to Part 2.74 (commencing
23 with Section 10720) of Division 6 of the Water Code or local
24 agency that otherwise manages groundwater pursuant to other
25 provisions of law or a court order, judgment, or decree within the
26 planning area of the proposed general plan.

27 (9) The State Water Resources Control Board, if it has adopted
28 an interim plan pursuant to ~~Part 2.74 (commencing with~~
29 ~~Section 10720)~~ *Chapter 11 (commencing with Section 10735) of*
30 *Part 2.74* of Division 6 of the Water Code that includes territory
31 within the planning area of the proposed general plan.

32 (10) The Bay Area Air Quality Management District for a
33 proposed action within the boundaries of the district.

34 (11) A California Native American tribe, that is on the contact
35 list maintained by the Native American Heritage Commission and
36 that has traditional lands located within the city's or county's
37 jurisdiction.

38 (12) The Central Valley Flood Protection Board, for a proposed
39 action within the boundaries of the Sacramento and San Joaquin
40 Drainage District, as set forth in Section 8501 of the Water Code.

1 (b) An entity receiving a proposed general plan or amendment
2 of a general plan pursuant to this section shall have 45 days from
3 the date the referring agency mails it or delivers it to comment
4 unless a longer period is specified by the planning agency.

5 (c) (1) This section is directory, not mandatory, and the failure
6 to refer a proposed action to the entities specified in this section
7 does not affect the validity of the action, if adopted.

8 (2) To the extent that the requirements of this section conflict
9 with the requirements of Chapter 4.4 (commencing with Section
10 65919), the requirements of Chapter 4.4 shall prevail.

11 SEC. 4. Section 65352.5 of the Government Code is amended
12 to read:

13 65352.5. (a) The Legislature finds and declares that it is vital
14 that there be close coordination and consultation between
15 California's water supply or management agencies and California's
16 land use approval agencies to ensure that proper water supply and
17 management planning occurs to accommodate projects that will
18 result in increased demands on water supplies or impact water
19 resource management.

20 (b) It is, therefore, the intent of the Legislature to provide a
21 standardized process for determining the adequacy of existing and
22 planned future water supplies to meet existing and planned future
23 demands on these water supplies and the impact of land use
24 decisions on the management of California's water supply
25 resources.

26 (c) Upon receiving, pursuant to Section 65352, notification of
27 a city's or a county's proposed action to adopt or substantially
28 amend a general plan, a public water system, as defined in Section
29 116275 of the Health and Safety Code, with 3,000 or more service
30 connections, shall provide the planning agency with the following
31 information, as is appropriate and relevant:

32 (1) The current version of its urban water management plan,
33 adopted pursuant to Part 2.6 (commencing with Section 10610)
34 of Division 6 of the Water Code.

35 (2) The current version of its capital improvement program or
36 plan, as reported pursuant to Section 31144.73 of the Water Code.

37 (3) A description of the source or sources of the total water
38 supply currently available to the water supplier by water right or
39 contract, taking into account historical data concerning wet, normal,
40 and dry runoff years.

- 1 (4) A description of the quantity of surface water that was
2 purveyed by the water supplier in each of the previous five years.
- 3 (5) A description of the quantity of groundwater that was
4 purveyed by the water supplier in each of the previous five years.
- 5 (6) A description of all proposed additional sources of water
6 supplies for the water supplier, including the estimated dates by
7 which these additional sources should be available and the
8 quantities of additional water supplies that are being proposed.
- 9 (7) A description of the total number of customers currently
10 served by the water supplier, as identified by the following
11 categories and by the amount of water served to each category:
- 12 (A) Agricultural users.
13 (B) Commercial users.
14 (C) Industrial users.
15 (D) Residential users.
- 16 (8) Quantification of the expected reduction in total water
17 demand, identified by each customer category set forth in paragraph
18 (7), associated with future implementation of water use reduction
19 measures identified in the water supplier's urban water
20 management plan.
- 21 (9) Any additional information that is relevant to determining
22 the adequacy of existing and planned future water supplies to meet
23 existing and planned future demands on these water supplies.
- 24 (10) A report on the anticipated effect of proposed action to
25 adopt or substantially amend a general plan on implementation of
26 a groundwater sustainability plan pursuant to Part 2.74
27 (commencing with Section 10720) of Division 6 of the Water
28 Code.
- 29 (d) Upon receiving, pursuant to Section 65352, notification of
30 a city's or a county's proposed action to adopt or substantially
31 amend a general plan, a groundwater sustainability agency, as
32 defined in ~~Section 10720.5~~ 10721 of the Water Code, shall provide
33 the planning agency with the following information, as is
34 appropriate and relevant:
- 35 (1) The current version of its groundwater sustainability plan
36 adopted pursuant to Part 2.74 (commencing with Section 10720)
37 of Division 6 of the Water Code.
- 38 (2) If the groundwater sustainability agency manages
39 groundwater pursuant to a court order, judgment, decree, or
40 agreement among affected water rights holders, or if the State

1 Water Resources Control Board has adopted a groundwater
2 sustainability *an interim* plan pursuant to Part 2.74 (commencing
3 with Section 10720) Chapter 11 (commencing with Section 10735)
4 of Part 2.74 of Division 6 of the Water Code, the groundwater
5 sustainability agency shall provide the planning agency with maps
6 of recharge basins and percolation ponds, extraction limitations,
7 and other relevant information, or the court order, judgment, or
8 decree.

9 SEC. 5. Section 113 is added to the Water Code, to read:

10 113. It is the policy of the state that groundwater resources be
11 managed sustainably for long-term water supply reliability and
12 multiple economic, social, ~~or~~ and environmental benefits for
13 current and future beneficial uses. Sustainable groundwater
14 management is best achieved locally through the development,
15 implementation, and updating of plans and programs based on the
16 best available science.

17 SEC. 6. Section 348 of the Water Code is amended to read:

18 348. (a) The department or the board may adopt emergency
19 regulations providing for the electronic filing of reports of *water*
20 *extraction or* water diversion or use required to be filed with the
21 department or board under this code, including, but not limited to,
22 any report required to be filed under Part 5.1 (commencing with
23 Section 5100) or Part 5.2 (commencing with Section 5200) of
24 Division 2 and any report required to be filed by a water right
25 permittee or licensee.

26 (b) Emergency regulations adopted pursuant to this section, or
27 any amendments thereto, shall be adopted by the department or
28 the board in accordance with Chapter 3.5 (commencing with
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
30 Code. The adoption of these regulations is an emergency and shall
31 be considered by the Office of Administrative Law as necessary
32 for the immediate preservation of the public peace, health, safety,
33 and general welfare. Notwithstanding Chapter 3.5 (commencing
34 with Section 11340) of Part 1 of Division 3 of Title 2 of the
35 Government Code, any emergency regulations or amendments to
36 those regulations adopted under this section shall remain in effect
37 until revised by the department or the board that adopted the
38 regulations or amendments.

39 ~~SEC. 6.~~

40 SEC. 7. Section 1120 of the Water Code is amended to read:

1 1120. This chapter applies to any decision or order issued under
2 this part or Section 275, Part 2 (commencing with Section 1200),
3 Part 2 (commencing with Section 10500) of Division 6, Chapter
4 11 (commencing with Section 10735) of Part 2.74 of Division 6,
5 Article 7 (commencing with Section 13550) of Chapter 7 of
6 Division 7, or the public trust doctrine.

7 ~~SEC. 7.~~

8 *SEC. 8.* Section 1529.5 is added to the Water Code, to read:

9 1529.5. (a) The board shall adopt a schedule of fees pursuant
10 to Section 1530 to recover costs incurred in administering Chapter
11 11 (commencing with Section 10735) of Part 2.74 of Division 6.
12 Recoverable costs include, but are not limited to, costs incurred
13 in connection with investigations, facilitation, monitoring, hearings,
14 enforcement, and administrative costs in carrying out these actions.

15 (b) The fee schedule adopted under this section may include,
16 but is not limited to, the following:

17 (1) A fee for participation as a petitioner or party to an
18 adjudicative proceeding.

19 (2) A fee for the filing of a report pursuant to Part 5.2
20 (commencing with Section 5200) of Division ~~2~~ for ~~extractions~~
21 ~~from a source within the boundaries of a probationary basin under~~
22 ~~Section 10735.2.~~ 2.

23 (c) Consistent with Section 3 of Article XIII A of the California
24 Constitution, the board shall set the fees under this section in an
25 amount sufficient to cover all costs incurred and expended from
26 the Water Rights Fund for the ~~purpose of~~ *purposes of Part 5.2*
27 *(commencing with Section 5200) and Chapter 11 (commencing*
28 *with Section 10735) of Part 2.74 of Division 6. In setting these*
29 *fees, the board is not required to fully recover these costs in the*
30 *year or the year immediately after the costs are incurred, but the*
31 *board may provide for recovery of these costs over a period of*
32 *years.*

33 *SEC. 9.* Section 1552 of the Water Code is amended to read:

34 1552. The money in the Water Rights Fund is available for
35 expenditure, upon appropriation by the Legislature, for the
36 following purposes:

37 (a) For expenditure by the State Board of Equalization in the
38 administration of this chapter and the Fee Collection Procedures
39 Law (Part 30 (commencing with Section 55001) of Division 2 of

1 the Revenue and Taxation Code) in connection with any fee or
2 expense subject to this chapter.

3 (b) For the payment of refunds, pursuant to Part 30 (commencing
4 with Section 55001) of Division 2 of the Revenue and Taxation
5 Code, of fees or expenses collected pursuant to this chapter.

6 (c) For expenditure by the board for the purposes of carrying
7 out this division, Division 1 (commencing with Section 100), Part
8 2 (commencing with Section 10500) and Chapter 11 (commencing
9 with Section 10735) of Part 2.74 of Division 6, and Article 7
10 (commencing with Section 13550) of Chapter 7 of Division 7.

11 (d) For expenditures by the board for the purposes of carrying
12 out Sections 13160 and 13160.1 in connection with activities
13 involving hydroelectric power projects subject to licensing by the
14 Federal Energy Regulatory Commission.

15 (e) For expenditures by the board for the purposes of carrying
16 out Sections 13140 and 13170 in connection with plans and policies
17 that address the diversion or use of water.

18 ~~SEC. 8.~~

19 *SEC. 10.* Section 1831 of the Water Code is amended to read:

20 1831. (a) When the board determines that any person is
21 violating, or threatening to violate, any requirement described in
22 subdivision (d), the board may issue an order to that person to
23 cease and desist from that violation.

24 (b) The cease and desist order shall require that person to comply
25 forthwith or in accordance with a time schedule set by the board.

26 (c) The board may issue a cease and desist order only after
27 notice and an opportunity for hearing pursuant to Section 1834.

28 (d) The board may issue a cease and desist order in response to
29 a violation or threatened violation of any of the following:

30 (1) The prohibition set forth in Section 1052 against the
31 unauthorized diversion or use of water subject to this division.

32 (2) Any term or condition of a permit, license, certification, or
33 registration issued under this division.

34 (3) Any decision or order of the board issued under this part,
35 Section 275, Chapter 11 (commencing with Section 10735) of Part
36 2.74 of Division 6, or Article 7 (commencing with Section 13550)
37 of Chapter 7 of Division 7, in which decision or order the person
38 to whom the cease and desist order will be issued, or a predecessor
39 in interest to that person, was named as a party directly affected
40 by the decision or order.

1 (4) A regulation adopted under Section 1058.5.
 2 (5) Any ~~pumping~~ *extraction* restriction, limitation, order, or
 3 regulation adopted or issued under Chapter 11 (commencing with
 4 Section 10735) of Part 2.74 of Division 6.

5 (e) This article does not authorize the board to regulate in any
 6 manner, the diversion or use of water not otherwise subject to
 7 regulation of the board under this division or Section 275.

8 ~~SEC. 9.~~

9 *SEC. 11.* Part 5.2 (commencing with Section 5200) is added
 10 to Division 2 of the Water Code, to read:

11
 12 PART 5.2. GROUNDWATER EXTRACTION REPORTING
 13 FOR PROBATIONARY BASINS AND BASINS WITHOUT A
 14 GROUNDWATER SUSTAINABILITY AGENCY

15
 16 ~~5200. It is the intent of the Legislature to subsequently amend
 17 this measure to adopt extraction reporting requirements for basins
 18 identified as probationary basins pursuant to Section 10735.2, or
 19 as authorized by subdivision (b) of Section 10724, for basins
 20 without a groundwater sustainability agency.~~

21 *5200. The Legislature finds and declares that this part
 22 establishes groundwater reporting requirements for the purposes
 23 of subdivision (b) of Section 10724 and Chapter 11 (commencing
 24 with Section 10735) of Part 2.74 of Division 6.*

25 *5201. As used in this part:*

- 26 (a) *“Basin” has the same meaning as defined in Section 10721.*
- 27 (b) *“Board-designated local area” has the same meaning as*
 28 *defined in Section 5009.*
- 29 (c) *“De minimis extractor” has the same meaning as defined*
 30 *in Section 10721.*
- 31 (d) *“Groundwater” has the same meaning as defined in Section*
 32 *10721.*
- 33 (e) *“Groundwater extraction facility” has the same meaning*
 34 *as defined in Section 10721.*
- 35 (f) *“Groundwater sustainability agency” has the same meaning*
 36 *as defined in Section 10721.*
- 37 (g) *“Person” has the same meaning as defined in Section 10735.*
- 38 (h) *“Probationary basin” has the same meaning as defined in*
 39 *Section 10735.*

1 (i) “Personal information” has the same meaning as defined
2 in Section 1798.3 of the Civil Code.

3 (j) “Water year” has the same meaning as defined in Section
4 10721.

5 5202. (a) This section applies to a person who does either of
6 the following:

7 (1) Extracts groundwater from a probationary basin 90 days
8 or more after the board designates the basin as a probationary
9 basin pursuant to Section 10735.2.

10 (2) Extracts groundwater on or after January 1, 2017, in an
11 area within a basin that is not within the management area of a
12 groundwater sustainability agency and where the county does not
13 assume responsibility to be the groundwater sustainability agency,
14 as provided in subdivision (b) of Section 10724.

15 (b) Except as provided in subdivision (c), a person subject to
16 this section shall file a report of groundwater extraction by
17 December 15 of each year for extractions made in the preceding
18 water year.

19 (c) Unless reporting is required pursuant to paragraph (2) of
20 subdivision (c) of Section 10735.2, this section does not apply to
21 any of the following:

22 (1) An extraction by a de minimis extractor.

23 (2) An extraction excluded from reporting pursuant to paragraph
24 (1) of subdivision (c) of Section 10735.2.

25 (3) An extraction reported pursuant to Part 5 (commencing with
26 Section 4999).

27 (4) An extraction that is included in annual reports filed with
28 a court or the board by a watermaster appointed by a court or
29 pursuant to statute to administer a final judgment determining
30 rights to water. The reports shall identify the persons who have
31 extracted water and give the general place of use and the quantity
32 of water that has been extracted from each source.

33 (d) Except as provided in Section 5209, the report shall be filed
34 with the board.

35 (e) The report may be filed by the person extracting water or
36 on that person’s behalf by an agency that person designates and
37 that maintains a record of the water extracted.

38 (f) Each report shall be accompanied by the fee imposed
39 pursuant to Section 1529.5.

- 1 5203. *Each report shall be prepared on a form provided by*
2 *the board. The report shall include all of the following information:*
3 (a) *The name and address of the person who extracted*
4 *groundwater and of the person filing the report.*
5 (b) *The name of the basin from which groundwater was*
6 *extracted.*
7 (c) *The place of groundwater extraction. The location of the*
8 *groundwater extraction facilities shall be depicted on a specific*
9 *United States Geological Survey topographic map or shall be*
10 *identified using the California Coordinate System or a latitude*
11 *and longitude measurement. If assigned, the public land description*
12 *to the nearest 40-acre subdivision and the assessor's parcel*
13 *number shall be provided.*
14 (d) *The capacity of the groundwater extraction facilities.*
15 (e) *Monthly records of groundwater extractions. The*
16 *measurements of the extractions shall be made by a methodology,*
17 *water-measuring device, or combination thereof satisfactory to*
18 *the board.*
19 (f) *The purpose of use.*
20 (g) *A general description of the area in which the water was*
21 *used. The location of the place of use shall be depicted on a specific*
22 *United States Geological Survey topographic map or on any other*
23 *maps with identifiable landmarks. If assigned, the public land*
24 *description to the nearest 40-acre subdivision and the assessor's*
25 *parcel number shall also be provided.*
26 (h) *As near as is known, the year in which the groundwater*
27 *extraction was commenced.*
28 (i) *Any information required pursuant to paragraph (3) of*
29 *subdivision (c) of Section 10735.2.*
30 (j) *Any other information that the board may require by*
31 *regulation and that is reasonably necessary for purposes of this*
32 *division or Part 2.74 (commencing with Section 10720) of Division*
33 *6.*
34 5204. (a) *If a person fails to file a report as required by this*
35 *part, the board may, at the expense of that person, investigate and*
36 *determine the information required to be reported pursuant to this*
37 *part.*
38 (b) *The board shall give a person described in subdivision (a)*
39 *notice of its intention to investigate and determine the information*

1 *required to be reported pursuant to this part and 60 days in which*
2 *to file a required report without penalty.*

3 *5205. A report submitted under this part or a determination*
4 *of facts by the board pursuant to Section 5104 shall not establish*
5 *or constitute evidence of a right to divert or use water.*

6 *5206. Personal information included in a report of groundwater*
7 *extraction shall have the same protection from disclosure as is*
8 *provided for information concerning utility customers of local*
9 *agencies pursuant to Section 6254.16 of the Government Code.*

10 *5207. (a) A prescriptive right to extract groundwater that may*
11 *otherwise occur shall not arise or accrue to, and a statute of*
12 *limitations shall not operate in favor of, a person required to file*
13 *a report pursuant to this part until the person files the report.*

14 *(b) For purposes of establishing or maintaining a water right,*
15 *failure to file a report required to be filed pursuant to this part*
16 *within six months after the report is due shall be deemed equivalent*
17 *to nonuse during the period for which the report was required.*

18 *5208. Section 5107 applies to a report or measuring device*
19 *required pursuant to this part. For purposes of Section 5107, a*
20 *report of groundwater extraction, measuring device, or*
21 *misstatement required, used, or made pursuant to this part shall*
22 *be considered the equivalent of a statement, measuring device, or*
23 *misstatement required, used, or made pursuant to Part 5.1*
24 *(commencing with Section 5100).*

25 *5209. For groundwater extractions in a board-designated local*
26 *area, reports required pursuant to this part shall be submitted to*
27 *the entity designated pursuant to subdivision (e) of Section 5009*
28 *if both of the following occur:*

29 *(a) The board determines that the requirements of subdivision*
30 *(e) of Section 5009 have been satisfied with respect to extractions*
31 *subject to reporting pursuant to this part, in addition to any*
32 *groundwater extractions subject to Part 5 (commencing with*
33 *Section 4999).*

34 *(b) The designated entity has made satisfactory arrangements*
35 *to collect and transmit to the board any fees imposed pursuant to*
36 *paragraph (2) of subdivision (b) of Section 1529.5.*

37 ~~SEC. 10.~~

38 *SEC. 12. Part 2.74 (commencing with Section 10720) is added*
39 *to Division 6 of the Water Code, to read:*

PART 2.74. SUSTAINABLE GROUNDWATER
MANAGEMENT

CHAPTER 1. GENERAL PROVISIONS

10720. This part shall be known, and may be cited, as the
“Sustainable Groundwater Management Act.”

10720.1. In enacting this part, it is the intent of the Legislature
to do all of the following:

(a) To provide for the sustainable management of groundwater
basins.

(b) To enhance local management of groundwater consistent
with rights to use or store groundwater and Section 2 of Article X
of the California Constitution. It is the intent of the Legislature to
preserve the security of water rights in the state to the greatest
extent possible consistent with the sustainable management of
groundwater.

(c) To establish minimum standards for sustainable groundwater
management.

(d) To provide local groundwater agencies with the authority
and the technical and financial assistance necessary to sustainably
manage groundwater.

(e) To avoid or minimize subsidence.

~~(f)~~
(f) To improve data collection and understanding about
groundwater.

~~(e)~~
(g) To increase groundwater storage and remove impediments
to recharge.

~~(g)~~
(h) To manage groundwater basins through the actions of local
governmental agencies to the greatest extent feasible, while
minimizing state intervention to only when necessary to ensure
that local agencies manage groundwater in a sustainable manner.

10720.3. (a) This part applies to all groundwater basins in the
state.

(b) To the extent authorized under federal or tribal law, this part
applies to an Indian tribe and to the federal government, including,
but not limited to, the Department of Defense.

1 10720.5. Groundwater management pursuant to this part shall
2 be consistent with Section 2 of Article X of the California
3 Constitution. Nothing in this part modifies rights or priorities to
4 use or store groundwater consistent with Section 2 of Article X of
5 the California Constitution, except that in basins designated
6 medium- or high-priority basins by the department, no extraction
7 of groundwater between January 1, 2015, and the date of adoption
8 of a groundwater sustainability plan pursuant to this part, whichever
9 is sooner, may be used as evidence of, or to establish or defend
10 against, any claim of prescription.

11 ~~10720.7. Subject to Chapter 6 (commencing with Section~~
12 ~~10725), by~~ By January 31, 2020, all basins designated as high- or
13 medium-priority basins by the department shall be managed under
14 a groundwater sustainability plan or coordinated groundwater
15 sustainability plans pursuant to this part. The Legislature
16 encourages and authorizes basins designated as low-and very low
17 priority basins by the department to be managed under groundwater
18 sustainability plans pursuant to this part.

19 10720.9. (a) Except as provided in ~~Section 10733.6,~~
20 *subdivision (d)*, this part does not apply to *the following*
21 *adjudicated areas* or a local agency that conforms to the
22 requirements of an adjudication of water rights in a groundwater
23 basin or to that adjudicated basin. For purposes of this section, an
24 adjudication includes an adjudication under Section 2101, an
25 administrative adjudication, and an adjudication in state or federal
26 court, including, but not limited to, *for one of* the following
27 adjudicated groundwater basins: *areas*:

- 28 (1) Beaumont Basin.
- 29 (2) Brite Basin.
- 30 (3) Central Basin.
- 31 (4) Chino Basin.
- 32 (5) Cucamonga Basin.
- 33 (6) Cummings Basin.
- 34 (7) Goleta Basin.
- 35 (8) ~~Main San Gabriel Basin: Puente Narrows: Basin.~~
- 36 (9) Mojave Basin Area.
- 37 (10) Puente Basin.
- 38 (11) Raymond Basin.
- 39 (12) San Jacinto Basin.
- 40 (13) Santa Margarita River Watershed.

- 1 (14) Santa Maria Valley Basin.
2 (15) Santa Paula Basin.
3 (16) Scott River Stream System.
4 (17) Seaside Basin.
5 (18) Six Basins.
6 (19) Tehachapi Basin.
7 (20) Upper Los Angeles River Area.
8 (21) Warren Valley Basin.
9 (22) West Coast Basin.
10 (23) Western San Bernardino.
- 11 (b) The Antelope Valley basin at issue in the Antelope Valley
12 Groundwater Cases (Judicial Council Coordination Proceeding
13 Number 4408) shall be treated as an adjudicated basin pursuant to
14 this section if the superior court issues a final judgment, order, or
15 decree.
- 16 (c) *If an adjudication action has determined the rights to extract*
17 *groundwater for only a portion of a basin, subdivisions (a) and*
18 *(b) apply only within the area for which the adjudication action*
19 *has determined those rights.*
- 20 (d) *The watermaster or a local agency within a basin identified*
21 *in subdivision (a) shall do all of the following:*
- 22 (1) *By January 1, 2016, submit to the department a copy of a*
23 *governing final judgment, or other judicial order or decree, and*
24 *any amendments entered before January 1, 2016.*
- 25 (2) *Within 90 days of entry by a court, submit to the department*
26 *a copy of any amendment made and entered by the court to the*
27 *governing final judgment or other judicial order or decree on or*
28 *after January 1, 2016.*
- 29 (3) *By January 1, 2016, and annually by January 1 of each year*
30 *thereafter, submit to the department a report containing the*
31 *following information for the portion of the basin subject to the*
32 *adjudication:*
- 33 (A) *Groundwater elevation data.*
34 (B) *Annual aggregated data identifying groundwater extraction*
35 *for the preceding water year.*
36 (C) *Surface water supply used for or available for use for*
37 *groundwater recharge or in-lieu use.*
38 (D) *Total water use.*
39 (E) *Change in groundwater storage.*

CHAPTER 2. DEFINITIONS

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10721. Unless the context otherwise requires, the following definitions govern the construction of this part:
- (a) “Adjudication action” means an action filed in the superior or federal district court to determine the rights to extract groundwater from a basin or store water within a basin, including, but not limited to, actions to quiet title respecting rights to extract or store groundwater or an action brought to impose a physical solution on a basin.
 - (b) “Basin” means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3 (commencing with Section 10722).
 - (c) “Bulletin 118” means the department’s report entitled “California’s Groundwater: Bulletin 118” updated in 2003, as it may be subsequently updated or revised in accordance with Section 12924.
 - (d) “Coordination agreement” means a legal agreement adopted between two or more groundwater sustainability agencies that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.
 - (e) “De-minimus minimis extractor” means a person who extracts, for domestic purposes, two acre-feet or less per year.
 - (f) “Governing body” means the legislative body of a groundwater sustainability agency.
 - (g) “Groundwater” means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.
 - (h) “Groundwater extraction facility” means a device or method for extracting groundwater from within a basin.
 - (i) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial means.
 - (j) “Groundwater sustainability agency” means one or more local agencies that implement the provisions of this part. For purposes of imposing fees pursuant to Chapter 8 (commencing with Section 10730) or taking action to enforce a groundwater sustainability plan, “groundwater sustainability agency” also means

1 each local agency comprising the groundwater sustainability
2 agency if the plan authorizes separate agency action.

3 (k) “Groundwater sustainability plan” or “plan” means a plan
4 of a groundwater sustainability agency proposed or adopted
5 pursuant to this part.

6 (l) “Groundwater sustainability program” means a coordinated
7 and ongoing activity undertaken to benefit a basin, pursuant to a
8 groundwater sustainability plan.

9 (m) “Local agency” means a local public agency that has water
10 supply, water management, or land use responsibilities within a
11 groundwater basin.

12 (n) “Operator” means a person operating a groundwater
13 extraction facility. The owner of a groundwater extraction facility
14 shall be conclusively presumed to be the operator unless a
15 satisfactory showing is made to the governing body of the
16 groundwater sustainability agency that the groundwater extraction
17 facility actually is operated by some other person.

18 (o) “Owner” means a person owning a groundwater extraction
19 facility or an interest in a groundwater extraction facility other
20 than a lien to secure the payment of a debt or other obligation.

21 (p) “Planning and implementation horizon” means a 50-year
22 time period over which a groundwater sustainability agency
23 determines that plans and measures will be implemented in a basin
24 to ensure that the basin is operated within its sustainable yield.

25 (q) “Public water system” has the same meaning as defined in
26 Section 116275 of the Health and Safety Code.

27 (r) “Recharge area” means the area that supplies water to an
28 aquifer in a groundwater basin.

29 (s) “Sustainability goal” means the existence and implementation
30 of one or more groundwater sustainability plans that achieve
31 sustainable groundwater management by identifying and causing
32 the implementation of measures targeted to ensure that the
33 applicable basin is operated within its sustainable yield.

34 (t) “Sustainable groundwater management” means the
35 management and use of groundwater in a manner that can be
36 maintained during the planning and implementation horizon
37 without causing undesirable results.

38 (u) “Sustainable yield” means the maximum quantity of water,
39 calculated over a base period representative of long-term conditions
40 in the basin and including any temporary surplus, that can be

1 withdrawn annually from a groundwater supply without causing
2 an undesirable result.

3 (v) “Undesirable result” means one or more of the following
4 effects ~~occurring after January 1, 2015, and~~ caused by groundwater
5 conditions occurring throughout the basin:

6 (1) Chronic lowering of groundwater levels indicating a
7 significant and unreasonable depletion of supply if continued over
8 the planning and implementation ~~horizon, excluding lowering~~
9 ~~groundwater levels caused by a drought.~~ *horizon. Overdraft during*
10 *a period of drought is not sufficient to establish a chronic lowering*
11 *of groundwater levels if extractions and recharge are managed*
12 *as necessary to ensure that reductions in groundwater levels or*
13 *storage during a period of drought are offset by increases in*
14 *groundwater levels or storage during other periods.*

15 (2) Significant and unreasonable reduction of groundwater
16 storage.

17 (3) Significant seawater intrusion.

18 (4) Significant and unreasonable degraded water quality,
19 including the migration of contaminant plumes that impair water
20 supplies.

21 (5) Significant land subsidence that substantially interferes with
22 surface land uses.

23 (6) Surface water depletions that have significant adverse
24 impacts on beneficial uses.

25 (w) “Water budget” means an accounting of the total
26 groundwater and surface water entering and leaving a basin
27 including the changes in the amount of water stored.

28 (x) “Watermaster” means a watermaster appointed by a court
29 or pursuant to other law.

30 (y) “Water year” means the period from October 1 through the
31 following September 30, inclusive.

32 (z) “Wellhead protection area” means the surface and subsurface
33 area surrounding a water well or well field that supplies a public
34 water system through which contaminants are reasonably likely
35 to migrate toward the water well or well field.

CHAPTER 3. BASIN BOUNDARIES

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10722. Unless other basin boundaries are established pursuant to this chapter, a basin's boundaries shall be as identified in Bulletin 118.

10722.2. (a) A local agency may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A local agency's request shall be supported by the following information:

(1) Information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management.

(2) Technical information regarding the boundaries of, and conditions in, the proposed adjusted basin.

(3) Information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies and public water systems in the affected basins before filing the proposal with the department.

(4) Other information the department deems necessary to justify revision of the basin's boundary.

(b) By January 1, 2016, the department shall develop and publish guidelines regarding the information required to comply with subdivision (a). The guidelines required pursuant to this subdivision are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The department shall provide a copy of its draft revision of a basin's boundaries to the California Water Commission. The California Water Commission shall hear and comment on the draft revision within 60 days after the department provides the draft revision to the commission.

10722.4. (a) Pursuant to Section 10933, for the purposes of this part the department shall categorize each basin as one of the following priorities:

(1) High priority.

(2) Medium priority.

(3) Low priority.

(4) Very low priority.

(b) The initial priority for each basin shall be established by the department pursuant to Section 10933 no later than January 1, 2017.

1 (c) Anytime the department updates Bulletin 118 boundaries
2 pursuant to subdivision (b) of Section 12924, the department shall
3 reassess the prioritization pursuant to Section 10933.

4 (d) Anytime the department changes the basin priorities pursuant
5 to Section 10933, if a basin is elevated to a medium or high priority
6 basin after January 1, 2015, a local agency shall have two years
7 from the date of reprioritization to establish a groundwater
8 sustainability agency pursuant to Chapter 4 (commencing with
9 Section 10723) and five years from the date of reprioritization to
10 adopt a groundwater sustainability plan pursuant to Chapter 6
11 (commencing with Section 10727).

12
13 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY
14 AGENCIES
15

16 10723. (a) Any local agency or combination of local agencies
17 may elect to be a groundwater sustainability agency.

18 (b) Before electing to be a groundwater sustainability agency,
19 and after publication of notice pursuant to Section 6066 of the
20 Government Code, the local agency or agencies shall hold a public
21 hearing in the county or counties overlying the basin.

22 10723.2. The groundwater sustainability agency shall consider
23 the interests of all beneficial uses and users of groundwater, as
24 well as those responsible for implementing groundwater
25 sustainability plans. These interests include, but are not limited to,
26 all of the following:

27 (a) Holders of overlying groundwater rights, including:

28 (1) Agricultural users.

29 (2) Domestic well owners.

30 (b) Municipal well operators.

31 (c) Public water systems.

32 (d) Local land use planning agencies.

33 (e) Environmental users of groundwater.

34 (f) Surface water users, if there is a hydrologic connection
35 between surface and groundwater bodies.

36 (g) The federal government, including, but not limited to, the
37 military and managers of federal lands.

38 (h) ~~Indian~~ California Native American tribes.

39 10723.4. The groundwater sustainability agency shall establish
40 and maintain a list of persons interested in receiving notices

1 regarding plan preparation, meeting announcements, and
 2 availability of draft plans, maps, and other relevant documents.
 3 Any person may request, in writing, to be placed on the list of
 4 interested persons.

5 10723.6. A combination of local agencies may form a
 6 groundwater sustainability agency by using any of the following
 7 methods:

- 8 (a) A joint powers agreement.
- 9 (b) A memorandum of agreement or other legal agreement.

10 10723.8. Within 30 days of electing to be or forming a
 11 groundwater sustainability agency, the groundwater sustainability
 12 agency shall inform the department of its election or formation
 13 and its intent to undertake sustainable groundwater management.
 14 The notification shall include the following information, as
 15 applicable:

- 16 (a) The service area boundaries, the basin the agency is
 17 managing, and the other groundwater sustainability agencies
 18 operating within the basin.
- 19 (b) A copy of the resolution forming the new agency.
- 20 (c) A copy of the bylaws, ordinances, and new authorities.

21 10724. (a) In the event that there is an area within a basin that
 22 is not within the management area of a groundwater sustainability
 23 agency, the county within which that unmanaged area lies will be
 24 presumed to be the groundwater sustainability agency for that area.

25 (b) A county described in subdivision (a) shall provide
 26 notification to the department pursuant to Section 10723.8 unless
 27 the county notifies the department that it will not be the
 28 groundwater sustainability agency for the area. Extractions of
 29 groundwater made ~~after 2016~~ *on or after January 1, 2017*, in that
 30 area shall be subject to reporting in accordance with Part 5.2
 31 (commencing with Section 5200) of Division 2 if the county does
 32 either of the following:

- 33 (1) Notifies the department that it will not be the groundwater
 34 sustainability agency for an area.
- 35 (2) Fails to provide notification to the department pursuant to
 36 Section 10723.8 for an area on or before January 1, 2017.

CHAPTER 5. POWERS AND AUTHORITIES

1
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3 10725. (a) A groundwater sustainability agency may exercise
4 any of the powers described in this chapter in implementing this
5 part, in addition to, and not as a limitation on, any existing
6 authority, if the groundwater sustainability agency adopts and
7 submits to the department a groundwater sustainability plan or
8 prescribed alternative documentation in accordance with Section
9 10733.6.

10 (b) A groundwater sustainability agency has and may use the
11 powers in this chapter to provide the maximum degree of local
12 control and flexibility consistent with the sustainability goals of
13 this part.

14 10725.2. (a) A groundwater sustainability agency may perform
15 any act necessary or proper to carry out the purposes of this part.

16 (b) A groundwater sustainability agency may adopt rules,
17 regulations, ordinances, and resolutions for the purpose of this
18 part, in compliance with any procedural requirements applicable
19 to the adoption of a rule, regulation, ordinance, or resolution by
20 the groundwater sustainability agency.

21 (c) In addition to any other applicable procedural requirements,
22 the groundwater sustainability agency shall provide notice of the
23 proposed adoption of the groundwater sustainability plan on its
24 Internet Web site and provide for electronic notice to any person
25 who requests electronic notification.

26 10725.4. (a) A groundwater sustainability agency may conduct
27 an investigation for the purposes of this part, including, but not
28 limited to, investigations for the following:

- 29 (1) To determine the need for groundwater management.
30 (2) To prepare and adopt a groundwater sustainability plan and
31 implementing rules and regulations.
32 (3) To propose and update fees.
33 (4) To monitor compliance and enforcement.

34 (b) An investigation may include surface waters and surface
35 water rights as well as groundwater and groundwater rights.

36 (c) In connection with an investigation, a groundwater
37 sustainability agency may inspect the property or facilities of a
38 person or entity to ascertain whether the purposes of this part are
39 being met and compliance with this part. The local agency may
40 conduct an inspection pursuant to this section upon obtaining any

1 necessary consent or obtaining an inspection warrant pursuant to
2 the procedure set forth in Title 13 (commencing with Section
3 1822.50) of Part 3 of the Code of Civil Procedure.

4 10725.6. A groundwater sustainability agency may require
5 registration of a groundwater extraction facility within the
6 management area of the groundwater sustainability agency.

7 10725.8. (a) A groundwater sustainability agency may require
8 through its groundwater sustainability plan that the use of every
9 groundwater extraction facility within the management area of the
10 groundwater sustainability agency be measured by a
11 water-measuring device satisfactory to the groundwater
12 sustainability agency.

13 (b) All costs associated with the purchase and installation of
14 the water-measuring device shall be borne by the owner or operator
15 of each groundwater extraction facility. The water measuring
16 devices shall be installed by the groundwater sustainability agency
17 or, at the groundwater sustainability agency's option, by the owner
18 or operator of the groundwater extraction facility. Water-measuring
19 devices shall be calibrated on a reasonable schedule as may be
20 determined by the groundwater sustainability agency.

21 (c) A groundwater sustainability agency may require, through
22 its groundwater sustainability plan, that the owner or operator of
23 a groundwater extraction facility within the groundwater
24 sustainability agency file an annual statement with the groundwater
25 sustainability agency setting forth the total extraction in acre-feet
26 of groundwater from the facility during the previous water year.

27 (d) In addition to the measurement of groundwater extractions
28 pursuant to subdivision (a), a groundwater sustainability agency
29 may use any other reasonable method to determine groundwater
30 extraction.

31 (e) This section does not apply to ~~de-minimus~~ *de-minimus* extractors.

32 10726. An entity within the area of a groundwater sustainability
33 plan shall only divert surface water to underground storage
34 consistent with the plan and shall report the diversion to
35 underground storage to the groundwater sustainability agency for
36 the relevant portion of the basin.

37 10726.2. A groundwater sustainability agency may do the
38 following:

39 (a) Acquire by grant, purchase, lease, gift, devise, contract,
40 construction, or otherwise, and hold, use, enjoy, sell, let, and

1 dispose of, real and personal property of every kind, including
2 lands, water rights, structures, buildings, rights-of-way, easements,
3 and privileges, and construct, maintain, alter, and operate any and
4 all works or improvements, within or outside the agency, necessary
5 or proper to carry out any of the purposes of this part.

6 (b) Appropriate and acquire surface water or groundwater and
7 surface water or groundwater rights, import surface water or
8 groundwater into the agency, and conserve and store within or
9 outside the agency that water for any purpose necessary or proper
10 to carry out the provisions of this part, including, but not limited
11 to, the spreading, storing, retaining, or percolating into the soil of
12 the waters for subsequent use or in a manner consistent with the
13 provisions of Section 10727.2. As part of this authority, the agency
14 may validate an existing groundwater conjunctive use or storage
15 program upon a finding that the program would aid or assist the
16 agency in developing or implementing a groundwater sustainability
17 plan.

18 (c) Provide for a program of voluntary fallowing of agricultural
19 lands or validate an existing program.

20 (d) Perform any acts necessary or proper to enable the agency
21 to purchase, transfer, deliver, or exchange water or water rights of
22 any type with any person that may be necessary or proper to carry
23 out any of the purposes of this part, including, but not limited to,
24 providing surface water in exchange for a groundwater extractor's
25 agreement to reduce or cease groundwater extractions. The agency
26 shall not deliver retail water supplies within the service area of a
27 public water system without either the consent of that system or
28 authority under the agency's existing authorities.

29 (e) Transport, reclaim, purify, desalinate, treat, or otherwise
30 manage and control polluted water, wastewater, or other waters
31 for subsequent use in a manner that is necessary or proper to carry
32 out the purposes of this part.

33 (f) Commence, maintain, intervene in, defend, compromise,
34 and assume the cost and expenses of any and all actions and
35 proceedings.

36 10726.4. (a) A groundwater sustainability agency shall have
37 the following additional authority and may regulate groundwater
38 ~~pumping~~ *extraction* using that authority:

39 (1) To impose spacing requirements on new groundwater well
40 construction to minimize well interference and impose reasonable

1 operating regulations on existing groundwater wells to minimize
2 well interference, including requiring ~~pumpers~~ *extractors* to operate
3 on a rotation basis.

4 (2) To control groundwater extractions by regulating, limiting,
5 or suspending extractions from individual groundwater wells or
6 extractions from groundwater wells in the aggregate, ~~the~~
7 construction of new groundwater wells, ~~the enlarging~~ *enlargement*
8 of existing groundwater wells, ~~the~~ or reactivation of abandoned
9 groundwater wells, or otherwise establishing groundwater
10 extraction allocations. A limitation on extractions by a groundwater
11 sustainability agency shall not be construed to be a final
12 determination of rights to extract groundwater from the basin or
13 any portion of the basin.

14 (3) To authorize temporary and permanent transfers of
15 groundwater extraction allocations within the agency's boundaries,
16 if the total quantity of groundwater extracted in any water year is
17 consistent with the provisions of the groundwater sustainability
18 plan.

19 (4) To establish accounting rules to allow unused groundwater
20 extraction allocations issued by the agency to be carried over from
21 one year to another and voluntarily transferred, if the total quantity
22 of groundwater extracted in any five-year period is consistent with
23 the provisions of the groundwater sustainability plan.

24 ~~(b) Nothing in this section shall be construed to grant a~~
25 ~~groundwater sustainability agency the authority to issue permits~~
26 ~~for the construction, modification, or abandonment of groundwater~~
27 ~~wells. A county may authorize a groundwater sustainability agency~~
28 ~~to issue permits for the construction, modification, or abandonment~~
29 ~~of groundwater wells.~~

30 *(b) This section does not authorize a groundwater sustainability*
31 *agency to issue permits for the construction, modification, or*
32 *abandonment of groundwater wells, except as authorized by a*
33 *county with authority to issue those permits.*

34 10726.6. (a) A groundwater sustainability agency that adopts
35 a groundwater sustainability plan may file an action to determine
36 the validity of the plan pursuant to Chapter 9 (commencing with
37 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

38 (b) Subject to Sections 394 and 397 of the Code of Civil
39 Procedure, the venue for an action pursuant to this section shall

1 be the county in which the principal office of the groundwater
2 management agency is located.

3 (c) Any judicial action or proceeding to attack, review, set aside,
4 void, or annul the ordinance or resolution imposing a new, or
5 increasing an existing, fee imposed pursuant to Section 10730,
6 10730.2, or 10730.4 shall be brought pursuant to Section 66022
7 of the Government Code.

8 (d) Any person may pay a fee imposed pursuant to Section
9 10730, 10730.2, or 10730.4 under protest and bring an action
10 against the governing body in the superior court to recover any
11 money that the governing body refuses to refund. Payments made
12 and actions brought under this section shall be made and brought
13 in the manner provided for the payment of taxes under protest and
14 actions for refund of that payment in Article 2 (commencing with
15 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
16 and Taxation Code, as applicable.

17 (e) Except as otherwise provided in this section, actions by a
18 groundwater sustainability agency are subject to judicial review
19 pursuant to Section 1085 of the Code of Civil Procedure.

20 10726.8. (a) This part is in addition to, and not a limitation
21 on, the authority granted to a local agency under any other law.
22 The local agency may use the local agency’s authority under any
23 other law to apply and enforce any requirements of this part,
24 including, but not limited to, the collection of fees.

25 (b) Nothing in this part is a limitation on the authority of the
26 board, the department, or the State Department of Public Health.

27 (c) This part does not authorize a local agency to impose any
28 requirement or impose any penalty or fee on the state or any
29 agency, department, or officer of the state. State agencies and
30 departments shall work cooperatively with a local agency on a
31 voluntary basis.

32

33 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS

34

35 10727. (a) A groundwater sustainability plan shall be
36 developed and implemented for each medium- or high-priority
37 basin by a groundwater sustainability agency to meet the
38 sustainability goal established pursuant to this part. The
39 groundwater sustainability plan may incorporate, extend, or be

1 based on a plan adopted pursuant to Part 2.75 (commencing with
2 Section 10750).

3 (b) A groundwater sustainability plan may be any of the
4 following:

5 (1) A single plan covering the entire basin developed and
6 implemented by one groundwater sustainability agency.

7 (2) A single plan covering the entire basin developed and
8 implemented by multiple groundwater sustainability agencies.

9 (3) Subject to Section 10727.6, multiple plans implemented by
10 multiple groundwater sustainability agencies and coordinated
11 pursuant to a single coordination agreement that covers the entire
12 basin.

13 10727.2. A groundwater sustainability plan shall include all
14 of the following:

15 (a) A description of the physical setting and characteristics of
16 the aquifer system underlying the basin that includes the following:

17 (1) Historical data, to the extent available.

18 (2) Groundwater levels, groundwater quality, subsidence, and
19 groundwater-surface water interaction.

20 (3) A general discussion of historical and projected water
21 demands and supplies.

22 (4) A map that details the area of the basin and the boundaries
23 of the groundwater sustainability agencies that overlie the basin
24 that have or are developing groundwater sustainability plans.

25 (5) A map identifying existing and potential recharge areas for
26 the basin. The map or maps shall identify the existing recharge
27 areas that substantially contribute to the replenishment of the
28 groundwater basin. The map or maps shall be provided to the
29 appropriate local planning agencies after adoption of the
30 groundwater sustainability plan.

31 (b) (1) Measurable objectives, as well as interim milestones in
32 increments of five years, to achieve the sustainability goal in the
33 basin within 20 years of the implementation of the plan.

34 (2) A description of how the plan helps meet each objective and
35 how each objective is intended to achieve the sustainability goal
36 for the basin for long-term beneficial uses of groundwater.

37 (3) (A) Notwithstanding paragraph (1), at the request of the
38 groundwater sustainability agency, the department may grant an
39 extension of up to ~~10~~ 5 years beyond the 20-year sustainability
40 timeframe upon a showing of good cause. *The department may*

1 *grant a second extension of up to five years upon a showing of*
2 *good cause if the groundwater sustainability agency has begun*
3 *implementation of the work plan described in clause (iii) of*
4 *subparagraph (B).*

5 *(B) The department may grant an extension pursuant to this*
6 *paragraph if the groundwater sustainability agency does all of the*
7 *following:*

8 *(i) Demonstrates a need for an extension.*

9 *(ii) Has made progress toward meeting the sustainability goal*
10 *as demonstrated by its progress at achieving the milestones*
11 *identified in its groundwater sustainability plan.*

12 *(iii) Adopts a feasible work plan for meeting the sustainability*
13 *goal during the extension period.*

14 *(4) The plan may, but is not required to, address undesirable*
15 *results that occurred before, and have not been corrected by,*
16 *January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,*
17 *a groundwater sustainability agency has discretion as to whether*
18 *to set measurable objectives and the timeframes for achieving any*
19 *objectives for undesirable results that occurred before, and have*
20 *not been corrected by, January 1, 2015.*

21 *(c) A planning and implementation ~~horizon of 50 years.~~ horizon.*

22 *(d) Components relating to the following, as applicable to the*
23 *basin:*

24 *(1) The monitoring and management of groundwater levels*
25 *within the basin.*

26 *(2) The monitoring and management of groundwater quality,*
27 *groundwater quality degradation, inelastic land surface subsidence,*
28 *and changes in surface flow and surface water quality that directly*
29 *affect groundwater levels or quality or are caused by groundwater*
30 *pumping extraction in the basin.*

31 *(3) Mitigation of overdraft.*

32 *(4) How recharge areas identified in the plan substantially*
33 *contribute to the replenishment of the basin.*

34 *(e) A summary of the type of monitoring sites, type of*
35 *measurements, and the frequency of monitoring for each location*
36 *monitoring groundwater levels, groundwater quality, subsidence,*
37 *streamflow, precipitation, evaporation, and tidal influence. The*
38 *plan shall include a summary of monitoring information such as*
39 *well depth, screened intervals, and aquifer zones monitored, and*
40 *a summary of the type of well relied on for the information,*

1 including public, irrigation, domestic, industrial, and monitoring
2 wells.

3 (f) Monitoring protocols that are designed to detect changes in
4 groundwater levels, groundwater quality, inelastic surface
5 subsidence for basins for which subsidence has been identified as
6 a potential problem, and flow and quality of surface water that
7 directly affect groundwater levels or quality or are caused by
8 groundwater ~~pumping~~ *extraction* in the basin. The monitoring
9 protocols shall be designed to generate information that promotes
10 efficient and effective groundwater management.

11 (g) *A description of the various adopted water resources-related*
12 *plans and programs within the basin and an assessment of how*
13 *the groundwater sustainability plan may affect those plans.*

14 10727.4. In addition to the requirements of Section 10727.2,
15 a groundwater sustainability plan shall include, where appropriate
16 and in collaboration with the appropriate local agencies, all of the
17 following:

18 (a) Control of saline water intrusion.

19 (b) Wellhead protection areas and recharge areas.

20 (c) Migration of contaminated groundwater.

21 (d) A well abandonment and well destruction program.

22 (e) Replenishment of groundwater extractions.

23 (f) Activities implementing, opportunities for, and impediments
24 to, conjunctive use.

25 (g) Well construction policies.

26 (h) Measures addressing groundwater contamination cleanup,
27 recharge, diversions to storage, conservation, water recycling,
28 conveyance, and extraction projects.

29 (i) Efficient water management practices, as defined in Section
30 10902, for the delivery of water and water conservation methods
31 to improve the efficiency of water use.

32 (j) Efforts to develop relationships with state and federal
33 regulatory agencies.

34 (k) Processes to review land use plans and efforts to coordinate
35 with land use planning agencies to assess activities that potentially
36 create risks to groundwater quality or quantity.

37 (l) *Impacts on groundwater dependent ecosystems.*

38 10727.6. Groundwater sustainability agencies intending to
39 develop and implement multiple groundwater sustainability plans
40 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall

1 coordinate with other agencies preparing a groundwater
2 sustainability plan within the basin to ensure that the plans utilize
3 the same data *and methodologies* for the following assumptions
4 in developing the plan:

- 5 (a) Groundwater elevation data.
- 6 (b) Groundwater extraction data.
- 7 (c) Surface water supply.
- 8 (d) Total water use.
- 9 (e) Change in groundwater storage.
- 10 (f) Water budget.
- 11 (g) Sustainable yield.

12 10727.8. Prior to initiating the development of a groundwater
13 sustainability plan, the groundwater sustainability agency shall
14 make available to the public and the department a written statement
15 describing the manner in which interested parties may participate
16 in the development and implementation of the groundwater
17 sustainability plan. *The groundwater sustainability agency shall*
18 *provide the written statement to the legislative body of any city,*
19 *county, or city and county located within the geographic area to*
20 *be covered by the plan.* The groundwater sustainability agency
21 may appoint and consult with an advisory committee consisting
22 of interested parties for the purposes of developing and
23 implementing a groundwater sustainability plan. The groundwater
24 sustainability agency shall encourage the active involvement of
25 diverse social, cultural, and economic elements of the population
26 within the groundwater basin prior to and during the development
27 and implementation of the groundwater sustainability plan.

28 ~~10728. (a) Except as provided in subdivision (b), a~~
29 ~~groundwater sustainability agency shall certify that its plan~~
30 ~~complies with this part no later than January 31, 2020, and every~~
31 ~~five years thereafter. A groundwater sustainability agency shall~~
32 ~~submit this certification to the department within 30 days of the~~
33 ~~certification.~~

34 ~~(b) (1) The department may review the submissions made~~
35 ~~pursuant to this section and Section 10733.6 and may request the~~
36 ~~supporting information on which the certification pursuant to~~
37 ~~subdivision (a) relied upon or the other documentation relied upon~~
38 ~~pursuant to subdivision (b) of Section 10733.6. The department~~
39 ~~may issue findings concerning the validity of the certification or~~
40 ~~other submission.~~

1 ~~(2) Before issuing findings pursuant to paragraph (1), the~~
2 ~~department shall transmit a draft of its findings to the submitting~~
3 ~~agency and shall consult with that agency. The submitting agency~~
4 ~~may submit a response to the department within 60 days of~~
5 ~~receiving the department's draft findings.~~

6 ~~(3) If the department's findings issued pursuant to paragraph~~
7 ~~(1) concern the compliance of a plan with requirements for~~
8 ~~sustainable groundwater management or the operation of a basin~~
9 ~~consistent with the basin's sustainable yield, the submitting agency,~~
10 ~~within 90 days of receipt, shall consider amendments to its plan~~
11 ~~or technical analysis to address the department's findings.~~

12 *10728. On the January 1 following the adoption of a*
13 *groundwater sustainability plan and annually on each January 1*
14 *thereafter, a groundwater sustainability agency shall submit a*
15 *report to the department containing the following information*
16 *about the basin managed in the groundwater sustainability plan:*

17 *(a) Groundwater elevation data.*

18 *(b) Annual aggregated data identifying groundwater extraction*
19 *for the preceding water year.*

20 *(c) Surface water supply used for or available for use for*
21 *groundwater recharge or in-lieu use.*

22 *(d) Total water use.*

23 *(e) Change in groundwater storage.*

24 *10728.2. A groundwater sustainability agency shall periodically*
25 *evaluate its groundwater sustainability plan, assess changing*
26 *conditions in the basin that may warrant modification of the plan*
27 *or management objectives, and may adjust components in the plan.*
28 *An evaluation of the plan shall focus on determining whether the*
29 *actions under the plan are meeting the plan's management*
30 *objectives and whether those objectives are meeting the*
31 *sustainability goal in the basin.*

32 *10728.4. A groundwater sustainability agency may adopt or*
33 *amend a groundwater sustainability plan if the groundwater*
34 *sustainability agency holds a public hearing and more than 90 days*
35 *have passed since the groundwater sustainability agency provided*
36 *after a public hearing, held at least 90 days after providing notice*
37 *to a city or county within the area of the proposed plan or*
38 *amendment. The groundwater sustainability agency shall obtain*
39 *comments from any city or county that receives notice pursuant*
40 *to this section and shall consult with a city or county that requests*

1 consultation within 30 days of receipt of the notice. Nothing in
2 this section is intended to preclude an agency and a city or county
3 from otherwise consulting or commenting regarding the adoption
4 or amendment of a plan.

5 *10728.6. Division 13 (commencing with Section 21000) of the*
6 *Public Resources Code does not apply to the preparation and*
7 *adoption of plans pursuant to this chapter. Nothing in this part*
8 *shall be interpreted as exempting from Division 13 (commencing*
9 *with Section 21000) of the Public Resources Code a project that*
10 *would implement actions taken pursuant to a plan adopted*
11 *pursuant to this chapter or a project that would significantly affect*
12 *water supplies for fish and wildlife.*

13
14 CHAPTER 7. TECHNICAL ASSISTANCE

15
16 10729. (a) The department or a groundwater sustainability
17 agency may provide technical assistance to entities that extract or
18 use groundwater to promote water conservation and protect
19 groundwater resources.

20 (b) The department may provide technical assistance to any
21 groundwater sustainability agency in response to that agency's
22 request for assistance in the development and implementation of
23 a groundwater sustainability plan. The department shall use its
24 best efforts to provide the requested assistance.

25 (c) (1) By January 1, 2017, the department shall publish on its
26 Internet Web site best management practices for the sustainable
27 management of groundwater.

28 (2) The department shall develop the best management practices
29 through a public process involving one public meeting conducted
30 at a location in northern California, one public meeting conducted
31 at a location in the San Joaquin Valley, one public meeting
32 conducted at a location in southern California, and one public
33 meeting of the California Water Commission.

34
35 CHAPTER 8. FINANCIAL AUTHORITY

36
37 10730. (a) A groundwater sustainability agency may impose
38 fees, including, but not limited to, permit fees and fees on
39 groundwater extraction or other regulated activity, to fund the costs
40 of a groundwater sustainability program, including, but not limited

1 to, preparation, adoption, and amendment of a groundwater
 2 sustainability plan, and ~~program administration~~, investigations,
 3 inspections, compliance assistance, and ~~enforcement~~. *enforcement,*
 4 *and program administration, including a prudent reserve.* A
 5 groundwater sustainability agency shall not impose a fee pursuant
 6 to this subdivision on a ~~de-minimus~~ *de-minimus* extractor unless the
 7 agency has regulated the users pursuant to this part.

8 (b) (1) Prior to imposing or increasing a fee, a groundwater
 9 sustainability agency shall hold at least one ~~open~~ and public
 10 meeting, at which oral or written presentations may be made as
 11 part of the meeting.

12 (2) Notice of the time and place of the meeting shall include a
 13 general explanation of the matter to be considered and a statement
 14 that the data required by this section is available. The notice shall
 15 be mailed at least 14 days prior to the meeting to each record owner
 16 of property within the basin *provided by publication pursuant to*
 17 *Section 6066 of the Government Code, by posting notice on the*
 18 *Internet Web site of the groundwater sustainability agency, and*
 19 *by mail* to any interested party who files a written request with the
 20 agency for mailed notice of the meeting on new or increased fees.
 21 A written request for mailed notices shall be valid for one year
 22 from the date that the request is made and may be renewed by
 23 making a written request on or before April 1 of each year.

24 (3) At least 10 days prior to the meeting, the groundwater
 25 sustainability agency shall make available to the public data upon
 26 which the proposed fee is based.

27 (c) Any action by a groundwater sustainability agency to impose
 28 or increase a fee shall be taken only by ordinance or resolution.

29 (d) (1) As an alternative method for the collection of fees
 30 imposed pursuant to this section, a groundwater ~~management~~
 31 *sustainability* agency may adopt a resolution requesting collection
 32 of the fees in the same manner as ordinary municipal ad valorem
 33 taxes.

34 (2) A resolution described in paragraph (1) shall be adopted and
 35 furnished to the county auditor-controller and board of supervisors
 36 on or before August 1 of each year that the alternative collection
 37 of the fees is being requested. The resolution shall include a list
 38 of parcels and the amount to be collect for each parcel.

1 (e) The power granted by this section is in addition to any
2 powers a groundwater sustainability agency has under any other
3 law.

4 10730.2. (a) A groundwater sustainability agency that adopts
5 a groundwater sustainability plan pursuant to this part may impose
6 fees on the extraction of groundwater from the basin to fund costs
7 of groundwater management, including, but not limited to, the
8 costs of the following:

9 (1) Administration, operation, ~~maintenance, and acquisition of~~
10 ~~lands or other property, facilities, and services.~~ *and maintenance,*
11 *including a prudent reserve.*

12 (2) *Acquisition of lands or other property, facilities, and*
13 *services.*

14 (2)

15 (3) Supply, production, treatment, or distribution of water.

16 (3)

17 (4) Other activities necessary or convenient to implement the
18 plan.

19 (b) ~~Fees may be implemented pursuant to Part 2.75~~
20 ~~(commencing with Section 10750)~~ *Until a groundwater*
21 *sustainability plan is adopted pursuant to this part, a local agency*
22 *may impose fees* in accordance with the procedures provided in
23 this section *for the purposes of Part 2.75 (commencing with Section*
24 *10750) as long as a groundwater management plan adopted before*
25 *January 1, 2015, is in effect for the basin.*

26 (c) Fees imposed pursuant to this section shall be adopted in
27 accordance with subdivisions (a) and (b) of Section 6 of Article
28 XIII D of the California Constitution.

29 (d) Fees imposed pursuant to this section may include fixed fees
30 and fees charged on a volumetric basis, including, but not limited
31 to, fees that increase based on the quantity of groundwater produced
32 annually, the year in which the production of groundwater
33 commenced from a groundwater extraction facility, and impacts
34 to the basin.

35 (e) The power granted by this section is in addition to any
36 powers a groundwater sustainability agency has under any other
37 law.

38 10730.4. A groundwater sustainability agency may fund
39 activities pursuant to Part 2.75 (commencing with Section 10750)
40 and may impose fees pursuant to Section ~~10732.5~~ 10730.2 to fund

1 activities undertaken by the agency pursuant to Part 2.75
2 (commencing with Section 10750).

3 10730.6. (a) A groundwater fee levied pursuant to this chapter
4 shall be due and payable to the groundwater sustainability agency
5 by each owner or operator on a day established by the groundwater
6 sustainability agency.

7 (b) If an owner or operator knowingly fails to pay a groundwater
8 fee within 30 days of it becoming due, the owner or operator shall
9 be liable to the groundwater sustainability agency for interest at
10 the rate of 1 percent per month on the delinquent amount of the
11 groundwater fee and a 10 percent penalty.

12 (c) The groundwater sustainability agency may bring a suit in
13 the court having jurisdiction against any owner or operator of a
14 groundwater extraction facility within the area covered by the plan
15 for the collection of any delinquent groundwater fees, interest, or
16 penalties imposed under this chapter. If the groundwater
17 sustainability agency seeks an attachment against the property of
18 any named defendant in the suit, the groundwater sustainability
19 agency shall not be required to furnish a bond or other undertaking
20 as provided in Title 6.5 (commencing with Section 481.010) of
21 Part 2 of the Code of Civil Procedure.

22 (d) In the alternative to bringing a suit pursuant to subdivision
23 (c), a groundwater sustainability agency may collect any delinquent
24 groundwater charge and any civil penalties and interest on the
25 delinquent groundwater charge pursuant to the laws applicable to
26 the local agency or, if a joint powers authority, to the entity
27 designated pursuant to Section 6509 of the Government Code. The
28 collection shall be in the same manner as it would be applicable
29 to the collection of delinquent assessments, water charges, or tolls.

30 (e) As an additional remedy, a groundwater sustainability
31 agency, after a public hearing, may order an owner or operator to
32 cease extraction of groundwater until all delinquent fees are paid.
33 The groundwater sustainability agency shall give notice to the
34 owner or operator by certified mail not less than 15 days in advance
35 of the public hearing.

36 (f) The remedies specified in this section for collecting and
37 enforcing fees are cumulative and may be pursued alternatively
38 or may be used consecutively as determined by the governing
39 body.

1 10730.8. (a) Nothing in this chapter shall affect or interfere
2 with the authority of a groundwater sustainability agency to levy
3 and collect taxes, assessments, charges, and tolls as otherwise
4 provided by law.

5 (b) For the purposes of Section 6254.16 of the Government
6 Code, persons subject to payment of fees pursuant to this chapter
7 are utility customers of a groundwater sustainability agency.

8 10731. (a) ~~If there is reasonable cause to believe that the~~
9 ~~production of groundwater from any groundwater extraction facility~~
10 ~~is in excess of that disclosed by the statements covering the facility~~
11 ~~or if no statement is filed covering the facility, the governing body~~
12 ~~may cause an investigation and report to be made concerning the~~
13 ~~production of groundwater from that groundwater extraction~~
14 ~~facility that includes, but is not limited to, the accuracy of the~~
15 ~~water-measuring device. The~~ *Following an investigation pursuant*
16 *to Section 10725.4, the governing body may make a determination*
17 *fixing the amount of groundwater production from the groundwater*
18 *extraction facility at an amount not to exceed the maximum*
19 *production capacity of the facility for purposes of levying a*
20 *groundwater charge. If a water-measuring device is permanently*
21 *attached to the groundwater extraction facility, the record of*
22 *production as disclosed by the water-measuring device shall be*
23 *presumed to be accurate unless the contrary is established by the*
24 *groundwater-management sustainability agency after investigation.*

25 (b) After the governing body makes a determination fixing the
26 amount of groundwater production pursuant to subdivision (a), a
27 written notice of the determination shall be mailed to the owner
28 or operator of the groundwater extraction facility at the address as
29 shown by the groundwater-management sustainability agency's
30 records. A determination made by the governing body shall be
31 conclusive on the owner or operator and the groundwater charges,
32 based on the determination together with any interest and penalties,
33 shall be payable immediately unless within ~~10~~ 20 days after the
34 mailing of the notice the owner or operator files with the governing
35 body a written protest setting forth the ground for protesting the
36 amount of production or the groundwater charges, interest, and
37 penalties. If a protest is filed pursuant to this subdivision, the
38 governing body shall hold a hearing to determine the total amount
39 of the groundwater production and the groundwater charges,
40 interest, and penalties. ~~The determination by the governing body~~

1 ~~at the hearing shall be conclusive if based upon substantial~~
 2 ~~evidence.~~ Notice of the hearing shall be mailed to each protestant
 3 at least ~~10~~ 20 days before the date fixed for the hearing. Notice of
 4 the determination of the governing body hearing shall be mailed
 5 to each protestant. The owner or operator shall have 20 days from
 6 the date of mailing of the determination to pay the groundwater
 7 charges, interest, and penalties determined by the governing body.

8

9 CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY
 10 ENFORCEMENT POWERS

11

12 10732. (a) (1) A person who extracts groundwater in excess
 13 of the amount that person is authorized to extract under a rule,
 14 regulation, ordinance, or resolution adopted pursuant to Section
 15 10725.2, shall be subject to a civil penalty not to exceed five
 16 hundred dollars (\$500) per acre-foot extracted in excess of the
 17 amount that person is authorized to extract. Liability under this
 18 subdivision is in addition to any liability imposed under paragraph
 19 (2) and any fee imposed for the extraction.

20 (2) A person who violates any rule, regulation, ordinance, or
 21 resolution adopted pursuant to Section ~~10724.2~~ 10725.2 shall be
 22 liable for a civil penalty not to exceed one thousand dollars
 23 (\$1,000) plus one hundred dollars (\$100) for each additional day
 24 on which the violation continues if the person fails to comply
 25 within 30 days after the local agency has notified the person of the
 26 violation.

27 (b) (1) A groundwater sustainability agency may bring an action
 28 in the superior court to determine whether a violation occurred
 29 and to impose a civil penalty described in subdivision (a).

30 (2) A groundwater sustainability agency may administratively
 31 impose a civil penalty described in subdivision (a) after providing
 32 notice and an opportunity for a hearing.

33 (3) In determining the amount of the penalty, the superior court
 34 or the groundwater sustainability agency shall take into
 35 consideration all relevant circumstances, including, but not limited
 36 to, the nature and persistence of the violation, the extent of the
 37 harm caused by the violation, the length of time over which the
 38 violation occurs, and any corrective action taken by the violator.

1 (c) A penalty imposed pursuant to this section shall be paid to
2 the groundwater sustainability agency and shall be expended solely
3 for purposes of this part.

4 (d) Penalties imposed pursuant to this section are in addition to
5 any civil penalty or criminal fine under any other law.

6
7 CHAPTER 10. STATE EVALUATION AND ASSESSMENT
8

9 10733. (a) The department shall periodically review the
10 groundwater sustainability plans developed by groundwater
11 sustainability agencies pursuant to this part to evaluate whether a
12 plan conforms with Sections 10727.2 and 10727.4 and is likely to
13 achieve the sustainability goal for the basin covered by the
14 groundwater sustainability plan.

15 (b) If a groundwater sustainability agency develops multiple
16 groundwater sustainability plans for a basin, the department shall
17 evaluate whether the plans conform with Sections 10727.2,
18 10727.4, and 10727.6 and are together likely to achieve the
19 sustainability goal for the basin covered by the groundwater
20 sustainability plans.

21 10733.2. (a) *(1)* By June 1, 2016, the department, in
22 consultation with the board, shall develop guidelines for evaluating
23 groundwater sustainability ~~plans and groundwater sustainability~~
24 ~~programs plans, the implementation of groundwater sustainability~~
25 ~~plans, and coordination agreements~~ pursuant to this chapter.

26 ~~(b)~~

27 (2) The guidelines shall identify the necessary plan components
28 specified in Sections ~~10727.2 and 10727.4~~ 10727.2, 10727.4, and
29 10727.6 and other information that will assist local agencies in
30 developing and implementing groundwater sustainability ~~plans~~
31 ~~and groundwater sustainability programs.~~ *plans and coordination*
32 *agreements.*

33 ~~(e)~~

34 (b) The department may update the guidelines, including to
35 incorporate the best management practices identified pursuant to
36 Section 10729.

37 (c) *By June 1, 2016, the department, in consultation with the*
38 *board, shall develop guidelines for evaluating alternatives*
39 *submitted pursuant to Section 10733.6.*

1 (d) The guidelines required pursuant to this section are exempt
2 from Chapter 3.5 (commencing with Section 11340) of Part 1 of
3 Division 3 of Title 2 of the Government Code. The establishment
4 of guidelines pursuant to this section shall instead be accomplished
5 by means of a public process ~~reasonably calculated to give that~~
6 ~~gives~~ interested persons an opportunity to be heard.

7 10733.4. (a) Upon ~~completion~~ *adoption* of a groundwater
8 sustainability plan, a groundwater sustainability agency shall
9 submit the groundwater sustainability plan to the department for
10 review pursuant to this chapter.

11 (b) If groundwater sustainability agencies develop multiple
12 groundwater sustainability plans for a basin, the submission
13 required by subdivision (a) shall not occur until the entire basin is
14 covered by groundwater sustainability plans. When the entire basin
15 is covered by groundwater sustainability plans, the groundwater
16 sustainability agencies shall jointly submit to the department all
17 of the following:

18 (1) The groundwater sustainability plans.

19 (2) An explanation of how the groundwater sustainability plans
20 implemented together satisfy ~~Section 10729~~ *Sections 10727.2,*
21 *10727.4, and 10727.6* for the entire basin.

22 (3) A copy of the coordination agreement between the
23 groundwater sustainability agencies to ensure the coordinated
24 implementation of the groundwater sustainability plans for the
25 entire basin.

26 (c) Upon receipt of a groundwater sustainability plan, the
27 department shall post the plan on the department's Internet Web
28 site and provide 60 days for persons to submit comments to the
29 department about the plan.

30 (d) The department shall evaluate the groundwater sustainability
31 plan within two years of its submission by a groundwater
32 sustainability agency and issue an assessment of the plan. The
33 assessment may include recommended corrective actions to address
34 any deficiencies identified by the department.

35 ~~10733.6. (a) If there is not a groundwater sustainability plan~~
36 ~~for a basin, but a local agency believes that an alternative plan,~~
37 ~~such as a plan developed pursuant to Part 2.75 (commencing with~~
38 ~~Section 10750), satisfies the objectives of this part, the local agency~~
39 ~~may submit the alternative plan to the department for evaluation~~
40 ~~and assessment of whether the plan is the functional equivalent of~~

1 a groundwater sustainability plan pursuant to this part. In evaluating
2 an alternative plan, the department shall, to the extent feasible, use
3 the guidelines developed pursuant to Section 10733.2.

4 (b) A basin shall be in compliance with this part if a groundwater
5 agency for a basin or other local agency submits to the department,
6 no later than January 31, 2020, and every five years thereafter, any
7 of the following documents:

8 (1) A copy of a governing final judgment or other judicial order
9 or decree establishing a groundwater sustainability program for
10 the basin.

11 (2) A report approved by a groundwater agency that shows that
12 current management or operations activities have been consistent
13 with the sustainable yield of the basin over a period of at least 10
14 years. The report shall be prepared by a registered professional
15 engineer or geologist who is licensed by the state and submitted
16 under that engineer's or geologist's seal. The report may
17 demonstrate compliance with the sustainability goal in the basin
18 by presenting a balanced water budget for the basin, a technical
19 analysis demonstrating stable groundwater levels over the relevant
20 period, or other sufficient technical analyses.

21 *10733.6. (a) If there is no groundwater sustainability plan for*
22 *a basin, but a local agency believes that an alternative described*
23 *in subdivision (b) satisfies the objectives of this part, the local*
24 *agency may submit the alternative to the department for evaluation*
25 *and assessment of whether the alternative satisfies the objectives*
26 *of this part.*

27 (b) An alternative is any of the following:

28 (1) A plan developed pursuant to Part 2.75 (commencing with
29 Section 10750) or other law authorizing groundwater management.

30 (2) Management pursuant to an adjudication action.

31 (3) An analysis of basin conditions that demonstrates that the
32 basin has operated within its sustainable yield over a period of at
33 least 10 years. The submission of an alternative described by this
34 paragraph shall include a report prepared by a registered
35 professional engineer or geologist who is licensed by the state and
36 submitted under that engineer's or geologist's seal.

37 (c) A local agency shall submit an alternative pursuant to this
38 section no later than January 1, 2017, and every five years
39 thereafter.

1 (d) *The assessment required by subdivision (a) shall include an*
 2 *assessment of whether the alternative is within a basin that is in*
 3 *compliance with Part 2.11 (commencing with Section 10920). If*
 4 *the alternative is within a basin that is not in compliance with Part*
 5 *2.11 (commencing with Section 10920), the department shall find*
 6 *the alternative does not satisfy the objectives of this part.*

7 10733.8. At least every five years after *initial* submission of a
 8 *plan pursuant to Section 10733.4*, the department, in consultation
 9 with the board, shall review any available groundwater
 10 sustainability plan, alternative ~~plan~~ submitted in accordance with
 11 ~~Section 10729.6~~, 10733.6, and the implementation of the
 12 corresponding groundwater sustainability program for consistency
 13 with this part, including achieving the sustainability goal. The
 14 department shall issue an assessment for each basin for which a
 15 plan has been submitted in accordance with this ~~chapter~~. *chapter*;
 16 *with an emphasis on assessing progress in achieving the*
 17 *sustainability goal within the basin.* The assessment may include
 18 recommended corrective actions to address any deficiencies
 19 identified by the department.

20 10734. (a) Consistent with Section 3 of Article XIII A of the
 21 California Constitution, the department shall adopt a schedule of
 22 fees to recover costs incurred in carrying out this chapter.

23 (b) It is the intent of the Legislature to amend this measure to
 24 adopt additional authority for the department to implement the fee
 25 authority provided by this section.

26
 27 CHAPTER 11. STATE INTERVENTION
 28

29 10735. As used in this chapter, the following terms have the
 30 following meanings:

31 (a) “Condition of long-term overdraft” means the condition of
 32 a groundwater basin where the average annual amount of water
 33 extracted for a long-term period, generally 10 years or more,
 34 exceeds the long-term average annual supply of water to the basin,
 35 plus any temporary surplus. Overdraft during a period of drought
 36 is not sufficient to establish a condition of long-term overdraft if
 37 extractions and recharge are managed as necessary to ensure that
 38 reductions in groundwater levels or storage during a period of
 39 drought are offset by increases in groundwater levels or storage
 40 during other periods.

1 (b) “Person” means any person, firm, association, organization,
2 partnership, business, trust, corporation, limited liability company,
3 or public agency, including any city, county, city and county,
4 district, joint powers authority, state, or any agency or department
5 of those entities. “Person” includes, to the extent authorized by
6 federal law, the United States, a department, agency or
7 instrumentality of the federal government, an Indian tribe, an
8 authorized Indian tribal organization, or interstate body.

9 (c) “Probationary basin” means a basin for which the board has
10 issued a determination under ~~this section~~. *Section 10735.2.*

11 (d) “Significant depletions of interconnected surface waters”
12 means reductions in flow or levels of a surface water that is
13 hydrologically connected to the basin such that the reduced surface
14 water flow or level adversely affects beneficial uses of the surface
15 water.

16 10735.2. (a) The board, after notice and a public hearing, may
17 designate a basin as a probationary basin, if the board finds one
18 or more of the following applies to the basin:

19 (1) After January 1, 2017, none of the following have occurred:

20 (A) ~~No~~ A local agency has elected to be a groundwater
21 sustainability agency that intends to develop a groundwater
22 sustainability plan for the entire basin.

23 (B) ~~No~~ A collection of local agencies has formed a groundwater
24 sustainability agency or prepared agreements to develop one or
25 more groundwater sustainability plans that will collectively serve
26 as a groundwater sustainability plan for the entire basin.

27 ~~(C) There is no plan developed pursuant to Part 2.75~~
28 ~~(commencing with Section 10750) that satisfies the objectives of~~
29 ~~this part.~~

30 ~~(D) There is no report approved by a groundwater agency that~~
31 ~~shows that current management or operations activities have been~~
32 ~~consistent with the sustainable yield of the basin over a period of~~
33 ~~at least 10 years, as described in paragraph (2) of subdivision (b)~~
34 ~~of Section 10733.6.~~

35 (C) *A local agency has submitted an alternative that has been*
36 *approved or is pending approval pursuant to Section 10733.6. If*
37 *the department disapproves an alternative pursuant to Section*
38 *10733.6, the board shall not act under this paragraph until at least*
39 *180 days after the department disapproved the alternative.*

40 (2) After January 31, 2020, none of the following have occurred:

1 (A) ~~No~~ A groundwater sustainability agency has adopted a
 2 groundwater sustainability plan for the entire basin.

3 (B) ~~No~~ A collection of local agencies have adopted groundwater
 4 sustainability plans that collectively serve as a groundwater
 5 sustainability plan for the entire basin.

6 (C) The department has ~~not determined that a local agency has~~
 7 ~~a functional equivalent as described in Section 10733.6.~~ *approved*
 8 *an alternative pursuant to Section 10733.6.*

9 (D) ~~There is no report approved by a groundwater agency that~~
 10 ~~shows that current management or operations activities have been~~
 11 ~~consistent with the sustainable yield of the basin over a period of~~
 12 ~~at least 10 years, as described in paragraph (2) of subdivision (b)~~
 13 ~~of Section 10733.6.~~

14 (3) After January 31, 2020, ~~either both~~ of the following have
 15 occurred:

16 (A) ~~The department has determined~~ *department, in consultation*
 17 *with the board, determines* that a groundwater sustainability plan
 18 is inadequate or that the groundwater sustainability program is not
 19 being implemented in a manner that will likely achieve the
 20 sustainability goal.

21 (B) *The board determines that the basin is in a condition of*
 22 *long-term overdraft or in a condition where groundwater*
 23 *extractions result in significant depletions of interconnected surface*
 24 *waters.*

25 (b) ~~(1)~~ ~~In making the findings associated with subparagraph~~
 26 ~~(A) of paragraph (3) of subdivision (a), the department and board~~
 27 ~~may rely on periodic assessments the department has prepared~~
 28 ~~pursuant to Chapter 10 (commencing with Section 10733). The~~
 29 ~~board may request that the department conduct additional~~
 30 ~~assessments utilizing the guidelines developed pursuant to Chapter~~
 31 ~~10 (commencing with 10733) and make determinations pursuant~~
 32 ~~to this section. The board shall post on its Internet Web site and~~
 33 ~~provide at least 30 days for the public to comment on any~~
 34 ~~determinations provided by the department pursuant to this~~
 35 ~~subdivision.~~

36 ~~(2) The board shall consult with the department in assessing~~
 37 ~~technical determinations pursuant to subparagraph (A) of paragraph~~
 38 ~~(3) of subdivision (a).~~

39 ~~(e) The determination shall set an amount of groundwater~~
 40 ~~extractions, for purposes of establishing the amount for which~~

1 reports of groundwater extraction are required under Part 5.2
2 (commencing with Section 5200) of Division 2, and may include
3 exclusions for certain classes or categories of extractions that are
4 likely to have a minimal impact on basin withdrawals.

5 (c) (1) *The determination may exclude a class or category of*
6 *extractions from the requirement for reporting pursuant to Part*
7 *5.2 (commencing with Section 5200) of Division 2 if those*
8 *extractions are likely to have a minimal impact on basin*
9 *withdrawals.*

10 (2) *The determination may require reporting of a class or*
11 *category of extractions that would otherwise be exempt from*
12 *reporting pursuant to paragraph (1) of subdivision (c) of Section*
13 *5202 if those extractions are likely to have a substantial impact*
14 *on basin withdrawals or requiring reporting of those extractions*
15 *is reasonably necessary to obtain information for purposes of this*
16 *chapter.*

17 (3) *The determination may establish requirements for*
18 *information required to be included in reports of groundwater*
19 *extraction, for installation of measuring devices, or for use of a*
20 *methodology, measuring device, or both, pursuant to Part 5.2*
21 *(commencing with Section 5200) of Division 2.*

22 (4) *The determination may modify the water year or reporting*
23 *date for a report of groundwater extraction pursuant to Section*
24 *5202.*

25 10735.4. (a) If the board designates a basin as a probationary
26 basin pursuant to paragraph (1) or (2) of subdivision (a) of Section
27 10735.2, a local agency or groundwater sustainability agency shall
28 have 180 days to remedy the deficiency. The board may appoint
29 a mediator or other facilitator, after consultation with affected local
30 agencies, to assist in resolving disputes, and identifying and
31 implementing actions that will remedy the deficiency.

32 (b) After the 180-day period provided by subdivision (a), the
33 board may provide additional time to remedy the deficiency if it
34 finds that a local agency is making substantial progress toward
35 remedying the deficiency.

36 (c) The board may develop an interim plan pursuant to Section
37 10735.8 for the probationary basin at the end of the ~~time~~ period
38 provided by subdivision (a) or any extension provided pursuant
39 to subdivision (b), if the board, in consultation with the department,
40 determines that a local agency has not remedied the deficiency

1 that resulted in designating the basin as a probationary basin
 2 pursuant to this section.

3 10735.6. (a) If the board designates a basin as a probationary
 4 basin pursuant to paragraph (3) of subdivision (a) of Section
 5 10735.2, the board shall identify the specific deficiencies and
 6 identify potential actions to address the deficiencies. The board
 7 may request the department to provide local agencies, within 90
 8 days of the designation of a probationary basin, with technical
 9 recommendations to remedy the deficiencies.

10 (b) The board may develop an interim plan pursuant to Section
 11 10735.8 for the probationary basin one year after the designation
 12 of the basin pursuant to paragraph (3) of subdivision (a) of Section
 13 10735.2, if the board, in consultation with the department,
 14 determines that a local agency has not remedied the deficiency
 15 that ~~result~~ *resulted* in designating the basin a probationary basin.

16 10735.8. (a) The board, after notice and a public hearing, may
 17 adopt an interim plan for a probationary basin.

18 (b) The interim plan shall include all of the following:

19 (1) Identification of the actions that are necessary to correct a
 20 condition of long-term overdraft or a condition where groundwater
 21 extractions result in significant depletions of interconnected surface
 22 waters, including recommendations for appropriate action by any
 23 person.

24 (2) A time schedule for the actions to be taken.

25 (3) A description of the monitoring to be undertaken to
 26 determine effectiveness of the plan.

27 (c) The interim plan may include the following:

28 (1) Restrictions on groundwater ~~pumping~~ or extraction.

29 (2) A physical solution.

30 (3) Principles and guidelines for the administration of rights to
 31 surface waters that are connected to the basin.

32 ~~To the extent feasible, consistent with~~ *Except as provided*
 33 *in Sections 100 and 275 and subdivision (e), the interim plan shall*
 34 *be consistent with water right priorities.*

35 (e) Where, in the judgment of the board, a groundwater
 36 sustainability plan, groundwater sustainability program, or an
 37 adjudication action can be relied on as part of the interim plan,
 38 either throughout the basin or in an area within the basin, the board
 39 may rely on, or incorporate elements of, that plan, program, or
 40 adjudication into the interim plan adopted by the board or allow

1 local agencies to continue implementing those parts of a plan or
2 program that the board determines are adequate.

3 (f) In carrying out activities that may affect the probationary
4 basin, state entities shall comply with an interim plan adopted by
5 the board pursuant to this section unless otherwise directed or
6 authorized by statute and the state entity shall indicate to the board
7 in writing the authority for not complying with the interim plan.

8 (g) (1) After the board adopts an interim plan under this section,
9 the board shall determine if a groundwater sustainability plan or
10 an adjudication action is adequate to eliminate the condition of
11 long-term overdraft or condition where groundwater extractions
12 result in significant depletions of interconnected surface waters,
13 upon petition of either of the following:

14 (A) A groundwater sustainability agency that has adopted a
15 groundwater sustainability plan for the probationary basin or a
16 portion thereof.

17 (B) A person authorized to file the petition by a judicial order
18 or decree entered in an adjudication action in the probationary
19 basin.

20 (2) The board shall act on a petition filed pursuant to paragraph
21 (1) within 90 days after the petition is complete. If the board, *in*
22 *consultation with the department*, determines that the groundwater
23 sustainability plan or adjudication action is adequate, the board
24 shall rescind the interim plan adopted by the board for the
25 probationary basin, except as provided in paragraphs (3) and (4).

26 (3) Upon request of the petitioner, the board may amend an
27 interim plan adopted under this section to eliminate portions of
28 the interim plan, while allowing other portions of the interim plan
29 to continue in effect.

30 (4) The board may decline to rescind an interim plan adopted
31 pursuant to this section if the board determines that the petitioner
32 has not provided adequate assurances that the groundwater
33 sustainability plan or judicial order or decree will be implemented.

34 (5) This subdivision is not a limitation on the authority of the
35 board to stay its proceedings under this section or to rescind or
36 amend an interim plan adopted pursuant to this section based on
37 the progress made by a groundwater sustainability agency or in
38 an adjudication action, even if the board cannot make a
39 determination of adequacy in accordance with paragraph (1).

1 10736. (a) The board shall adopt or amend a determination or
 2 interim plan under Section 10735.2 or 10735.8 in accordance with
 3 procedures for quasi-legislative action.

4 (b) The board shall provide notice of a hearing described in
 5 subdivision (a) of Section 10735.2 or subdivision (a) of Section
 6 10735.8 as follows:

7 (1) At least 90 days before the hearing, the board shall publish
 8 notice of the hearing on its Internet Web site.

9 (2) At least 90 days before the hearing, the board shall notify
 10 the department and each city, county, or city and county in which
 11 any part of the basin is situated.

12 (3) (A) For the purposes of this paragraph, the terms
 13 “board-designated local area” and “local agency” have the same
 14 meaning as defined in Section 5009.

15 (B) At least 60 days before the hearing, the board shall mail or
 16 send by electronic mail notice to all persons known to the board
 17 who extract or who propose to extract water from the basin, or
 18 who have made written or electronic mail requests to the board
 19 for special notice of hearing pursuant to this part. If any portion
 20 of the basin is within a board-designated local area, the records
 21 made available to the board by the local agency in accordance with
 22 paragraph (4) of subdivision (d) of Section 5009 shall include the
 23 names and addresses of persons and entities known to the local
 24 agency who extract water from the basin, and the board shall mail
 25 or send by electronic mail notice to those persons.

26 (c) The board shall provide notice of proceedings to amend or
 27 repeal a determination or plan under Section 10735.2 or 10735.8
 28 as appropriate to the proceedings, taking into account the nature
 29 of the proposed revision and the person likely to be affected.

30 (d) (1) Except as provided in paragraphs (2) and (3), Chapter
 31 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
 32 Title 2 of the Government Code does not apply to any action
 33 authorized pursuant to Section 10735.2 or 10735.8.

34 (2) The board may adopt a regulation in accordance with Chapter
 35 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
 36 Title 2 of the Government Code setting procedures for adopting a
 37 determination or plan.

38 (3) The board may adopt a regulation applying or interpreting
 39 this part pursuant to Section 1530 if the board determines that the
 40 emergency regulation is reasonably necessary for the allocation,

1 administration, or collection of fees authorized pursuant to Section
2 1529.5.

3 10736.2. Division 13 (commencing with Section 21000) of the
4 Public Resources Code does not apply to any action or failure to
5 act by the board under this chapter, other than the adoption or
6 amendment of an interim plan pursuant to Section 10735.8.

7 10736.4. The extraction or use of water extracted in violation
8 of an interim plan under this part shall not be relied upon as a basis
9 for establishing the extraction or use of water to support a claim
10 in an action or proceeding for determination of water rights.

11 10736.6. (a) The board may order a person that extracts or
12 uses water from a basin that is subject to an investigation or
13 proceeding under this chapter to prepare and submit to the board
14 any technical or monitoring program reports related to that person's
15 or entity's extraction or use of water as the board may specify.
16 The costs incurred by the person in the preparation of those reports
17 shall bear a reasonable relationship to the need for the report and
18 the benefit to be obtained from the report. If the preparation of
19 individual reports would result in a duplication of effort, or if the
20 reports are necessary to evaluate the cumulative effect of several
21 diversions or uses of water, the board may order any person subject
22 to this subdivision to pay a reasonable share of the cost of preparing
23 reports.

24 (b) (1) An order issued pursuant to this section shall be served
25 by personal service or registered mail on the party to submit
26 technical or monitoring program reports or to pay a share of the
27 costs of preparing reports. Unless the board issues the order after
28 a hearing, the order shall inform the party of the right to request a
29 hearing within 30 days after the party has been served. If the party
30 does not request a hearing within that 30-day period, the order
31 shall take effect as issued. If the party requests a hearing within
32 that 30-day period, the board may adopt a decision and order after
33 conducting a hearing.

34 (2) In-lieu of adopting an order directed at named persons in
35 accordance with the procedures specified in paragraph (1), the
36 board may adopt a regulation applicable to a category or class of
37 persons in accordance with Chapter 3.5 (commencing with Section
38 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

39 (c) Upon application of a person or upon its own motion, the
40 board may review and revise an order issued or regulation adopted

1 pursuant to this section in accordance with the procedures set forth
2 in subdivision (b).

3 (d) In conducting an investigation or proceeding pursuant to
4 this part, the board may inspect the property or facilities of a person
5 to ascertain whether the purposes of this part are being met and to
6 ascertain compliance with this part. The board may obtain an
7 inspection warrant pursuant to the procedures set forth in Title 13
8 (commencing with Section 1822.50) of Part 3 of the Code of Civil
9 Procedure for the purposes of an inspection pursuant to this
10 subdivision.

11 ~~SEC. 11.~~

12 *SEC. 13.* Section 10750.1 is added to the Water Code, to read:

13 10750.1. (a) Beginning January 1, 2015, a new plan shall not
14 be adopted and an existing plan shall not be renewed pursuant to
15 this part, except as provided in subdivision (b). A plan adopted
16 before January 1, 2015, shall remain in effect until a groundwater
17 sustainability plan is adopted pursuant to Part 2.74 (commencing
18 with Section 10720).

19 (b) This section does not apply to a low- or very low priority
20 basin as categorized for the purposes of Part 2.74 (commencing
21 with Section 10720).

22 (c) *This section does not apply to a plan submitted as an*
23 *alternative pursuant to Section 10733.6, unless the department*
24 *has not determined that the alternative satisfies the objectives of*
25 *Part 2.74 (commencing with Section 10720) on or before January*
26 *31, 2020, or the department later determines that the plan does*
27 *not satisfy the objectives of that part.*

28 ~~SEC. 12.~~

29 *SEC. 14.* Section 10927 of the Water Code is amended to read:

30 10927. Any of the following entities may assume responsibility
31 for monitoring and reporting groundwater elevations in all or a
32 part of a basin or subbasin in accordance with this part:

33 (a) A watermaster or water management engineer appointed by
34 a court or pursuant to statute to administer a final judgment
35 determining rights to groundwater.

36 (b) (1) A groundwater management agency with statutory
37 authority to manage groundwater pursuant to its principal act that
38 is monitoring groundwater elevations in all or a part of a
39 groundwater basin or subbasin on or before January 1, 2010.

1 (2) A water replenishment district established pursuant to
2 Division 18 (commencing with Section 60000). This part does not
3 expand or otherwise affect the authority of a water replenishment
4 district relating to monitoring groundwater elevations.

5 (3) A groundwater sustainability agency with statutory authority
6 to manage groundwater pursuant to Part 2.74 (commencing with
7 Section 10720).

8 (c) A local agency that is managing all or part of a groundwater
9 basin or subbasin pursuant to Part 2.75 (commencing with Section
10 10750) and that was monitoring groundwater elevations in all or
11 a part of a groundwater basin or subbasin on or before January 1,
12 2010, or a local agency or county that is managing all or part of a
13 groundwater basin or subbasin pursuant to any other legally
14 enforceable groundwater management plan with provisions that
15 are substantively similar to those described in that part and that
16 was monitoring groundwater elevations in all or a part of a
17 groundwater basin or subbasin on or before January 1, 2010.

18 (d) A local agency that is managing all or part of a groundwater
19 basin or subbasin pursuant to an integrated regional water
20 management plan prepared pursuant to Part 2.2 (commencing with
21 Section 10530) that includes a groundwater management
22 component that complies with the requirements of Section 10753.7.

23 (e) A local agency that has been collecting and reporting
24 groundwater elevations and that does not have an adopted
25 groundwater management plan, if the local agency adopts a
26 groundwater management plan in accordance with Part 2.75
27 (commencing with Section 10750) by January 1, 2014. The
28 department may authorize the local agency to conduct the
29 monitoring and reporting of groundwater elevations pursuant to
30 this part on an interim basis, until the local agency adopts a
31 groundwater management plan in accordance with Part 2.75
32 (commencing with Section 10750) or until January 1, 2014,
33 whichever occurs first.

34 (f) A county that is not managing all or a part of a groundwater
35 basin or subbasin pursuant to a legally enforceable groundwater
36 management plan with provisions that are substantively similar to
37 those described in Part 2.75 (commencing with Section 10750).

38 (g) A voluntary cooperative groundwater monitoring association
39 formed pursuant to Section 10935.

1 ~~SEC. 13.~~

2 *SEC. 15.* Section 10933 of the Water Code is amended to read:

3 10933. (a) The department shall commence to identify the
4 extent of monitoring of groundwater elevations that is being
5 undertaken within each basin and subbasin.

6 (b) (1) The department shall prioritize groundwater basins and
7 subbasins for the purpose of implementing this section. In
8 prioritizing the basins and subbasins, the department shall, to the
9 extent data are available, consider all of the following:

10 (A) The population overlying the basin or subbasin.

11 (B) The rate of current and projected growth of the population
12 overlying the basin or subbasin.

13 (C) The number of public supply wells that draw from the basin
14 or subbasin.

15 (D) The total number of wells that draw from the basin or
16 subbasin.

17 (E) The irrigated acreage overlying the basin or subbasin.

18 (F) The degree to which persons overlying the basin or subbasin
19 rely on groundwater as their primary source of water.

20 (G) Any documented impacts on the groundwater within the
21 basin or subbasin, including overdraft, subsidence, saline intrusion,
22 and other water quality degradation.

23 (H) Any other information determined to be relevant by the
24 department.

25 (2) The department, in consultation with the Department of Fish
26 and Wildlife, shall identify and develop prioritization criteria for
27 the purpose of identifying groundwater basins and subbasins that
28 should be prioritized based on adverse impacts to habitat and
29 surface water resources. ~~The~~ *These* criteria shall be incorporated
30 into the determination of basin and subbasin prioritization at the
31 department's next update of basin and subbasin prioritizations that
32 occurs after January 1, 2017.

33 (c) If the department determines that all or part of a basin or
34 subbasin is not being monitored pursuant to this part, the
35 department shall do all of the following:

36 (1) Attempt to contact all well owners within the area not being
37 monitored.

38 (2) Determine if there is an interest in establishing any of the
39 following:

1 (A) A groundwater management plan pursuant to Part 2.75
2 (commencing with Section 10750).

3 (B) An integrated regional water management plan pursuant to
4 Part 2.2 (commencing with Section 10530) that includes a
5 groundwater management component that complies with the
6 requirements of Section 10753.7.

7 (C) A voluntary groundwater monitoring association pursuant
8 to Section 10935.

9 (d) If the department determines that there is sufficient interest
10 in establishing a plan or association described in paragraph (2) of
11 subdivision (c), or if the county agrees to perform the groundwater
12 monitoring functions in accordance with this part, the department
13 shall work cooperatively with the interested parties to comply with
14 the requirements of this part within two years.

15 (e) If the department determines, with regard to a basin or
16 subbasin, that there is insufficient interest in establishing a plan
17 or association described in paragraph (2) of subdivision (c), and
18 if the county decides not to perform the groundwater monitoring
19 and reporting functions of this part, the department shall do all of
20 the following:

21 (1) Identify any existing monitoring wells that overlie the basin
22 or subbasin that are owned or operated by the department or any
23 other state or federal agency.

24 (2) Determine whether the monitoring wells identified pursuant
25 to paragraph (1) provide sufficient information to demonstrate
26 seasonal and long-term trends in groundwater elevations.

27 (3) If the department determines that the monitoring wells
28 identified pursuant to paragraph (1) provide sufficient information
29 to demonstrate seasonal and long-term trends in groundwater
30 elevations, the department shall not perform groundwater
31 monitoring functions pursuant to Section 10933.5.

32 (4) If the department determines that the monitoring wells
33 identified pursuant to paragraph (1) provide insufficient
34 information to demonstrate seasonal and long-term trends in
35 groundwater elevations, the department shall perform groundwater
36 monitoring functions pursuant to Section 10933.5.

37 ~~SEC. 14.~~

38 *SEC. 16.* Section 12924 of the Water Code is amended to read:

39 12924. (a) The department, in conjunction with other public
40 agencies, shall conduct an investigation of the state's groundwater

1 basins. The department shall identify the state's groundwater basins
2 on the basis of geological and hydrological conditions and
3 consideration of political boundary lines whenever practical. The
4 department shall also investigate existing general patterns of
5 groundwater ~~pumping~~ *extraction* and groundwater recharge within
6 those basins to the extent necessary to identify basins that are
7 subject to critical conditions of overdraft.

8 (b) The department may revise the boundaries of groundwater
9 basins identified in subdivision (a) based on its own investigations
10 or information provided by others.

11 (c) The department shall report its findings to the Governor and
12 the Legislature not later than January 1, 2012, and thereafter in
13 years ending in 5 or 0.

14 ~~SEC. 15.~~

15 *SEC. 17.* The provisions of this act are severable. If any
16 provision of this act or its application is held invalid, that invalidity
17 shall not affect other provisions or applications that can be given
18 effect without the invalid provision or application.

19 ~~SEC. 16.~~

20 *SEC. 18.* No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution for certain
22 costs that may be incurred by a local agency or school district
23 because, in that regard, this act creates a new crime or infraction,
24 eliminates a crime or infraction, or changes the penalty for a crime
25 or infraction, within the meaning of Section 17556 of the
26 Government Code, or changes the definition of a crime within the
27 meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 However, if the Commission on State Mandates determines that
30 this act contains other costs mandated by the state, reimbursement
31 to local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

34 ~~SEC. 17.~~

35 *SEC. 19.* The Legislature finds and declares that ~~Section 5 11~~
36 *of this act, which adds Section 5206 to the Water Code and Section*
37 *12 of this act, which adds Section 10730.8 to the Water Code,*
38 ~~imposes~~ *impose* a limitation on the public's right of access to the
39 meetings of public bodies or the writings of public officials and
40 agencies within the meaning of Section 3 of Article I of the

1 California Constitution. Pursuant to that constitutional provision,
2 the Legislature makes the following findings to demonstrate the
3 interest protected by this limitation and the need for protecting
4 that interest:

5 In order to allow this act to fully accomplish its goals, it is
6 necessary to protect proprietary information submitted pursuant
7 to this act as confidential. Therefore, it is in the state's interest to
8 limit public access to this information.

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