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AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1739**

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

February 14, 2014

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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, ~~and 1831~~ 1831, 10721, 10726.4, and 10726.8 of, to add ~~Section~~ Sections 1529.5 ~~to~~, and 10726.9 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Chapter 7 (commencing with Section 10729), Chapter 8 (commencing with Section 10730), Chapter 9 (commencing with Section 10732), Chapter 10 (commencing with Section 10733), and Chapter 11 (commencing with Section 10735) to Part 2.74 of Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Dickinson. Groundwater management.

(1) 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 would provide specific authority to a groundwater sustainability agency, as defined in SB 1168 of the 2013–14 Regular Session, to impose certain fees. The 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.~~ *groundwater, and would require the department to prepare and release a report by December 31, 2016, on the department's best estimate of water available for replenishment of groundwater in the state.*

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon adoption. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department to ~~develop~~ *adopt* certain ~~guidelines.~~ *regulations.* This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative that the local agency believes satisfies the objectives of these 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 authorize the department to assess an administrative charge on groundwater sustainability agencies and the board, as specified, and would require that all charges collected by the department pursuant to these provisions be deposited in the Groundwater Sustainability Plan Administration Fund, which would be created by the bill. The bill would require that moneys in the fund be available to the department, upon appropriation, for support of the department in receiving, evaluating, assessing, and making determinations about the adequacy of the groundwater sustainability plan or alternative.~~

This bill would authorize the board to conduct inspections and would authorize 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.

(2) 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 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 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 any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.

(3) 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. *The bill would require the reports to be submitted to the board or, in certain areas, to an entity designated as a local agency by the board, as specified.* 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) 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 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 groundwater sustainability agency or an entity that submits an alternative to provide the planning agency with certain information as is appropriate and relevant, including a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan.

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

*(5) Senate Bill 1168 of the 2013–14 Regular Session, if enacted, would enact the Sustainable Groundwater Management Act, and would define “undesirable result” for purposes of those provisions. The act would grant specified authority to a groundwater sustainability agency relating to controlling groundwater extractions, and would specify that various provisions do not supersede the land use authority of cities and counties, as specified.*

*This bill would revise the definition of “undesirable result,” and would specify that certain authority granted to a groundwater sustainability agency to control groundwater extractions shall be consistent with applicable elements of a city or county general plan, except as specified. The bill would provide that the provisions against superseding the land use authority of cities and counties applies to that authority within the overlying basin, including the city or county general plan, and would require a groundwater sustainability plan to take into account the most recent planning assumptions stated in local general plans overlying the basin.*

~~(5)~~

(6) 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.

~~(6)~~

(7) 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.

~~(7)~~

(8) This bill would make its operation contingent on the enactment of SB 1168 of the 2013–14 Regular Session.

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 extraction can cause overdraft, failed  
 13 wells, deteriorated water quality, environmental damage, and  
 14 irreversible land subsidence that damages infrastructure and  
 15 diminishes the capacity of aquifers to store water for the future.  
 16 (4) When properly managed, groundwater resources will help  
 17 protect communities, farms, and the environment against prolonged  
 18 dry periods and climate change, preserving water supplies for  
 19 existing and potential beneficial use.  
 20 (5) Failure to manage groundwater to prevent long-term  
 21 overdraft infringes on groundwater rights.

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

3 (7) Groundwater management will not be effective unless local  
4 actions to sustainably manage groundwater basins and subbasins  
5 are taken.

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

8 (9) In those circumstances where a local groundwater  
9 management agency is not managing its groundwater sustainably,  
10 the state needs to protect the resource until it is determined that a  
11 local groundwater management agency can sustainably manage  
12 the groundwater basin or subbasin.

13 (10) Information on the amount of groundwater extraction,  
14 natural and artificial recharge, and groundwater evaluations are  
15 critical for effective management of groundwater.

16 (11) Sustainable groundwater management in California depends  
17 upon creating more opportunities for robust conjunctive  
18 management of surface water and groundwater resources. Climate  
19 change will intensify the need to recalibrate and reconcile surface  
20 water and groundwater management strategies.

21 *(12) Sustainability groundwater management is part of*  
22 *implementation of the California Water Action Plan.*

23 (b) It is, therefore, the intent of the Legislature to do all of the  
24 following:

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

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

33 (3) To require the development and reporting of those data  
34 necessary to support sustainable groundwater management,  
35 including those data that help describe the basin's geology, the  
36 short- and long-term trends of the basin's water balance, and other  
37 measures of sustainability, and those data necessary to resolve  
38 disputes regarding sustainable yield, beneficial uses, and water  
39 rights.

1 (4) To respect overlying and other proprietary rights to  
2 ~~groundwater~~ *groundwater, consistent with Section 1200 of the*  
3 *Water Code.*

4 (5) To recognize and preserve the authority of cities and counties  
5 to manage groundwater pursuant to their police powers.

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 Chapter 11 (commencing with Section  
29 10735) of Part 2.74 of Division 6 of the Water Code that includes  
30 territory within the planning area of the proposed general plan.

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

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

37 (12) The Central Valley Flood Protection Board for a proposed  
38 action within the boundaries of the Sacramento and San Joaquin  
39 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 (d) Upon receiving, pursuant to Section 65352, notification of  
25 a city's or a county's proposed action to adopt or substantially  
26 amend a general plan, a groundwater sustainability agency, as  
27 defined in Section 10721 of the Water Code, or an entity that  
28 submits an alternative under Section 10733.6 shall provide the  
29 planning agency with the following information, as is appropriate  
30 and relevant:

31 (1) The current version of its groundwater sustainability plan  
32 or alternative adopted pursuant to Part 2.74 (commencing with  
33 Section 10720) of Division 6 of the Water Code.

34 (2) If the groundwater sustainability agency manages  
35 groundwater pursuant to a court order, judgment, decree, or  
36 agreement among affected water rights holders, or if the State  
37 Water Resources Control Board has adopted an interim plan  
38 pursuant to Chapter 11 (commencing with Section 10735) of Part  
39 2.74 of Division 6 of the Water Code, the groundwater  
40 sustainability agency shall provide the planning agency with maps

1 of recharge basins and percolation ponds, extraction limitations,  
2 and other relevant information, or the court order, judgment, or  
3 decree.

4 (3) A report on the anticipated effect of proposed action to adopt  
5 or substantially amend a general plan on implementation of a  
6 groundwater sustainability plan pursuant to Part 2.74 (commencing  
7 with Section 10720) of Division 6 of the Water Code.

8 SEC. 5. Section 348 of the Water Code is amended to read:

9 348. (a) The department or the board may adopt emergency  
10 regulations providing for the electronic filing of reports of water  
11 extraction or water diversion or use required to be filed with the  
12 department or board under this code, including, but not limited to,  
13 any report required to be filed under Part 5.1 (commencing with  
14 Section 5100) or Part 5.2 (commencing with Section 5200) of  
15 Division 2 and any report required to be filed by a water right  
16 permittee or licensee.

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

30 SEC. 6. Section 1120 of the Water Code is amended to read:

31 1120. This chapter applies to any decision or order issued under  
32 this part or Section 275, Part 2 (commencing with Section 1200),  
33 Part 2 (commencing with Section 10500) of Division 6, Chapter  
34 11 (commencing with Section 10735) of Part 2.74 of Division 6,  
35 Article 7 (commencing with Section 13550) of Chapter 7 of  
36 Division 7, or the public trust doctrine.

37 SEC. 7. Section 1529.5 is added to the Water Code, to read:

38 1529.5. (a) The board shall adopt a schedule of fees pursuant  
39 to Section 1530 to recover costs incurred in administering Chapter  
40 11 (commencing with Section 10735) of Part 2.74 of Division 6.

1 Recoverable costs include, but are not limited to, costs incurred  
2 in connection with investigations, facilitation, monitoring, hearings,  
3 enforcement, and administrative costs in carrying out these actions.

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

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

8 (2) A fee for the filing of a report pursuant to Part 5.2  
9 (commencing with Section 5200) of Division 2.

10 (c) Consistent with Section 3 of Article XIII A of the California  
11 Constitution, the board shall set the fees under this section in an  
12 amount sufficient to cover all costs incurred and expended from  
13 the Water Rights Fund for the purposes of Part 5.2 (commencing  
14 with Section 5200) and Chapter 11 (commencing with Section  
15 10735) of Part 2.74 of Division 6. In setting these fees, the board  
16 is not required to fully recover these costs in the year or the year  
17 immediately after the costs are incurred, but the board may provide  
18 for recovery of these costs over a period of years.

19 SEC. 8. Section 1552 of the Water Code is amended to read:

20 1552. The money in the Water Rights Fund is available for  
21 expenditure, upon appropriation by the Legislature, for the  
22 following purposes:

23 (a) For expenditure by the State Board of Equalization in the  
24 administration of this chapter and the Fee Collection Procedures  
25 Law (Part 30 (commencing with Section 55001) of Division 2 of  
26 the Revenue and Taxation Code) in connection with any fee or  
27 expense subject to this chapter.

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

31 (c) For expenditure by the board for the purposes of carrying  
32 out this division, Division 1 (commencing with Section 100), Part  
33 2 (commencing with Section 10500) and Chapter 11 (commencing  
34 with Section 10735) of Part 2.74 of Division 6, and Article 7  
35 (commencing with Section 13550) of Chapter 7 of Division 7.

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

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

4 SEC. 9. Section 1831 of the Water Code is amended to read:

5 1831. (a) When the board determines that any person is  
6 violating, or threatening to violate, any requirement described in  
7 subdivision (d), the board may issue an order to that person to  
8 cease and desist from that violation.

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

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

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

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

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

19 (3) Any decision or order of the board issued under this part,  
20 Section 275, Chapter 11 (commencing with Section 10735) of Part  
21 2.74 of Division 6, or Article 7 (commencing with Section 13550)  
22 of Chapter 7 of Division 7, in which decision or order the person  
23 to whom the cease and desist order will be issued, or a predecessor  
24 in interest to that person, was named as a party directly affected  
25 by the decision or order.

26 (4) A regulation adopted under Section 1058.5.

27 (5) Any extraction restriction, limitation, order, or regulation  
28 adopted or issued under Chapter 11 (commencing with Section  
29 10735) of Part 2.74 of Division 6.

30 (e) This article does not authorize the board to regulate in any  
31 manner, the diversion or use of water not otherwise subject to  
32 regulation of the board under this ~~division or Section 275~~ part.

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

1 PART 5.2. GROUNDWATER EXTRACTION REPORTING  
2 FOR PROBATIONARY BASINS AND BASINS WITHOUT A  
3 GROUNDWATER SUSTAINABILITY AGENCY  
4

5 5200. The Legislature finds and declares that this part  
6 establishes groundwater reporting requirements for the purposes  
7 of subdivision (b) of Section 10724 and Chapter 11 (commencing  
8 with Section 10735) of Part 2.74 of Division 6.

9 5201. As used in this part:

10 (a) “Basin” has the same meaning as defined in Section 10721.

11 (b) “Board-designated local area” has the same meaning as  
12 defined in Section 5009.

13 (c) “De minimis extractor” has the same meaning as defined in  
14 Section 10721.

15 (d) “Groundwater” has the same meaning as defined in Section  
16 10721.

17 (e) “Groundwater extraction facility” has the same meaning as  
18 defined in Section 10721.

19 (f) “Groundwater sustainability agency” has the same meaning  
20 as defined in Section 10721.

21 (g) “Person” has the same meaning as defined in Section 10735.

22 (h) “Personal information” has the same meaning as defined in  
23 Section 1798.3 of the Civil Code.

24 (i) “Probationary basin” has the same meaning as defined in  
25 Section 10735.

26 (j) “Water year” has the same meaning as defined in Section  
27 10721.

28 5202. (a) This section applies to a person who does either of  
29 the following:

30 (1) Extracts groundwater from a probationary basin 90 days or  
31 more after the board designates the basin as a probationary basin  
32 pursuant to Section 10735.2.

33 (2) Extracts groundwater on or after ~~January~~ *July* 1, 2017, in  
34 an area within a basin that is not within the management area of  
35 a groundwater sustainability agency and where the county does  
36 not assume responsibility to be the groundwater sustainability  
37 agency, as provided in subdivision (b) of Section 10724.

38 (b) Except as provided in subdivision (c), a person subject to  
39 this section shall file a report of groundwater extraction by

1 December 15 of each year for extractions made in the preceding  
2 water year.

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

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

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

9 (3) An extraction reported pursuant to Part 5 (commencing with  
10 Section 4999).

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

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

19 (e) The report may be filed by the person extracting water or  
20 on that person's behalf by an agency that person designates and  
21 that maintains a record of the water extracted.

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

24 5203. Each report shall be prepared on a form provided by the  
25 board. The report shall include all of the following information:

26 (a) The name and address of the person who extracted  
27 groundwater and of the person filing the report.

28 (b) The name of the basin from which groundwater was  
29 extracted.

30 (c) The place of groundwater extraction. The location of the  
31 groundwater extraction facilities shall be depicted on a specific  
32 United States Geological Survey topographic map or shall be  
33 identified using the California Coordinate System or a latitude and  
34 longitude measurement. If assigned, the public land description to  
35 the nearest 40-acre subdivision and the assessor's parcel number  
36 shall be provided.

37 (d) The capacity of the groundwater extraction facilities.

38 (e) Monthly records of groundwater extractions. The  
39 measurements of the extractions shall be made by a methodology,



1 water-measuring device, or combination thereof satisfactory to the  
2 board.

3 (f) The purpose of use.

4 (g) A general description of the area in which the water was  
5 used. The location of the place of use shall be depicted on a specific  
6 United States Geological Survey topographic map or on any other  
7 maps with identifiable landmarks. If assigned, the public land  
8 description to the nearest 40-acre subdivision and the assessor's  
9 parcel number shall also be provided.

10 (h) As near as is known, the year in which the groundwater  
11 extraction was commenced.

12 (i) Any information required pursuant to paragraph (3) of  
13 subdivision (c) of Section 10735.2.

14 (j) Any other information that the board may require by  
15 regulation and that is reasonably necessary for purposes of this  
16 division or Part 2.74 (commencing with Section 10720) of Division  
17 6.

18 5204. (a) If a person fails to file a report as required by this  
19 part, the board may, at the expense of that person, investigate and  
20 determine the information required to be reported pursuant to this  
21 part.

22 (b) The board shall give a person described in subdivision (a)  
23 notice of its intention to investigate and determine the information  
24 required to be reported pursuant to this part and 60 days in which  
25 to file a required report without penalty.

26 5205. A report submitted under this part or a determination of  
27 facts by the board pursuant to Section 5104 shall not establish or  
28 constitute evidence of a right to divert or use water.

29 5206. Personal information included in a report of groundwater  
30 extraction shall have the same protection from disclosure as is  
31 provided for information concerning utility customers of local  
32 agencies pursuant to Section 6254.16 of the Government Code.

33 5207. A right to extract groundwater that may otherwise occur  
34 shall not arise or accrue to, and a statute of limitations shall not  
35 operate in favor of, a person required to file a report pursuant to  
36 this part until the person files the report.

37 5208. Section 5107 applies to a report or measuring device  
38 required pursuant to this part. For purposes of Section 5107, a  
39 report of groundwater extraction, measuring device, or  
40 misstatement required, used, or made pursuant to this part shall

1 be considered the equivalent of a statement, measuring device, or  
2 misstatement required, used, or made pursuant to Part 5.1  
3 (commencing with Section 5100).

4 5209. For groundwater extractions in a board-designated local  
5 area, reports required pursuant to this part shall be submitted to  
6 the entity designated pursuant to subdivision (e) of Section 5009  
7 if both of the following occur:

8 (a) The board determines that the requirements of subdivision  
9 (e) of Section 5009 have been satisfied with respect to extractions  
10 subject to reporting pursuant to this part, in addition to any  
11 groundwater extractions subject to Part 5 (commencing with  
12 Section 4999).

13 (b) The designated entity has made satisfactory arrangements  
14 to collect and transmit to the board any fees imposed pursuant to  
15 paragraph (2) of subdivision (b) of Section 1529.5.

16 *SEC. 11. Section 10721 of the Water Code, as added by Senate*  
17 *Bill 1168 of the 2013–14 Regular Session, is amended to read:*

18 10721. Unless the context otherwise requires, the following  
19 definitions govern the construction of this part:

20 (a) “Adjudication action” means an action filed in the superior  
21 or federal district court to determine the rights to extract  
22 groundwater from a basin or store water within a basin, including,  
23 but not limited to, actions to quiet title respecting rights to extract  
24 or store groundwater or an action brought to impose a physical  
25 solution on a basin.

26 (b) “Basin” means a groundwater basin or subbasin identified  
27 and defined in Bulletin 118 or as modified pursuant to Chapter 3  
28 (commencing with Section 10722).

29 (c) “Bulletin 118” means the department’s report entitled  
30 “California’s Groundwater: Bulletin 118” updated in 2003, as it  
31 may be subsequently updated or revised in accordance with Section  
32 12924.

33 (d) “Coordination agreement” means a legal agreement adopted  
34 between two or more groundwater sustainability agencies that  
35 provides the basis for coordinating multiple agencies or  
36 groundwater sustainability plans within a basin pursuant to this  
37 part.

38 (e) “De minimis extractor” means a person who extracts, for  
39 domestic purposes, two acre-feet or less per year.

1 (f) “Governing body” means the legislative body of a  
2 groundwater sustainability agency.

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

7 (h) “Groundwater extraction facility” means a device or method  
8 for extracting groundwater from within a basin.

9 (i) “Groundwater recharge” means the augmentation of  
10 groundwater, by natural or artificial means.

11 (j) “Groundwater sustainability agency” means one or more  
12 local agencies that implement the provisions of this part. For  
13 purposes of imposing fees pursuant to Chapter 8 (commencing  
14 with Section 10730) or taking action to enforce a groundwater  
15 sustainability plan, “groundwater sustainability agency” also means  
16 each local agency comprising the groundwater sustainability  
17 agency if the plan authorizes separate agency action.

18 (k) “Groundwater sustainability plan” or “plan” means a plan  
19 of a groundwater sustainability agency proposed or adopted  
20 pursuant to this part.

21 (l) “Groundwater sustainability program” means a coordinated  
22 and ongoing activity undertaken to benefit a basin, pursuant to a  
23 groundwater sustainability plan.

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

27 (n) “Operator” means a person operating a groundwater  
28 extraction facility. The owner of a groundwater extraction facility  
29 shall be conclusively presumed to be the operator unless a  
30 satisfactory showing is made to the governing body of the  
31 groundwater sustainability agency that the groundwater extraction  
32 facility actually is operated by some other person.

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

36 (p) “Personal information” has the same meaning as defined in  
37 Section 1798.3 of the Civil Code.

38 (q) “Planning and implementation horizon” means a 50-year  
39 time period over which a groundwater sustainability agency

1 determines that plans and measures will be implemented in a basin  
2 to ensure that the basin is operated within its sustainable yield.

3 (r) “Public water system” has the same meaning as defined in  
4 Section 116275 of the Health and Safety Code.

5 (s) “Recharge area” means the area that supplies water to an  
6 aquifer in a groundwater basin.

7 (t) “Sustainability goal” means the existence and implementation  
8 of one or more groundwater sustainability plans that achieve  
9 sustainable groundwater management by identifying and causing  
10 the implementation of measures targeted to ensure that the  
11 applicable basin is operated within its sustainable yield.

12 (u) “Sustainable groundwater management” means the  
13 management and use of groundwater in a manner that can be  
14 maintained during the planning and implementation horizon  
15 without causing undesirable results.

16 (v) “Sustainable yield” means the maximum quantity of water,  
17 calculated over a base period representative of long-term conditions  
18 in the basin and including any temporary surplus, that can be  
19 withdrawn annually from a groundwater supply without causing  
20 an undesirable result.

21 (w) “Undesirable result” means one or more of the following  
22 effects caused by groundwater conditions occurring throughout  
23 the basin:

24 (1) Chronic lowering of groundwater levels indicating a  
25 significant and unreasonable depletion of supply if continued over  
26 the planning and implementation horizon. Overdraft during a period  
27 of drought is not sufficient to establish a chronic lowering of  
28 groundwater levels if extractions and recharge are managed as  
29 necessary to ensure that reductions in groundwater levels or storage  
30 during a period of drought are offset by increases in groundwater  
31 levels or storage during other periods.

32 (2) Significant and unreasonable reduction of groundwater  
33 storage.

34 (3) Significant and unreasonable seawater intrusion.

35 (4) Significant and unreasonable degraded water quality,  
36 including the migration of contaminant plumes that impair water  
37 supplies.

38 (5) Significant and unreasonable land subsidence that  
39 substantially interferes with surface land uses.

1 (6) ~~Surface water depletions~~—*Depletions of interconnected*  
2 *surface water* that have significant and unreasonable adverse  
3 impacts on beneficial uses of the surface water.

4 (x) “Water budget” means an accounting of the total  
5 groundwater and surface water entering and leaving a basin  
6 including the changes in the amount of water stored.

7 (y) “Watermaster” means a watermaster appointed by a court  
8 or pursuant to other law.

9 (z) “Water year” means the period from October 1 through the  
10 following September 30, inclusive.

11 (aa) “Wellhead protection area” means the surface and  
12 subsurface area surrounding a water well or well field that supplies  
13 a public water system through which contaminants are reasonably  
14 likely to migrate toward the water well or well field.

15 *SEC. 12. Section 10726.4 of the Water Code, as added by*  
16 *Senate Bill 1168 of the 2013–14 Regular Session, is amended to*  
17 *read:*

18 10726.4. (a) A groundwater sustainability agency shall have  
19 the following additional authority and may regulate groundwater  
20 extraction using that authority:

21 (1) To impose spacing requirements on new groundwater well  
22 construction to minimize well interference and impose reasonable  
23 operating regulations on existing groundwater wells to minimize  
24 well interference, including requiring extractors to operate on a  
25 rotation basis.

26 (2) To control groundwater extractions by regulating, limiting,  
27 or suspending extractions from individual groundwater wells or  
28 extractions from groundwater wells in the aggregate, construction  
29 of new groundwater wells, enlargement of existing groundwater  
30 wells, or reactivation of abandoned groundwater wells, or otherwise  
31 establishing groundwater extraction allocations. *Those actions*  
32 *shall be consistent with the applicable elements of the city or*  
33 *county general plan, unless there is insufficient sustainable yield*  
34 *in the basin to serve a land use designated in the city or county*  
35 *general plan. A limitation on extractions by a groundwater*  
36 *sustainability agency shall not be construed to be a final*  
37 *determination of rights to extract groundwater from the basin or*  
38 *any portion of the basin.*

39 (3) To authorize temporary and permanent transfers of  
40 groundwater extraction allocations within the agency’s boundaries,

1 if the total quantity of groundwater extracted in any water year is  
2 consistent with the provisions of the groundwater sustainability  
3 plan. The transfer is subject to applicable city and county  
4 ordinances.

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

10 (b) This section does not authorize a groundwater sustainability  
11 agency to issue permits for the construction, modification, or  
12 abandonment of groundwater wells, except as authorized by a  
13 county with authority to issue those permits. A groundwater  
14 sustainability agency may request of the county, and the county  
15 shall consider, that the county forward permit requests for the  
16 construction of new groundwater wells, the enlarging of existing  
17 groundwater wells, and the reactivation of abandoned groundwater  
18 wells to the groundwater sustainability agency before permit  
19 approval.

20 *SEC. 13. Section 10726.8 of the Water Code, as added by*  
21 *Senate Bill 1168 of the 2013–14 Regular Session, is amended to*  
22 *read:*

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

28 (b) Nothing in this part shall be construed as authorizing a local  
29 agency to make a binding determination of the water rights of any  
30 person or entity.

31 (c) Nothing in this part is a limitation on the authority of the  
32 board, the department, or the State Department of Public Health.

33 (d) Notwithstanding Section 6103 of the Government Code, a  
34 state or local agency that extracts groundwater shall be subject to  
35 a fee imposed under this part to the same extent as any  
36 nongovernmental entity.

37 (e) Except as provided in subdivision (d), this part does not  
38 authorize a local agency to impose any requirement on the state  
39 or any agency, department, or officer of the state. State agencies

1 and departments shall work cooperatively with a local agency on  
2 a voluntary basis.

3 (f) Nothing in *this chapter* or a groundwater sustainability plan  
4 shall be interpreted as superseding the land use authority of cities  
5 and ~~counties~~. *counties, including the city or county general plan,*  
6 *within the overlying basin.*

7 *SEC. 14. Section 10726.9 is added to the Water Code, to read:*  
8 *10726.9. A groundwater sustainability plan shall take into*  
9 *account the most recent planning assumptions stated in local*  
10 *general plans of jurisdictions overlying the basin.*

11 ~~SEC. 11.~~

12 *SEC. 15.* Chapter 7 (commencing with Section 10729) is added  
13 to Part 2.74 of Division 6 of the Water Code, to read:

14  
15 CHAPTER 7. TECHNICAL ASSISTANCE

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

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

26 (c) *The department shall prepare and publish a report by*  
27 *December 31, 2016, on its Internet Web site that presents the*  
28 *department's best estimate, based on available information, of*  
29 *water available for replenishment of groundwater in the state.*

30 (e)

31 (d) (1) By January 1, 2017, the department shall publish on its  
32 Internet Web site best management practices for the sustainable  
33 management of groundwater.

34 (2) The department shall develop the best management practices  
35 through a public process involving one public meeting conducted  
36 at a location in northern California, one public meeting conducted  
37 at a location in the San Joaquin Valley, one public meeting  
38 conducted at a location in southern California, and one public  
39 meeting of the California Water Commission.

1     ~~SEC. 12.~~

2     *SEC. 16.* Chapter 8 (commencing with Section 10730) is added  
3 to Part 2.74 of Division 6 of the Water Code, to read:

4

5

CHAPTER 8. FINANCIAL AUTHORITY

6

7     10730. (a) A groundwater sustainability agency may impose  
8 fees, including, but not limited to, permit fees and fees on  
9 groundwater extraction or other regulated activity, to fund the costs  
10 of a groundwater sustainability program, including, but not limited  
11 to, preparation, adoption, and amendment of a groundwater  
12 sustainability plan, and investigations, inspections, compliance  
13 assistance, enforcement, and program administration, including a  
14 prudent reserve. A groundwater sustainability agency shall not  
15 impose a fee pursuant to this subdivision on a de minimis extractor  
16 unless the agency has regulated the users pursuant to this part.

17     (b) (1) Prior to imposing or increasing a fee, a groundwater  
18 sustainability agency shall hold at least one public meeting, at  
19 which oral or written presentations may be made as part of the  
20 meeting.

21     (2) Notice of the time and place of the meeting shall include a  
22 general explanation of the matter to be considered and a statement  
23 that the data required by this section is available. The notice shall  
24 be provided by publication pursuant to Section 6066 of the  
25 Government Code, by posting notice on the Internet Web site of  
26 the groundwater sustainability agency, and by mail to any interested  
27 party who files a written request with the agency for mailed notice  
28 of the meeting on new or increased fees. A written request for  
29 mailed notices shall be valid for one year from the date that the  
30 request is made and may be renewed by making a written request  
31 on or before April 1 of each year.

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

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

37     (d) (1) As an alternative method for the collection of fees  
38 imposed pursuant to this section, a groundwater sustainability  
39 agency may adopt a resolution requesting collection of the fees in  
40 the same manner as ordinary municipal ad valorem taxes.



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

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

9 10730.2. (a) A groundwater sustainability agency that adopts  
10 a groundwater sustainability plan pursuant to this part may impose  
11 fees on the extraction of groundwater from the basin to fund costs  
12 of groundwater management, including, but not limited to, the  
13 costs of the following:

14 (1) Administration, operation, and maintenance, including a  
15 prudent reserve.

16 (2) Acquisition of lands or other property, facilities, and services.

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

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

20 (b) Until a groundwater sustainability plan is adopted pursuant  
21 to this part, a local agency may impose fees in accordance with  
22 the procedures provided in this section for the purposes of Part  
23 2.75 (commencing with Section 10750) as long as a groundwater  
24 management plan adopted before January 1, 2015, is in effect for  
25 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 10730.2 to fund activities

1 undertaken by the agency pursuant to Part 2.75 (commencing with  
2 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) ~~Persons subject to payment of fees~~ *Personal information*  
6 *included in a report or record* pursuant to this chapter ~~have~~ *has*  
7 the same protection from disclosure as is provided for information  
8 concerning utility customers of local agencies pursuant to Section  
9 6254.16 of the Government Code.

10 10731. (a) Following an investigation pursuant to Section  
11 10725.4, the governing body may make a determination fixing the  
12 amount of groundwater production from the groundwater extraction  
13 facility at an amount not to exceed the maximum production  
14 capacity of the facility for purposes of levying a groundwater  
15 charge. If a water-measuring device is permanently attached to the  
16 groundwater extraction facility, the record of production as  
17 disclosed by the water-measuring device shall be presumed to be  
18 accurate unless the contrary is established by the groundwater  
19 sustainability agency after investigation.

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

1 groundwater charges, interest, and penalties determined by the  
2 governing body.

3 ~~SEC. 13.~~

4 *SEC. 17.* Chapter 9 (commencing with Section 10732) is added  
5 to Part 2.74 of Division 6 of the Water Code, to read:

6

7 CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY  
8 ENFORCEMENT POWERS

9

10 10732. (a) (1) A person who extracts groundwater in excess  
11 of the amount that person is authorized to extract under a rule,  
12 regulation, ordinance, or resolution adopted pursuant to Section  
13 10725.2, shall be subject to a civil penalty not to exceed five  
14 hundred dollars (\$500) per acre-foot extracted in excess of the  
15 amount that person is authorized to extract. Liability under this  
16 subdivision is in addition to any liability imposed under paragraph  
17 (2) and any fee imposed for the extraction.

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

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

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

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

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

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

1 ~~SEC. 14.~~

2 *SEC. 18.* Chapter 10 (commencing with Section 10733) is  
3 added to Part 2.74 of Division 6 of the Water Code, to read:

4  
5 CHAPTER 10. STATE EVALUATION AND ASSESSMENT  
6

7 10733. (a) The department shall periodically review the  
8 groundwater sustainability plans developed by groundwater  
9 sustainability agencies pursuant to this part to evaluate whether a  
10 plan conforms with Sections 10727.2 and 10727.4 and is likely to  
11 achieve the sustainability goal for the basin covered by the  
12 groundwater sustainability plan.

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

19 (c) The department shall evaluate whether a groundwater  
20 sustainability plan adversely affects the ability of an adjacent basin  
21 to implement their groundwater sustainability plan or impedes  
22 achievement of sustainability goals in an adjacent basin.

23 10733.2. (a) (1) By June 1, 2016, the department shall ~~develop~~  
24 ~~guidelines~~ *adopt regulations* for evaluating groundwater  
25 sustainability plans, the implementation of groundwater  
26 sustainability plans, and coordination agreements pursuant to this  
27 chapter.

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

33 (b) (1) The department may update the ~~guidelines~~, *regulations*,  
34 including to incorporate the best management practices identified  
35 pursuant to Section 10729.

36 (2) *The regulations adopted pursuant to paragraph (1) of*  
37 *subdivision (a) shall identify appropriate methodologies and*  
38 *assumptions for baseline conditions concerning hydrology, water*  
39 *demand, regulatory restrictions that affect the availability of*  
40 *surface water, and unreliability of, or reductions in, surface water*

1 *deliveries to the agency or water users in the basin, and the impact*  
2 *of those conditions on achieving sustainability. The baseline for*  
3 *measuring unreliability and reductions shall include the historic*  
4 *average reliability and deliveries of surface water to the agency*  
5 *or water users in the basin.*

6 (c) By June 1, 2016, the department shall ~~develop guidelines~~  
7 *adopt regulations* for evaluating alternatives submitted pursuant  
8 to Section 10733.6.

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

15 (d) *The department shall adopt the regulations, including any*  
16 *amendments thereto, authorized by this section as emergency*  
17 *regulations in accordance with the Administrative Procedure Act*  
18 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*  
19 *Division 3 of Title 2 of the Government Code). The adoption of*  
20 *these regulations is an emergency and shall be considered by the*  
21 *Office of Administrative Law as necessary for the immediate*  
22 *preservation of the public peace, health and safety, or general*  
23 *welfare. Notwithstanding the Administrative Procedure Act,*  
24 *emergency regulations adopted by the department pursuant to this*  
25 *section shall not be subject to review by the Office of*  
26 *Administrative Law and shall remain in effect until revised by the*  
27 *department.*

28 (e) Before adopting and finalizing the ~~guidelines, regulations,~~  
29 the department shall conduct three public meetings to consider  
30 public comments. The department shall publish the draft ~~guidelines~~  
31 *regulations* on its Internet Web site at least 30 days before the  
32 public meetings. One meeting shall be conducted at a location in  
33 northern California, one meeting shall be conducted at a location  
34 in the central valley of California, and one meeting shall be  
35 conducted at a location in southern California. ~~Upon adoption, the~~  
36 ~~department shall publish the guidelines on its Internet Web site.~~

37 10733.3. The department shall post all notices it receives  
38 pursuant to Section 10723 or 10723.8 on its Internet Web site  
39 within 15 days of receipt.

1 10733.4. (a) Upon adoption of a groundwater sustainability  
2 plan, a groundwater sustainability agency shall submit the  
3 groundwater sustainability plan to the department for review  
4 pursuant to this chapter.

5 (b) If groundwater sustainability agencies develop multiple  
6 groundwater sustainability plans for a basin, the submission  
7 required by subdivision (a) shall not occur until the entire basin is  
8 covered by groundwater sustainability plans. When the entire basin  
9 is covered by groundwater sustainability plans, the groundwater  
10 sustainability agencies shall jointly submit to the department all  
11 of the following:

12 (1) The groundwater sustainability plans.

13 (2) An explanation of how the groundwater sustainability plans  
14 implemented together satisfy Sections 10727.2, 10727.4, and  
15 10727.6 for the entire basin.

16 (3) A copy of the coordination agreement between the  
17 groundwater sustainability agencies to ensure the coordinated  
18 implementation of the groundwater sustainability plans for the  
19 entire basin.

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

24 (d) The department shall evaluate the groundwater sustainability  
25 plan within two years of its submission by a groundwater  
26 sustainability agency and issue an assessment of the plan. The  
27 assessment may include recommended corrective actions to address  
28 any deficiencies identified by the department.

29 10733.6. (a) If a local agency believes that an alternative  
30 described in subdivision (b) satisfies the objectives of this part,  
31 the local agency may submit the alternative to the department for  
32 evaluation and assessment of whether the alternative satisfies the  
33 objectives of this part for the basin.

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

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

37 (2) Management pursuant to an adjudication action.

38 (3) An analysis of basin conditions that demonstrates that the  
39 basin has operated within its sustainable yield over a period of at  
40 least 10 years. The submission of an alternative described by this

1 paragraph shall include a report prepared by a registered  
 2 professional engineer or geologist who is licensed by the state and  
 3 submitted under that engineer’s or geologist’s seal.

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

7 (d) The assessment required by subdivision (a) shall include an  
 8 assessment of whether the alternative is within a basin that is in  
 9 compliance with Part 2.11 (commencing with Section 10920). If  
 10 the alternative is within a basin that is not in compliance with Part  
 11 2.11 (commencing with Section 10920), the department shall find  
 12 the alternative does not satisfy the objectives of this part.

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

25 ~~10734. (a) Consistent with Section 3 of Article XIII A of the~~  
 26 ~~California Constitution, the department may assess an~~  
 27 ~~administrative charge on groundwater sustainability agencies for~~  
 28 ~~any of the following:~~

29 ~~(1) The cost to the department for evaluating and assessing a~~  
 30 ~~groundwater sustainability plan pursuant to this part.~~

31 ~~(2) The cost to the department for evaluating and assessing an~~  
 32 ~~alternative submitted pursuant to Section 10733.6.~~

33 ~~(b) For the purposes of any evaluation, assessment, or~~  
 34 ~~determination of a groundwater sustainability plan or alternative~~  
 35 ~~made by the department pursuant to this chapter or Chapter 11~~  
 36 ~~(commencing with Section 10735), the groundwater sustainability~~  
 37 ~~plan or alternative shall not be determined to be adequate by the~~  
 38 ~~department until the administration charge is received.~~



1 ~~(e) The department may assess an administrative charge to the~~  
2 ~~board for the department’s cost of any additional assessment~~  
3 ~~requested by the board pursuant to Section 10735.2.~~

4 ~~(d) A charge levied by the department pursuant to this section~~  
5 ~~shall be reasonably related to the costs of providing the services~~  
6 ~~described in this part.~~

7 ~~(e) A charge collected by the department pursuant to this section~~  
8 ~~shall be deposited in the Groundwater Sustainability Plan~~  
9 ~~Administration Fund, which is hereby established in the State~~  
10 ~~Treasury. Moneys in the fund shall be available to the department,~~  
11 ~~upon appropriation by the Legislature, for support of the~~  
12 ~~department in receiving, evaluating, assessing, and making~~  
13 ~~determinations about adequacy of the groundwater sustainability~~  
14 ~~plan or the alternative.~~

15 ~~SEC. 15.~~

16 *SEC. 19.* Chapter 11 (commencing with Section 10735) is  
17 added to Part 2.74 of Division 6 of the Water Code, to read:

18  
19 CHAPTER 11. STATE INTERVENTION

20  
21 10735. As used in this chapter, the following terms have the  
22 following meanings:

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

33 (b) “Person” means any person, firm, association, organization,  
34 partnership, business, trust, corporation, limited liability company,  
35 or public agency, including any city, county, city and county,  
36 district, joint powers authority, state, or any agency or department  
37 of those entities. “Person” includes, to the extent authorized by  
38 federal or tribal law and subject to the limitations described in  
39 subdivisions (c) and (d) of Section 10720.3, the United States, a  
40 department, agency or instrumentality of the federal government,

1 an Indian tribe, an authorized Indian tribal organization, or  
2 interstate body.

3 (c) “Probationary basin” means a basin for which the board has  
4 issued a determination under Section 10735.2.

5 (d) “Significant depletions of interconnected surface waters”  
6 means reductions in flow or levels of surface water that is  
7 hydrologically connected to the basin such that the reduced surface  
8 water flow or levels have a significant and unreasonable *adverse*  
9 impact on beneficial uses of the surface water.

10 10735.2. (a) The board, after notice and a public hearing, may  
11 designate a basin as a probationary basin, if the board finds one  
12 or more of the following applies to the basin:

13 (1) After ~~January 1, June 30, 2017~~, none of the following have  
14 occurred:

15 (A) A local agency has elected to be a groundwater  
16 sustainability agency that intends to develop a groundwater  
17 sustainability plan for the entire basin.

18 (B) A collection of local agencies has formed a groundwater  
19 sustainability agency or prepared agreements to develop one or  
20 more groundwater sustainability plans that will collectively serve  
21 as a groundwater sustainability plan for the entire basin.

22 (C) A local agency has submitted an alternative that has been  
23 approved or is pending approval pursuant to Section 10733.6. If  
24 the department disapproves an alternative pursuant to Section  
25 10733.6, the board shall not act under this paragraph until at least  
26 180 days after the department disapproved the alternative.

27 (2) ~~After~~ *The basin is subject to paragraph (1) of subdivision*  
28 *(a) of Section 10720.7, and after January 31, 2020*, none of the  
29 following have occurred:

30 (A) A groundwater sustainability agency has adopted a  
31 groundwater sustainability plan for the entire basin.

32 (B) A collection of local agencies has adopted groundwater  
33 sustainability plans that collectively serve as a groundwater  
34 sustainability plan for the entire basin.

35 (C) The department has approved an alternative pursuant to  
36 Section 10733.6.

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

38 ~~(A) The 2020, the~~ department, in consultation with the board,  
39 determines that a groundwater sustainability plan is inadequate or  
40 that the groundwater sustainability program is not being

1 implemented in a manner that will likely achieve the sustainability  
2 goal.

3 ~~(B) The board determines that the basin is in a condition of~~  
4 ~~long-term overdraft or in a condition where groundwater~~  
5 ~~extractions result in significant depletions of interconnected surface~~  
6 ~~waters.~~

7 *(4) The basin is subject to paragraph (2) of subdivision (a) of*  
8 *Section 10720.7, and after January 31, 2022, none of the following*  
9 *have occurred:*

10 *(A) A groundwater sustainability agency has adopted a*  
11 *groundwater sustainability plan for the entire basin.*

12 *(B) A collection of local agencies has adopted groundwater*  
13 *sustainability plans that collectively serve as a groundwater*  
14 *sustainability plan for the entire basin.*

15 *(C) The department has approved an alternative pursuant to*  
16 *Section 10733.6.*

17 *(5) The basin is subject to paragraph (2) of subdivision (a) of*  
18 *Section 10720.7, and after January 31, 2022, both of the following*  
19 *have occurred:*

20 *(A) The department, in consultation with the board, determines*  
21 *that a groundwater sustainability plan is inadequate or that the*  
22 *groundwater sustainability plan is not being implemented in a*  
23 *manner that will likely achieve the sustainability goal.*

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

28 (b) In making the findings associated with paragraph (3) or (5)  
29 of subdivision (a), the department and board may rely on periodic  
30 assessments the department has prepared pursuant to Chapter 10  
31 (commencing with Section 10733). The board may request that  
32 the department conduct additional assessments utilizing the  
33 ~~guidelines~~ *regulations* developed pursuant to Chapter 10  
34 (commencing with Section 10733) and make determinations  
35 pursuant to this section. The board shall post on its Internet Web  
36 site and provide at least 30 days for the public to comment on any  
37 determinations provided by the department pursuant to this  
38 subdivision.

39 (c) (1) The determination may exclude a class or category of  
40 extractions from the requirement for reporting pursuant to Part 5.2

1 (commencing with Section 5200) of Division 2 if those extractions  
2 are subject to a local plan or program that adequately manages  
3 groundwater within the portion of the basin to which that plan or  
4 program applies, or if those extractions are likely to have a minimal  
5 impact on basin withdrawals.

6 (2) The determination may require reporting of a class or  
7 category of extractions that would otherwise be exempt from  
8 reporting pursuant to paragraph (1) of subdivision (c) of Section  
9 5202 if those extractions are likely to have a substantial impact on  
10 basin withdrawals or requiring reporting of those extractions is  
11 reasonably necessary to obtain information for purposes of this  
12 chapter.

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

18 (4) The determination may modify the water year or reporting  
19 date for a report of groundwater extraction pursuant to Section  
20 5202.

21 (d) If the board finds that litigation challenging the formation  
22 of a groundwater sustainability agency prevented its formation  
23 before ~~January 1, July 1, 2017~~, pursuant to paragraph (1) of  
24 subdivision (a) or prevented a groundwater sustainability program  
25 from being implemented in a manner likely to achieve the  
26 sustainability goal pursuant to paragraph (3) of subdivision (a),  
27 the board shall not designate a basin as a probationary basin for a  
28 period of time equal to the delay caused by the litigation.

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

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

1 (c) The board may develop an interim plan pursuant to Section  
2 10735.8 for the probationary basin at the end of the period provided  
3 by subdivision (a) or any extension provided pursuant to  
4 subdivision (b), if the board, in consultation with the department,  
5 determines that a local agency has not remedied the deficiency  
6 that resulted in designating the basin as a probationary ~~basin~~.  
7 *basin*.

8 10735.6. (a) If the board designates a basin as a probationary  
9 basin pursuant to paragraph (3) of subdivision (a) of Section  
10 10735.2, the board shall identify the specific deficiencies and  
11 identify potential actions to address the deficiencies. The board  
12 may request the department to provide local agencies, within 90  
13 days of the designation of a probationary basin, with technical  
14 recommendations to remedy the deficiencies.

15 (b) The board may develop an interim plan pursuant to Section  
16 10735.8 for the probationary basin one year after the designation  
17 of the basin pursuant to paragraph (3) of subdivision (a) of Section  
18 10735.2, if the board, in consultation with the department,  
19 determines that a local agency has not remedied the deficiency  
20 that resulted in designating the basin a probationary basin.

21 10735.8. (a) The board, after notice and a public hearing, may  
22 adopt an interim plan for a probationary basin.

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

24 (1) Identification of the actions that are necessary to correct a  
25 condition of long-term overdraft or a condition where groundwater  
26 extractions result in significant depletions of interconnected surface  
27 waters, including recommendations for appropriate action by any  
28 person.

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

30 (3) A description of the monitoring to be undertaken to  
31 determine effectiveness of the plan.

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

33 (1) Restrictions on groundwater extraction.

34 (2) A physical solution.

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

37 (d) Except as provided in ~~Sections 100 and 275~~ and subdivision  
38 (e), the interim plan shall be consistent with water right ~~priorities~~.  
39 *priorities, subject to Section 2 of Article X of the California*  
40 *Constitution*.

1 (e) Where, in the judgment of the board, a groundwater  
2 sustainability plan, groundwater sustainability program, or an  
3 adjudication action can be relied on as part of the interim plan,  
4 either throughout the basin or in an area within the basin, the board  
5 may rely on, or incorporate elements of, that plan, program, or  
6 adjudication into the interim plan adopted by the board or allow  
7 local agencies to continue implementing those parts of a plan or  
8 program that the board determines are adequate.

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

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

20 (A) A groundwater sustainability agency that has adopted a  
21 groundwater sustainability plan for the probationary basin or a  
22 portion thereof.

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

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

32 (3) Upon request of the petitioner, the board may amend an  
33 interim plan adopted under this section to eliminate portions of  
34 the interim plan, while allowing other portions of the interim plan  
35 to continue in effect.

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

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

7 *(h) The board's authority to adopt an interim plan under this*  
8 *section does not alter the law establishing water rights priorities*  
9 *or any other authority of the board.*

10 10736. (a) The board shall adopt or amend a determination or  
11 interim plan under Section 10735.2 or 10735.8 in accordance with  
12 procedures for quasi-legislative action.

13 (b) The board shall provide notice of a hearing described in  
14 subdivision (a) of Section 10735.2 or subdivision (a) of Section  
15 10735.8 as follows:

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

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

21 (3) (A) For the purposes of this paragraph, the terms  
22 "board-designated local area" and "local agency" have the same  
23 meaning as defined in Section 5009.

24 (B) At least 60 days before the hearing, the board shall mail or  
25 send by electronic mail notice to all persons known to the board  
26 who extract or who propose to extract water from the basin, or  
27 who have made written or electronic mail requests to the board  
28 for special notice of hearing pursuant to this part. If any portion  
29 of the basin is within a board-designated local area, the records  
30 made available to the board by the local agency in accordance with  
31 paragraph (4) of subdivision (d) of Section 5009 shall include the  
32 names and addresses of persons and entities known to the local  
33 agency who extract water from the basin, and the board shall mail  
34 or send by electronic mail notice to those persons.

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

39 (d) (1) Except as provided in paragraphs (2) and (3), Chapter  
40 3.5 (commencing with Section 11340) of Part 1 of Division 2 of

1 Title 2 of the Government Code does not apply to any action  
2 authorized pursuant to Section 10735.2 or 10735.8.

3 (2) The board may adopt a regulation in accordance with Chapter  
4 3.5 (commencing with Section 11340) of Part 1 of Division 2 of  
5 Title 2 of the Government Code setting procedures for adopting a  
6 determination or plan.

7 (3) The board may adopt a regulation applying or interpreting  
8 this part pursuant to Section 1530 if the board determines that the  
9 emergency regulation is reasonably necessary for the allocation,  
10 administration, or collection of fees authorized pursuant to Section  
11 1529.5.

12 10736.2. Division 13 (commencing with Section 21000) of the  
13 Public Resources Code does not apply to any action or failure to  
14 act by the board under this chapter, other than the adoption or  
15 amendment of an interim plan pursuant to Section 10735.8.

16 10736.4. The extraction or use of water extracted in violation  
17 of an interim plan under this part shall not be relied upon as a basis  
18 for establishing the extraction or use of water to support a claim  
19 in an action or proceeding for determination of water rights.

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

33 (b) (1) An order issued pursuant to this section shall be served  
34 by personal service or registered mail on the party to submit  
35 technical or monitoring program reports or to pay a share of the  
36 costs of preparing reports. Unless the board issues the order after  
37 a hearing, the order shall inform the party of the right to request a  
38 hearing within 30 days after the party has been served. If the party  
39 does not request a hearing within that 30-day period, the order  
40 shall take effect as issued. If the party requests a hearing within



1 that 30-day period, the board may adopt a decision and order after  
2 conducting a hearing.

3 (2) In-lieu of adopting an order directed at named persons in  
4 accordance with the procedures specified in paragraph (1), the  
5 board may adopt a regulation applicable to a category or class of  
6 persons in accordance with Chapter 3.5 (commencing with Section  
7 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

8 (c) Upon application of a person or upon its own motion, the  
9 board may review and revise an order issued or regulation adopted  
10 pursuant to this section in accordance with the procedures set forth  
11 in subdivision (b).

12 (d) In conducting an investigation or proceeding pursuant to  
13 this part, the board may inspect the property or facilities of a person  
14 to ascertain whether the purposes of this part are being met and to  
15 ascertain compliance with this part. The board may obtain an  
16 inspection warrant pursuant to the procedures set forth in Title 13  
17 (commencing with Section 1822.50) of Part 3 of the Code of Civil  
18 Procedure for the purposes of an inspection pursuant to this  
19 subdivision.

20 ~~SEC. 16:~~

21 *SEC. 20.* The provisions of this act are severable. If any  
22 provision of this act or its application is held invalid, that invalidity  
23 shall not affect other provisions or applications that can be given  
24 effect without the invalid provision or application.

25 ~~SEC. 17:~~

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

35 However, if the Commission on State Mandates determines that  
36 this act contains other costs mandated by the state, reimbursement  
37 to local agencies and school districts for those costs shall be made  
38 pursuant to Part 7 (commencing with Section 17500) of Division  
39 4 of Title 2 of the Government Code.

1     ~~SEC. 18.~~

2     *SEC. 22.* The Legislature finds and declares that Section 10 of  
3 this act, which adds Section 5206 to the Water Code and Section  
4 ~~16~~ of this act, which adds Section 10730.8 to the Water Code,  
5 impose a limitation on the public's right of access to the meetings  
6 of public bodies or the writings of public officials and agencies  
7 within the meaning of Section 3 of Article I of the California  
8 Constitution. Pursuant to that constitutional provision, the  
9 Legislature makes the following findings to demonstrate the interest  
10 protected by this limitation and the need for protecting that interest:

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

15     ~~SEC. 19.~~

16     *SEC. 23.* This act shall only become operative if Senate Bill  
17 1168 of the 2013–14 Regular Session is enacted and becomes  
18 effective.

O